



Disability Training

*South Dakota Department of Education
Special Education Programs*

Agenda

Administrative Rules of South Dakota (ARSD)

Disability categories

Determining Eligibility

Questions

Next webinar

Why Special Education...

24:05:22:01. District required to identify children in need of special education or special education and related services.

Each school district shall develop and utilize a system for the identification, location, and evaluation of children in need of special education or special education and related services. The system must include all children residing within the jurisdiction of the district who are ages birth through 21 regardless of the severity of their disability...

Categories In Which Students May Be Determined Eligible

24:05:24.01:01. Students with disabilities defined.

Students with disabilities are students evaluated in accordance with chapter 24:05:25 and this chapter as having autism spectrum disorder, deaf-blindness, deafness, hearing loss, cognitive disability, multiple disabilities, orthopedic impairment, other health impairments, emotional disturbance, specific learning disabilities, speech or language impairments, traumatic brain injury, or vision loss, including blindness, which adversely affects educational performance, and who, because of those disabilities, need special education or special education and related services.



3 broad areas

Learning

Behavior

Environmental

- Specific Learning Disability
- Cognitive Disability
- Developmental Delay (Age 3-5)

Learning

- Emotional Disturbance
- Other Health Impaired
- Autism

Behavior

- Deaf-Blindness
- Orthopedic
- Visually Impaired
- Deafness
- Traumatic Brain Injury
- Hearing Impairment
- Speech/Language

Environmental

Environmental

24:05:24.01:13. Orthopedic impairment defined.

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

Environmental

24:05:24.01:29. Traumatic brain injury defined.

A traumatic brain injury is an acquired injury to the brain caused by an external physical force, resulting in a total or partial functional disability or psychosocial impairment, or both, that adversely affects a student's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas..., The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

Environmental

24:05:24.01:20. Speech or language disorder defined.

Speech or language impairment is a communication disorder such as stuttering, impaired articulation, a language disorder, or a voice disorder that adversely affects a child's educational performance.

Environmental

24:05:24.01:10. Hearing loss defined.

A student may be identified as having a hearing loss if an unaided hearing loss of 35 to 69 decibels is present that makes the acquisition of receptive and expressive language skills difficult with or without the help of amplification.

24:05:24.01:08. Deafness defined.

Deafness is a hearing loss that is so severe that the student is impaired in processing linguistic information through hearing, even with amplification, and that adversely affects a student's educational performance.

Environmental

24:05:24.01:30. Vision loss including blindness defined.

Vision loss including blindness is a ... term includes both partial sight and blindness. A student with a vision loss has a deficiency in visual acuity that, even with the use of lenses or corrective devices, requires special education or special education and related services. Blindness is a deficiency in visual acuity of 20/200 or less in the better eye with correcting lenses or a limited field of vision in which the widest diameter subtends an angular distance of no greater than twenty degrees or has a medically indicated expectation of visual deterioration.

24:05:24.01:07. Deaf-blindness defined.

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Learning

24:05:24.01:09. Developmental delay defined.

A student three, four, or five years old may be identified as a student with a disability if the student has one of the major disabilities listed in § 24:05:24.01:01 or if the student experiences a severe delay in development and needs special education and related services.

The areas of development are:

- cognitive development*
- physical development*
- communication development*
- social or emotional development*
- adaptive development*

Learning

24:05:24.01:11. Cognitive disability defined.

Cognitive disability is significantly below-average general intellectual functioning that exists concurrently with deficits in adaptive behavior skills, that is generally manifested before age eighteen, and that adversely affects a student's educational performance. ...

Exhibits deficits in adaptive behavior and academic or pre-academic skills ...

Learning

24:05:24.01:19. Criteria for specific learning disability.

A group of qualified professionals and the parent of the child may determine that a child has a specific learning disability if: The child does not achieve adequately ... in one or more of the following areas...

- (a) Oral expression;*
- (b) Listening comprehension;*
- (c) Written expression;*
- (d) Basic reading skill;*
- (e) Reading fluency skills;*
- (f) Reading comprehension;*
- (g) Mathematics calculation; and*
- (h) Mathematics problem solving;*

Behavior

24:05:24.01:14. Other health impaired defined.

Other health impaired means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, because of a chronic or acute health problem, such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, attention deficit disorder or attention deficit hyperactivity disorder, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, Tourette syndrome, or diabetes, that adversely affects a student's educational performance.

Behavior

24:05:24.01:16. Emotional disturbance defined.

Emotional disturbance is a condition that exhibits one or more of the following characteristics to a marked degree over a long period of time:

- (1) An inability to learn that cannot be explained by intellectual, sensory, or health factors;
- (2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- (3) Inappropriate types of behavior or feelings under normal circumstances;
- (4) A general pervasive mood of unhappiness or depression; or
- (5) A tendency to develop physical symptoms or fears associated with personal or school problems.

The term, *emotional disturbance*, includes schizophrenia. The term does not apply to a student who is socially maladjusted ...

Behavior

24:05:24.01:03. Autism spectrum disorder defined.

Autism spectrum disorder is a developmental disability that significantly affects verbal and nonverbal communication and social interaction and results in adverse effects, generally evident before age three, on the child's educational performance.

Other characteristics often associated with autism spectrum disorder are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

Eligibility

24:05:25:04.03. Determination of eligibility.

Upon completing the administration of assessments and other evaluation measures as required by this chapter, the individual education program team and other qualified individuals required by § 24:05:25:04.02 shall determine whether the student is a student with a disability, and shall determine the educational needs of the child, as defined in this article. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. A student may not be determined to be a student with a disability if the determinative factor for that decision is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in ESEA, or lack of appropriate instruction in math or limited English proficiency and if the student does not otherwise meet the eligibility criteria under chapter § 24:05:24.01.

Determining Eligibility

ARSD 24:05:25:12 & 24:05:25:04

MUST HAVE documentation in the file to support:

Prong #1: A diagnosed disability
(standardized test scores)

Prong #2a: Educational impact
(skill-based assessment)

Prong #2b: Student requires specially
designed instruction (IEP)

Prong #1 - Diagnosed Disability

Standardized Test Scores:

Cognitive Disability, Developmental Delay, Specific Learning Disability, Speech/Language Impairment, Emotional Disturbance

Medical Diagnosis:

Orthopedic Impairment, Traumatic Brain Injury, Other Health Impaired, Hearing Loss, Vision Loss

Psychologist Diagnosis:

Other Health Impaired (ADHD)

Trained Evaluation Teams:

Autism (Autism Spectrum Disorders)

Prong #2a - Adverse Effects On Educational Performance

Specific skills/concepts – pre-requisite skills – skills in each area of eligibility resulting in the students inability to progress in the general curriculum

- Informal Checklists
- Teacher Made Materials
- Work Samples

Supported through skill-based assessment, NOT tests used for eligibility

Prong #2b - requires An IEP

Based upon the

1) diagnosed disability and

2a) the adverse effects of the disability on the students educational performance,

2b) the student requires specialized instruction.

-More than just the need for classroom accommodations

-A student could meet prong #1 and 2a and not meet #2b...team decision

All prongs **MUST** be met in order to be eligible for placement into special education.



Questions

Next webinar “Differentiated Instruction”
Monday, February 1, 2016, at 3:30 pm CST