



## 2025 South Dakota Legislature

# Senate Bill 109

SENATE 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 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 At the time 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 the child of  
 23 an 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).  
3 The student's parent or guardian and the school district may, by mutual  
4 agreement, extend the deadline for implementation of a new or revised program.