

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

400U0348

SENATE APPROPRIATIONS

ENGROSSED NO. **SB 15** - 02/19/2013

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to provide for expenditures for early learning services from
2 the special education fund.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 13-37 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Up to fifteen percent of the local need as defined in subdivision 13-37-35.1(18) may be used
7 to develop and implement coordinated, early intervening services for students in kindergarten
8 through grade twelve who are not currently identified as needing special education or special
9 education and related services, but who need additional academic and behavioral interventions
10 to succeed in a general education environment to prevent them from being identified as having
11 a special education disability.

12 Coordinated, early intervening services include:

13 (1) Professional development for teachers and other school staff to enable them to
14 deliver scientifically-based academic instruction and behavioral interventions,



1 including scientifically-based literacy instruction, and, if appropriate, instruction on
2 the use of adaptive and instructional software; and

3 (2) Providing educational and behavioral evaluations, services and supports, including
4 scientifically-based literacy instruction.

5 Section 2. That chapter 13-37 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 A school district seeking to use funds pursuant to section 1 of this Act shall apply for
8 approval for the use of such funds from the Department of Education on forms provided by the
9 department.

10 Section 3. That chapter 13-37 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 Any school district that uses funds pursuant to section 1 of this Act shall annually report to
13 the Department of Education on:

- 14 (1) The number of students who receive coordinated, early intervening services; and
- 15 (2) The number of students who received early intervening services, and who
16 subsequently receive special education or special education and related services
17 within two years after receiving the coordinated, early intervening services.

18 Section 4. That chapter 13-37 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 The Board of Education shall promulgate rules pursuant to chapter 1-26 establishing the
21 application process, the application timelines, the criteria the department will use in approving
22 a district's use of special education funds pursuant to section 1 of this Act, and the collection of
23 data on children served pursuant to section 3 of this Act.

24 Section 5. That chapter 13-37 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 A school district that provides early intervening services pursuant to section 16 of this Act
3 is not eligible for funding from the money set aside pursuant to § 13-37-40 within a period of
4 three years following the expenditure of such funds.