

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

389B0442

HOUSE BILL NO. 1144

Introduced by: Representatives Finck, Dennert, Gosch, Greenfield (Lana), Qualm, and Weis
and Senators Maher and Partridge

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the transportation of
2 students participating in open enrollment.

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

4 Section 1. That § 13-28-45 be amended to read:

5 13-28-45. The parent or guardian of a student who has been accepted for transfer is
6 responsible for transporting the student to school in the receiving district without
7 reimbursement. A receiving school district may enter the district of residence of students
8 accepted for transfer into that school district to provide transportation to those students:
9 ~~However, if~~ if the school boards in both the receiving school district and the resident school
10 district ~~shall~~ annually approve the pick-up locations for those students ~~within any incorporated~~
11 ~~municipality. When approving pick-up locations, the school boards shall base their decisions~~
12 ~~foremost on student safety.~~ If the school boards cannot reach agreement on the pick-up
13 locations, ~~the locations shall be determined by the secretary of the Department of Education~~ the
14 receiving school district may not enter the resident school district to provide transportation to
15 students accepted for transfer into the receiving school district. The provisions of § 13-29-4 do



1 not apply when transporting students enrolled under the provisions of §§ 13-28-40 to 13-28-47.
2 The receiving district may charge a reasonable fee if the student elects to use the transportation
3 services offered by the receiving district. The provisions of this section regarding the
4 transportation agreements among school districts do not apply to any school district defined as
5 a sparse school district pursuant to § 13-13-78.