

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

631A0127

HOUSE BILL NO. 1076

Introduced by: Representatives Brooks, Brown (Richard), DeMersseman, Duniphan, Fischer-Clemens, and Hunt and Senators Munson (David), Aker, Everist, Hainje, Hutmacher, and Olson

1 FOR AN ACT ENTITLED, An Act to provide that the school district of residence of certain
2 foster children is the resident district of the foster parent.

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

4 Section 1. That § 13-28-10 be amended to read as follows:

5 13-28-10. If a school age child resides in a home other than the residence of his parents,
6 guardian, or noncustodial parents on a temporary or permanent basis, the school residency of the
7 child is where the parents, noncustodial parents, or guardian reside unless, upon request of the
8 person with whom the child is living, the local school board accepts the child as a resident of that
9 school district. If the school board rejects the request, the person who made the request may,
10 within fifteen days after receipt of the rejection, appeal to the school board for a hearing. The
11 decision of the school board after the hearing is final and may be appealed to the circuit court.
12 However, the school residence for a nonresident regular education student placed in a foster
13 home under the care of the Department of Social Services, the Unified Judicial System, or other
14 entities approved by the secretary of the Department of Social Services is the legal residence of
15 the foster parent.