

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

668Q0458

## SENATE BILL NO. 101

Introduced by: Senators Garnos, Gray, Knudson, Olson (Russell), and Peterson and  
Representatives Sly, Bolin, Brunner, Hamiel, McLaughlin, Schlekeway, and  
Van Gerpen

1 FOR AN ACT ENTITLED, An Act to clarify the school residence of a child assigned to an  
2 approved out of district special education residential or tuition day program when the  
3 residence of the child's parent or guardian changes.

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

5 Section 1. That § 13-28-9.1 be amended to read as follows:

6 13-28-9.1. A child in need of special education or special education and related services  
7 assigned to and enrolled in an approved out of district special education residential or tuition  
8 day program by an individualized education program team has school residence in the school  
9 district making the assignment. ~~The residency of a child assigned to an approved out of district~~  
10 ~~special education residential or tuition day program may not change until the end of the fiscal~~  
11 ~~year or until the parent or guardian enrolls the child in another school district, and that school~~  
12 ~~district provides special education services to the child. The fiscal responsibility of the school~~  
13 ~~district making the assignment continues until the end of the school fiscal year or until the~~  
14 ~~child's parent or guardian enrolls the child in another school district, the child participates in the~~



- 1 new school district's special education program, the new school district conducts a placement
- 2 committee meeting, a new individualized educational program for the child is adopted, and the
- 3 child's placement is changed.