



2025 South Dakota Legislature

Senate Bill 109

SENATE EDUCATION ENGROSSED

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

18 (3) The appropriate school district staff member does not implement the current
 19 section 504 plan, individualized family service plan, or individualized education
 20 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. The school district shall accept unofficial records provided by the
 25 student's parent or guardian pending validation by the official records, pursuant to § 13-
 26 53E-1(IV)(A). When the student is enrolled and receives conditional placement, the school

- 1 district shall take reasonable steps to request the student's official education record from
- 2 the district in which the student was previously enrolled, pursuant to § 13-53E-1(IV)(B).