

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

352E0358

SENATE BILL NO. 145

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.

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

15 If the parents or guardian of a child assigned to and enrolled in an approved special education

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

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