



2025 South Dakota Legislature  
**Senate Bill 109**  
**ENROLLED**

AN ACT

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

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

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

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

- (1) The student is the child of an active-duty member of the United States armed forces, as defined in § 13-55-7, and the member is the subject of a military transfer to this state;
- (2) The student currently has a section 504 plan, individualized family service plan, or an individualized education program implemented by the district in which the student was previously enrolled; and
- (3) The appropriate school district staff member does not implement the current section 504 plan, individualized family service plan, or individualized education program.

At the time the student is enrolled in the school district, the inbound active-duty member of the United States armed forces shall indicate that the student is the child of an active-duty member of the United States armed forces who is the subject of a military transfer to this state. The school district shall accept unofficial records provided by the student's parent or guardian pending validation by the official records, pursuant to § 13-53E-1(IV)(A). When the student is enrolled and receives conditional placement, the school

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

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

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

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I certify that the attached Act originated in the:

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_,

Senate as Bill No. 109

2025 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2025

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2025  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 109  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State