

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

400R0240

## HOUSE BILL NO. 1020

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to authorize the transfer of certain special education funds  
2 to other funds under certain conditions and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 13-16 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Notwithstanding the provisions of § 13-16-26, as provided by 20 U.S.C. § 1413 as amended  
7 through July 1, 2005, in any fiscal year in which a school district is allocated federal IDEA  
8 funds greater than the allocation received in the prior fiscal year, the school district may transfer  
9 local special education funds in an amount not greater than fifty percent of the annual increase  
10 in the federal IDEA allocation to any other fund to carry out activities that could be supported  
11 with funds under the Elementary and Secondary Education Act of 1965.

12 Section 2. Whereas, this Act is necessary for the support of the state government and its  
13 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in  
14 full force and effect from and after its passage and approval.

