

24:14:12:04. Nondiscrimination. The evaluation and assessment of children and families under this article must meet the following requirements for nondiscrimination:

(1) Tests and other evaluation and assessment materials and procedures must be administered in the native language of the parents and the other family members being assessed pursuant to § 24:14:01:01(13), unless it is clearly not feasible to do so;

(2) Any assessment and evaluation procedures and materials that are used must be selected and administered so as not to be racially or culturally discriminatory;

(3) No single procedure may be used as the sole criteria for determining a child's eligibility under this article;

(4) Evaluations and assessments must be conducted by qualified personnel; and

(5) Tests must be selected and administered so as best to ensure that a test administered to a child with impaired sensory, manual, or speaking skills accurately reflects the child's aptitude or the achievement level of whatever factors the test purports to measure rather than reflecting the child's impaired sensory, manual, or speaking skills.

Source: 20 SDR 223, effective July 7, 1994; 39 SDR 109, effective December 17, 2012.

General Authority: SDCL 13-37-1.1.

Law Implemented: SDCL 13-1-23, 13-14-1, 13-37-1.1.