

# NATIONALLY RECOGNIZED LEGAL SOLUTIONS

# SOUTH DAKOTA

# LEGAL NOTES

APR 2018

## WHAT DOES AUTISM MEAN TO YOUR KIDDO?



**Megan &  
Sara Travis**  
Executive Director

Autism spectrum disorder, generally referred to as “Autism,” is believed to affect 1 in 68 children and presents itself to children in assorted ways. The term “spectrum” refers specifically to the wide range of symptoms and severity that various children experience. What does this mean practically speaking? It means two kids who are both diagnosed with Autism may function at different levels of capability, may communicate with family

or in social settings differently, and may have very different treatment plans.

Part of the difficulty with treating Autism is the uniqueness of each person and treatment plans need to vary to accommodate the variety of symptoms. Some children are quick learners in class, but have trouble functioning in social settings. Compounding social problems is often crippling anxiety. Some kids may shy away from anything from making friends to playing on a playground because of the anxiety.

This does not mean a child with Autism cannot lead a happy, well-adjusted, and productive life! Many children with Autism are very intelligent; they simply communicate differently. Part of my job as a parent of an Autistic child is to figure out how to effectively communicate with her and to help her learn how to bridge the communication gaps in her life. Although she is academically gifted, she struggles throughout many school days because the social aspect of school is stressful and exhausting for her. However, as we continue to learn more about Autism and the “conversations” about Autism continue to be part of our daily lives, we are able to spread awareness and that awareness helps to bridge differences naturally.



**Autism  
MONTH  
is April**

April is National Autism Month and in honor of all the special children diagnosed, below are five facts about Autism Spectrum Disorder from the National Autism Association:

### 5 FACTS ABOUT AUTISM SPECTRUM DISORDER

1. Autism was first described in 1943 by Dr. Leo Kanner, a child psychiatrist who is considered the “Father of Child Psychiatry.”
2. Autism is a bio-neurological developmental disability that generally appears before the age of 3. The symptoms and severity are different for each child, therefore the disorder is considered to be a range of abilities.
3. Autism impacts the normal development of the brain in the areas of social interaction, communication skills, and cognitive function. Individuals with autism typically have difficulties in verbal and non-verbal communication, social interactions, and leisure or play activities.
4. Autism is diagnosed four times more often in boys than girls. Its prevalence is not affected by race, region, or socio-economic status. Since autism was first diagnosed in the U.S. the incidence has climbed to an alarming 1 in 68 children in the U.S.
5. There is no cure for Autism, however many therapies exist to help the children cope or even overcome many symptoms including Occupational Therapy, Physical Therapy, Speech Therapy, and Animal Therapy.

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# HOW DOES THE LAW IMPACT THE EDUCATION OF AUTISTIC CHILDREN?



Scott Swier

## What Year Was Autism Added To The Individuals With Disabilities Education Act?

In 1991, the federal government made autism a special education category under the Individuals with Disabilities Education Act (IDEA) and public schools began identifying children on the spectrum and offering them special services.

## How Is Autism Defined By The Individuals With Disabilities Education Act?

Autism, as defined by the Individuals with Disabilities Education Act (IDEA), refers to “a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child’s educational performance.” This federal definition then proceeds to name traits commonly related to the condition: “Other characteristics often associated with autism are engaging in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term autism does not apply if the child’s educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in [IDEA].”

IDEA rounds out its definition by noting that a child who shows the characteristics of autism after age three could be diagnosed as having autism if the criteria above are satisfied. This enables a child to receive special education services under this classification if he or she develops signs of autism after his or her third birthday. Typically a psychiatrist, clinical psychologist, physician or other highly qualified professional makes the diagnosis. It would not be uncommon for the evaluation team to suspect Autism, then ask the parent to see a psychiatrist, clinical psychologist or appropriately trained pediatrician.

## About Swier Law Firm’s Education Law Practice Group

Swier Law Firm recognizes the needs of South Dakota’s school officials to obtain first-rate legal advice on a broad range of issues. Our Education Law Practice Group provides creative, timely, and cost-efficient legal strategies that balance the needs of students, parents, employees, and citizens with the interests of keeping a school district on solid legal footing.

The Group’s attorneys author *The South Dakota School Law Deskbook* and *South Dakota School Law Notes*. The

Group’s attorneys also have years of experience teaching the popular “Education and the Law” class at the University of South Dakota School of Law.

Swier Law Firm serves as legal counsel for school districts throughout the state and for the School Administrators of South Dakota and its membership. SASD is an educational association comprised of over 800 school administrators (Superintendents, Business Managers, Principals, Special Education Directors, and Curriculum Directors) throughout South Dakota.

## SHRIMP & SPINACH QUICHE



*We found this delicious quiche recipe on Eating Well Magazine’s website. It is the perfect food to serve warm or at room temperature, which makes it perfect for entertaining!*

### INGREDIENTS:

- 2 Teaspoons Olive Oil
- 2 Cups Diced Yellow Onions
- 1 Cup Finely Chopped Spinach
- 3/4 Cup Chopped Cooked Shrimp
- 1 Tablespoon Chopped Fresh Oregano
- 1/2 Cup Crumbled Feta Cheese
- 4 Large Eggs
- 2 Large Egg Whites
- 3/4 Cup Low-Fat Milk
- 1/4 Cup Sour Cream
- 1/4 Teaspoon Freshly Ground Pepper
- 1/4 Teaspoon Salt

### DIRECTIONS:

1. Heat oil in a medium skillet over high heat. Add onions and 1/8 teaspoon salt; cook, stirring frequently, until the onions start to brown, 3 to 5 minutes. Add water, reduce heat to low and cook, stirring frequently, until the onions are golden brown and very soft, about 15 minutes. Remove from heat and let cool.
2. Spread the caramelized onions in the bottom of the crust. Layer spinach and shrimp on top of the onions and sprinkle with oregano. Top with cheese.
3. Whisk eggs, egg whites, milk, sour cream, pepper and the salt in a medium bowl. Pour the mixture into the crust.
4. Bake the quiche until puffed and firm when touched in the center, 40 to 50 minutes. Let cool on a wire rack for 15 minutes. To serve, cut into 8 pieces.

*Make Ahead Tip: Cover and refrigerate caramelized onions for up to 3 days.*



**Scott Swier**

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*Newsletter Contest and Previous Winner*

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FEBRUARY 2018  
**CONTEST WINNER**  
*Congratulations to Kevin Gleeson who won four (4) tickets to a Stampede Hockey home game in our monthly contest - exclusively for our South Dakota Legal Notes subscribers.*



**Mike Henderson & Kevin Gleeson**

APRIL 2018  
**NEWSLETTER CONTEST**  
*Four (4) Tickets to the Sioux Falls Canaries Baseball Season Opener and Friday Night Fireworks at the Birdcage on Friday, May 18, 2018.*  
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