

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

352E0358

SENATE EDUCATION COMMITTEE ENGROSSED NO.

SB 145 - 02/01/2001

Introduced by: Senators Brosz, Ham, McCracken, and Olson (Ed) and Representatives
Holbeck, Garnos, Solum, and Wick

1 FOR AN ACT ENTITLED, An Act to revise residency for the purposes of special education and
2 to revise the distribution of state aid to special education.

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

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

5 13-28-9.1. A child in need of special education or special education and related services
6 assigned to and enrolled in an approved out of district special education residential or tuition day
7 special education program by an individualized education program team has school residence in
8 the school district ~~of the school board~~ making the assignment. The residency of ~~the assigned a~~
9 child assigned to an approved out of district special education residential or tuition day program
10 may not change for the duration of the school fiscal year in which the child is enrolled, unless the
11 child ceases to be an enrolled member in the special education program until the end of the fiscal
12 year or until the parent or guardian enrolls the child in another school district, and that school
13 district provides special education services to the child.

14 Section 2. That chapter 13-37 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 If the parents or guardian of a child assigned to and enrolled in an out of district special
3 education residential or tuition day program move to another South Dakota school district and
4 that school district provides special education services to the child, the Department of Education
5 and Cultural Affairs shall allocate any state aid to special education attributable to the child
6 received or scheduled to be received by the resident school district as defined by § 13-28-9.1 to
7 the school district to which the parents or guardian have moved for the period of time that the
8 resident school district is not providing special education services to the child. For the purposes
9 of this Act, an approved special education program includes out-of-district residential programs
10 and tuition day programs.

11 Section 3. The Department of Education and Cultural Affairs may promulgate rules pursuant
12 to Chapter 1-26 to provide for the reallocation of state aid to special education as provided for
13 in this Act.