

2025 South Dakota Legislature

Senate Bill 109**AMENDMENT 109D
FOR THE SENATE EDUCATION ENGROSSED 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 ~~calendar~~ days after the date on which the student is enrolled in a
8 school district, the district must implement a new or revised plan under section 504 of the
9 Rehabilitation Act, 20 U.S.C. § 794 (January 1, 2025), a new or revised individualized
10 family service plan under 20 U.S.C. § 1436 (January 1, 2025), or a new or revised
11 individualized education 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-At the time~~ the student is enrolled in the school district, the inbound active-
22 duty member of the United States armed forces shall indicate that the student is ~~the~~ child
23 of an active-duty member of the United States armed forces who is the subject of a
24 military transfer to this state. The school district shall accept unofficial records provided
25 by the student's parent or guardian pending validation by the official records, pursuant to
26 § 13-53E-1(IV)(A). When the student is enrolled and receives conditional placement, the

1 school district shall take reasonable steps to request the student's official education record
2 from the district in which the student was previously enrolled, pursuant to § 13-53E-
3 1(IV)(B).

4 The student's parent or guardian and the school district may, by mutual
5 agreement, extend the deadline for implementation of a new or revised program.

AMENDED