



2025 South Dakota Legislature

Senate Bill 109

Introduced by: **Senator Duhamel**

1 **An Act to permit a school district to implement a new or revised section 504 plan,**
 2 **individualized family service plan, or individualized education program for a**
 3 **student who is the child of an active-duty member of the United States armed**
 4 **forces.**

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

6 **Section 1. That a NEW SECTION be added to chapter 13-37:**

7 Within thirty days after the date on which the student is enrolled in a school district,
 8 the district must implement a new or revised plan under section 504 of the Rehabilitation
 9 Act, 20 U.S.C. § 794 (January 1, 2025), a new or revised individualized family service plan
 10 under 20 U.S.C. § 1436 (January 1, 2025), or a new or revised individualized education
 11 program under 20 U.S.C. § 1401 (January 1, 2025) if:

12 (1) The student is the child of an active-duty member of the United States armed
 13 forces, as defined in § 13-55-7, and the member is the subject of a military transfer
 14 to this state;

15 (2) The student currently has a section 504 plan, individualized family service plan, or
 16 an individualized education program; and

17 (3) The appropriate school district staff do not agree to implement the current section
 18 504 plan, individualized family service plan, or individualized education program.

19 Before the student is enrolled in the school district, the inbound active-duty
 20 member of the United States armed forces shall indicate that the student is child of an
 21 active-duty member of the United States armed forces who is the subject of a military
 22 transfer to this state, and shall provide the school district with a copy of the student's
 23 current section 504 plan, individualized family service plan, or individualized education
 24 program.