

# State of South Dakota

EIGHTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2014

400V0355

## HOUSE BILL NO. 1031

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the definition of and  
2 the diagnosing of autism and to revise the definition of a level five disability for purposes  
3 of state aid for special education funding.

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

5 Section 1. That § 1-45-13.1 be repealed.

6 ~~—1-45-13.1. The Board of Education, with input provided by the South Dakota Autism~~  
7 ~~Society and the South Dakota University affiliated program and center for developmental~~  
8 ~~disabilities autism director, shall promulgate rules pursuant to chapter 1-26 to:~~

9 ~~—(1)— Establish formal diagnostic criteria for autism based upon established methodology;~~

10 ~~—(2)— Establish autism screening procedures. The purpose of the screening procedures is~~  
11 ~~to ensure that all persons suspected of having autism are referred for diagnostic~~  
12 ~~evaluations to agencies specializing in the diagnosis and treatment of autism;~~

13 ~~—(3)— Provide standards for instruments, tests, and methods for use in diagnosing autism;~~  
14 ~~and~~

15 ~~—(4)— Adopt state-of-the-art screening and autism diagnostic instruments for uniform use~~



1           ~~by those agencies and persons diagnosing autism.~~

2           Section 2. That § 13-37-28 be amended to read as follows:

3           13-37-28. For the purposes of this chapter, the Department of Education shall use the  
4 definition of autism spectrum disorder contained in the Diagnostic and Statistical Manual of  
5 Mental Disorders, ~~Fourth~~ Fifth Edition, published by the American Psychiatric Association to  
6 define autistic spectrum disorder in rules promulgated pursuant to chapter 1-26.

7           Section 3. That § 13-37-36.2 be amended to read as follows:

8           13-37-36.2. For the purpose of calculating state aid pursuant to this chapter, a level five  
9 disability shall meet criteria for at least two disability categories in levels two ~~and three~~ to four,  
10 inclusive, excluding the disability of deaf-blindness.