

**24:05:13:01. Definitions.** Terms defined in § 24:43:01:01 and in SDCL 13-37-1 have the same meaning when used in this article. In addition, terms used in this article mean:

~~(1)~~ "Adjustment training center," "ATC," a facility as defined in § 46:11:01:01(2);

~~(2)~~(1) "Adult services," services pertaining to independent living, vocational development, preemployment services, or employment services designed for persons 16 years of age or older;

~~(3)~~(2) "Approved program," a written description of a school district's, state agency's, special education school's, or ~~adjustment training center's~~ community support provider's policies and procedures for implementing its special education program that is found by the department to comply with this article;

~~(4)~~(3) "At no cost," the provision of specially designed instruction without charge to the parent except for incidental fees that are normally charged to students without disabilities or their parents as a part of the regular education program;

~~(5)~~(4) "Braille teacher," a person who produces materials in Braille by the use of a manual Braille writer, slate and stylus, or computer;

~~(6)~~(5) "Braille teacher," an individual who assists classroom teachers in the instruction of reading and writing through the use of Braille;

~~(7)~~(6) "Business day," Monday through Friday, except for federal and state holidays, unless holidays are specifically included in the designation of business day;

(7) "Community support provider," "CSP," a nonprofit facility as defined in SDCL 27B-1-17(4);

(8) "Consent," as used in this article, the term, consent, means:

(a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language, or other mode of communication;

(b) The parent understands and agrees in writing to the carrying out of the activity for which the parent's consent is sought, and the consent describes that activity and lists the records, if any, that will be released and to whom;

(c) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime;

(d) If a parent revokes consent, that revocation is not retroactive, it does not negate an action that has occurred after the consent was given and before the consent was revoked; and

(e) If the parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the local education agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent;

(9) "Core academic subjects," English, reading, language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography;

(10) "Day," calendar day unless otherwise indicated as a business day or school day;

(11) "Day school program," a specialized program provided in a facility, a school district, or a cooperative center that a child attends during the day, returning home at night;

(12) "Department," the Department of Education;

(13) "Early childhood special education program," a program specially designed to meet the unique needs of children with disabilities, birth through six years of age, including center-based instruction, home-based instruction, and instruction in hospitals and institutions;

(14) "Elementary and Secondary Education Act," "ESEA," the federal Elementary and Secondary Education Act as codified at 20 U.S.C. 6301 et seq., January 8, 2002, and 34 C.F.R. Part 200, published in the Federal Register on December 2, 2002;

(15) "Eligible student," a person through the age of 21 years who is a resident of the state of South Dakota and who requires special education or special education and related services because of the person's educational needs;

(16) "Homeless children," the term, homeless children and youths, as defined in section 725 (42 U.S.C. 11434a) of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 et seq., as amended to January 1, 2009;

(17) "Individuals with Disabilities Education Act," "IDEA," the federal Individuals with Disabilities Education Act as codified at 20 U.S.C. §§ 1411 to 1420, inclusive, December 3, 2004, and 34 C.F.R. Part 300, published in the Federal Register on August 14, 2006, December 1, 2008, and February 14, 2013;

(18) "Individual educational program," "IEP," a written statement for a specific child with a disability, in accordance with chapter 24:05:27, based on a full and individual evaluation of the child and developed by an IEP team;

(19) "Individualized education program team," "IEP team," as used in this article, the term, individualized education program team, or, IEP team, means the group of individuals described in § 24:05:27:01.01 that is responsible for developing, reviewing, or revising an IEP for a child with a disability;

(20) "Least restrictive environment," a learning environment for a child in need of special education or special education and related services, including a child placed in a public or private institution or another care facility, that includes to the maximum extent appropriate children who

are not in need of special education or special education and related services, as determined through the child's individual educational program;

(21) "Limited English proficient," as the term is defined in section 9101(25) of the ESEA;

(22) "Local education agency," a school district or other public authority under supervision of the department established by state law for the purpose of providing free public education on a regional basis which also provides special education and related services to children with disabilities within the state of South Dakota;

(23) "National Instructional Materials Access Center," "NIMAC," the center established pursuant to section 674(e) of the IDEA;

(24) "National Instructional Materials Accessibility Standard," "NIMAS," as the term is defined in section 674(e)(3)(B) of the IDEA;

(25) "Policy," a rule, regulation, or standard enacted by a school district board;

(26) "Physical education," the development of physical and motor fitness and fundamental motor skills and patterns through individual and group games and sports, including intramural and lifetime sports, special physical education, adapted physical education, movement education, and motor development;

(27) "Related services," services that support the provision of special education, including transportation and those developmental, corrective, and other supportive services determined by an IEP team to be required for an eligible child to benefit from special education;

(28) "Residential school program," an approved specialized program provided in a facility that a child attends 24 hours a day;

(29) "Scientifically based research," as the term is defined in section 9101(37) of the ESEA;

(30) "Secretary," the secretary of the Department of Education;

(31) "Self-contained program," a specialized instructional environment for eligible children in need of special education or special education and related services who require intensive instructional procedures;

(32) "Special education," instruction specially designed to meet the unique needs of a student with disabilities at no cost to parents or guardians, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals, institutions, and other settings;

(33) "Specially designed instruction," adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction;

(34) "Standard deviation," a statistical measure of variation derived by squaring each deviation in a set of scores, taking the average of these scores, and then taking the square root of the results;

(35) "Travel training," instruction provided, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction to enable them to develop an awareness of the environment in which they live and to learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community);

(36) "Vocational education," organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring other than a baccalaureate or advance degree;

(37) "Universal design," as the term is defined in section 3 of the Assistive Technology Act of 1998, 29 U.S.C. 3002, as amended to January 1, 2009; and

(38) "Ward of the state," a child who, as determined by the state where the child resides, is a foster child, a ward of the state, or in the custody of a public child welfare agency. Ward of the state does not include a foster child who has a foster parent who meets the definition of a parent in § 24:05:13:04.

**Source:** 16 SDR 41, effective September 7, 1989; 18 SDR 158, effective March 31, 1992; 20 SDR 33, effective September 8, 1993; 23 SDR 31, effective September 8, 1996; 23 SDR 63, effective November 4, 1996; 26 SDR 150, effective May 22, 2000; 33 SDR 236, effective July 5, 2007; 36 SDR 96, effective December 8, 2009; 40 SDR 40, effective September 11, 2013.

**General Authority:** SDCL 13-37-1.1.

**Law Implemented:** SDCL 13-37-1.1, 13-37-1.2.

## CHAPTER 24:05:23

### REQUIREMENTS FOR CHILD EVALUATORS

#### Section

- 24:05:23:01 Educational evaluator.
- 24:05:23:02 Psychological evaluator.
- 24:05:23:03 Psychiatric evaluator.
- 24:05:23:04 ~~Language, speech, or hearing~~ Speech-language evaluator.
- 24:05:23:05 Audiological evaluator.
- 24:05:23:06 Medical evaluator.
- 24:05:23:07 Occupational therapy evaluator.
- 24:05:23:08 Physical therapy evaluator.
- 24:05:23:09 Vision evaluator.

**24:05:23:04. ~~Language, speech, or hearing~~ Speech-language evaluator.** A ~~language, speech, or hearing~~ speech-language evaluator must ~~have~~ hold a valid South Dakota ~~certificate~~ license as a ~~speech and hearing clinician~~ speech-language pathologist pursuant to article 20:79.

**Source:** 16 SDR 41, effective September 7, 1989; 23 SDR 31, effective September 8, 1996; 40 SDR 40, effective September 11, 2013.

**General Authority:** SDCL 13-37-1.1, 13-37-46, 13-37-47.

**Law Implemented:** SDCL 13-37-1.1, 13-37-1.2.

**Cross-Reference:** ~~Requirements for school speech and hearing clinician endorsement, chapter 24:15:06~~ Speech language pathologists, SDCL Chapt. 36-37, Art. 20:79.

**24:05:23:05. Audiological evaluator.** An audiological evaluator must ~~have~~ hold a valid South Dakota ~~certificate~~ license as a ~~school audiologist~~ audiologist or provisional audiologist pursuant to article 20:72.

**Source:** 16 SDR 41, effective September 7, 1989; 23 SDR 31, effective September 8, 1996; 40 SDR 40, effective September 11, 2013.

**General Authority:** SDCL 13-37-1.1, 13-37-46, 13-37-47.

**Law Implemented:** SDCL 13-37-1.1, 13-37-1.2.

**Cross-Reference:** ~~Requirements for school audiologist endorsement, chapter 24:15:06~~ Hearing Aid Dispensers, SDCL 26-24; Audiologists, art 20:72.

**24:05:24.01:28. Criteria for language disorder.** A student may be identified as having a language disorder as a primary disability if:

(1) Through age eight, performance falls 1.5 standard deviations below the mean on standardized evaluation instruments; beginning at age nine, a difference is present of 1.5

standard deviations between performance on an individually administered standardized language assessment instrument and measured expected potential as measured by an individually administered intelligence test; ~~and~~ or

(2) The student's pragmatic skills, as measured by checklists, language samples, or observation, adversely affect the student's academic and social interactions.

**Source:** 23 SDR 31, effective September 8, 1996.

**General Authority:** SDCL 13-37-1.1.

**Law Implemented:** SDCL 13-37-1.1.

**24:15:03:08. Restrictions on additional authorizations.** The following restrictions apply to the granting of additional authorizations completed either through coursework or through verification of having passed the content specific state test:

(1) Grade 5-8 or K-12 education endorsement programs may only be issued on certificates for K-8 elementary education, 5-8 middle level education, 7-12 secondary education, or K-12 education;

(2) Driver education, American Sign Language, K-12 Deaf Education, Braille, K-12 Blind and Visually Impaired, Lakota languages, junior ROTC, English as new language education, birth to age 21 school psychological examiner, school library/media endorsement programs, or a principal program may be issued on any certificate or as stand-alone certificates. An English as new language endorsement requires a bachelors degree in education;

(3) A 7-12 education endorsement program may be issued on a 5-8 middle level education certificate, a 7-12 secondary education certificate, a K-8 elementary education certificate, or a K-12 education certificate;

~~————(4) A K-12 blind and visually impaired endorsement program may be issued on a K-12 special education certificate, a K-12 education certificate, a K-8 elementary/special education certificate, a K-8 elementary education certificate, a 5-8 middle level education certificate, or a 7-12 secondary education certificate; and~~

~~(5)~~ (4) Education endorsement programs for teachers may not be issued on an instructor's certificate with the exception of an English as a new language endorsement program or a stand-alone school service specialist's certificate, except for the coach education endorsement program.

**Source:** 24 SDR 160, adopted May 8, 1998, effective September 1, 2000; 27 SDR 32, effective October 11, 2000; 32 SDR 41, effective September 11, 2005; 34 SDR 127, effective November 14, 2007; 34 SDR 322, effective July 1, 2008; 35 SDR 165, effective December 23, 2008; 36 SDR 169, effective May 11, 2009.

**General Authority:** SDCL 13-1-12.1, 13-37-31, 13-42-3.

**Law Implemented:** SDCL 13-37-31, 13-42-1 to 13-42-4.

**24:15:06:37. K-12 blind or visually impaired endorsement.** A K-12 blind or visually impaired endorsement requires 18 semester hours of coursework, including a three semester hour practicum that addresses:

(1) Understanding typical and atypical visual development and the medical, clinical, functional, and psychological impact of blindness and low vision;

(2) Understanding of the psychological dynamics of blindness and low vision ~~on the lives of the sighted and nonsighted;~~

(3) Proficiency in Braille; and

(4) ~~Proficiency in~~ Understanding of orientation and mobility techniques

No state test is required or available for this endorsement.

**Source:** 31 SDR 129, effective March 22, 2005; 32 SDR 41, effective September 11, 2005; 36 SDR 169, effective May 11, 2010.

**General Authority:** SDCL 13-1-12.1, 13-37-31, 13-42-3.

**Law Implemented:** SDCL 13-37-31, 13-42-3, 13-42-4.

**24:53:01:01. Definitions.** Terms used in this article mean:

(1) "Accreditation," process for assessing and enhancing academic and educational quality which informs the public that an institution has a professional education unit meeting established standards;

(2) "Candidates," individuals who are seeking admission to or who are enrolled in programs for the preparation of educational personnel;

(3) "Clinical faculty," school or higher education faculty responsible for the instruction, supervision, and assessment of a candidate during field experience and clinical practice;

(4) "Conceptual framework," rationale and organizing principles that guide the development of the curriculum for professional preparation programs, including the categorization of knowledge;

(5) "Coursework," either recognized courses or identified content, learning experiences, or course objectives;

(6) "Department," South Dakota Department of Education;

(7) "Diversity," differences among groups of people and individuals based on ethnicity, race, socioeconomic status, gender, disabilities, language, religion, sexual orientation, geographical area, or academic, artistic or athletic ability;

(8) "Education program," a sequence of courses and experiences requiring completion of a degree with a major or its equivalent that meets preparation standards in this article;

(9) "Institution," a regionally accredited four-year college or university;

(10) "Institutional standards," candidate knowledge and skills that are set and assessed by the professional community within a college or university;

(11) "Internship," a field-based experience conducted as a culminating experience in a preparation program;

(12) "INTASC," the Interstate New Teacher Assessment and Support Consortium. INTASC is a project of the Council of Chief State School Officers (CCSSO) that has developed model performance-based standards and assessments for the licensure of teachers;

(13) "Knowledge and skills," what teachers need to know and be able to do including, without restriction, treating all students fairly and providing each student with a reasonable opportunity to learn;

(14) "Knowledge base," the basis for effective teaching derived from empirical research, disciplined inquiry, informed theory, and the wisdom of practice;

(15) "Methodology or methodology course," a course that develops an understanding of the central concepts, tools of inquiry, and structure of a discipline; the ability to evaluate the effectiveness of instructional processes, learning resources, and curriculum materials appropriate to a discipline; and the ability to relate to subjects within a discipline and in other disciplines and to apply that knowledge to real life situations and experiences;

(16) "Occupational work experience," full-time, nonteaching employment in a vocational or technical area;

(17) "Other school personnel," an educator, other than a teacher, who is seeking certification as an administrator or as a school service specialist and who provides professional services within schools, including curriculum directors, instructional technology specialists, principals, reading specialists, school business managers, school counselors, school library media specialists, school psychologists, school superintendents, and special education directors, ~~and~~ ~~speech/language pathologists~~;

(18) "Pedagogical studies," courses and other learning experiences in which candidates study and apply concepts, theories, and research about effective teaching;

(19) "Practicum," preservice professional practice in educational settings which is relevant to the field of study for which candidates are preparing and which is supervised by a certified teacher and a university or college supervisor;

(20) "Professional community," full and part time faculty, including clinical faculty, in the professional education unit, faculty in other units of the college or university, preschool through grade 12 practitioners, candidates, and others involved in professional education;

(21) "Professional standards," candidate knowledge and skills established by specialized professional associations, national organizations, and accrediting agencies that evaluate professional education programs;

(22) "School partners," preschool through grade 12 schools that collaborate with the higher education institution in designing, developing, and implementing field experiences, clinical practice, delivery of instruction, and research;

(23) "State standards," candidate knowledge and skills established by the state board of education and assessed through the process described in § 24:53:02:01;

(24) "Student teaching," an in-depth, direct teaching experience in a school setting conducted as a culminating field-based experience for the teacher education program;

(25) "Unit," the administrative body within the institution that is primarily responsible for the preparation of educational personnel.

**Source:** 24 SDR 160, adopted May 28, 1998, effective September 1, 2000; 27 SDR 32, effective October 11, 2000; 33 SDR 73, effective November 2, 2006; transferred from § 24:16:01:01, 33 SDR 73, adopted October 13, 2006, effective July 1, 2008.

**General Authority:** SDCL 13-1-12.1, 13-42-3.

**Law Implemented:** SDCL 13-42-3, 13-42-4.

**24:53:09:04. Birth to age 21 school speech/language pathologist education program.**

A birth to age 21 school speech/language pathologist education program shall require supervised observation experience and a clinical practicum at the master-degree level from an accredited speech language pathologist program.

The supervised observation experience and clinical practicum shall be supervised by an American Speech Language Hearing Association certified speech/language pathologist and shall include the in-depth evaluation and treatment of children and adults with communication disorders.

The required courses and experiences of a birth to age 21 speech/language pathologist education program shall meet the American Speech-Language-Hearing Association (ASHA) standards, 2005 edition.

The program shall require candidates to demonstrate the applicable content, pedagogical, and professional knowledge and skills identified in the ASHA standards and to demonstrate competency on the applicable multiple assessment measures of chapters 24:53:04, 24:53:05, and 24:53:06.

~~In order to meet the requirements of § 24:05:16:17(4), the year 2020 is the date established by the department for the retraining of personnel to meet appropriate professional requirements for school speech/language pathologists.~~

**Source:** 25 SDR 13, adopted August 10, 1998, effective September 1, 2000; 33 SDR 73, effective November 2, 2006; transferred from § 24:16:10:05, 33 SDR 73, adopted October 13, 2006, effective July 1, 2008.

**General Authority:** SDCL 13-1-12.1, 13-42-3.

**Law Implemented:** SDCL 13-1-12.1, 13-42-3, 13-42-4.