

2025 South Dakota Legislature

Senate Bill 109**AMENDMENT 109A
FOR THE INTRODUCED BILL**

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 ~~implemented by the district in which the~~
 17 ~~student was previously enrolled;~~ and

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

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

1 parent or guardian pending validation by the official records, pursuant to § 13-53E-
2 1(IV)(A). When the student is enrolled and receives conditional placement, the school
3 district shall take reasonable steps to request the student's official education record from
4 the district in which the student was previously enrolled, pursuant to § 13-53E-1(IV)(B).

AMENDED