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FAX: 886-5447

Lewis & Clark Behavioral Health Services
1028 Walnut
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Northeastern Mental Health Center
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FAX: 225-1017

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FAX: 338-5099

Southern Plains Behavioral Health Services
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Winner, SD 57580
(605) 842-1465
FAX: 842-2366

JUL 16 2014

July 15, 2014

Ferne Haddock
South Dakota Department of Education
800 Governor's Drive
Pierre, South Dakota 57501

RE: Comments to Adoption and Amendment of Proposed Rules in Chapter 24:05:24.01 (Eligibility Criteria - Autism Spectrum Disorder) and Section 24:55:01:01(37) ("Students with Disabilities Accountability Definition.

Dear Ms. Haddock:

Thank you for providing me with copy of the afore-referenced proposed rules draft. I have shared the draft with my Board of Directors for their individual review and input. Our Board consists of the Executive Directors/CEOs of the eleven Community Mental Health Centers serving South Dakota. I also had opportunity to discuss the draft at our recent Board of Directors meeting on July 10th, 2014. Based upon these discussions, I wish to formally provide comment on behalf of the South Dakota Council of Mental Health Centers (SDCMHC).

We specifically wish to register the following two concerns related to the proposed changes to ARSD 24:05:24.01:03, "Autism spectrum disorder defined":

1. The expansion of the existing regulative definition of autism to generally pertain to the entire spectrum of autistic disorders (ASDs) may result in unintended adverse consequences for families of children diagnosed with ASD. This revision would classify all ASDs as "developmental disabilities". The Division of Behavioral Health, Department of Social Services has, in the past, determined developmental disabilities to not be eligible for state-supported mental health services. Children with high levels of functioning, such as children diagnosed with milder presentations of Asperger's, have, in the past, qualified for mental health services directly related to their diagnoses. This change could, therefore, have the effect of making a whole category of children and their families ineligible for the care we have previously provided. If the current interpretation by the Department of Social Services is applied to the entire spectrum, clients within this diagnostic category may no longer be eligible for Community Mental Health services.

EXHIBIT
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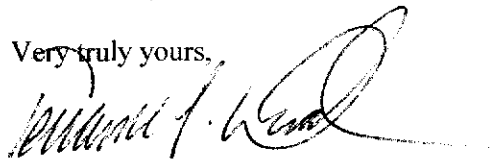
2. Related to line three, paragraph 1 of the same section, we are also concerned about the addition of the clause, ", generally evident before age three,". Although this criterion was reportedly discussed during earlier versions of DSM-5, it was challenged and replaced with the wording: "must be present in the early developmental period (but may not become fully manifest until social demands exceed limited capacities, or may be masked by learned strategies in later life").

For the two preceding reasons, we suggest that the wording of the first paragraph of ARSD 24:05:24.01:03 should be changed to "Autism spectrum disorder significantly affects verbal and nonverbal communication and social interaction that may result in adverse effects on the child's educational performance". Inasmuch as the proposed rules incorporate the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5) by reference, we believe that the definition of ASD should be congruent with the one established in that source manual.

Thanks for considering this input as you work to implement the proposed regulation. We appreciate the opportunity to provide the above comments and recommendations and invite further discussion regarding the above position. I can be reached by calling (605-) 224-0123; my e-mail address is tladosch@dakota2k.net .

Very truly yours,



Terrance L. Dosch
Executive Director