

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

956Q0578

HOUSE BILL NO. 1241

Introduced by: Representatives Sly, Bolin, Killer, Lange, Lucas, McLaughlin, Romkema, Schlekeway, Sorenson, and Vanderlinde and Senators Jerstad, Bradford, Maher, and Merchant

1 FOR AN ACT ENTITLED, An Act to provide for the delivery of special education or special
2 education and related services to a child during the child's transition from one state school
3 district to another.

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

5 Section 1. That chapter 13-28 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 If a child in need of special education or special education and related services is enrolled
8 as a full-time student in a school district in the state, an individualized education program is in
9 effect for the child, and the child's school residence changes from that school district to another
10 school district in the state, the receiving school district in which the child's parent or guardian
11 enrolls the child shall follow the individualized education program that was developed for the
12 child by the individualized education program team in the sending school district until such time
13 as the receiving school district's individualized education program team either adopts the
14 existing individualized education program or develops, adopts, and implements a new



1 individualized education program for the child. Any disagreement that may exist regarding the
2 new individualized education program is subject to the procedural safeguards contained in the
3 Individuals with Disabilities Education Improvement Act of 2004, as amended to January 1,
4 2009. This section does not apply to any child in need of special education or special education
5 and related services assigned to and enrolled in an approved out of district residential or tuition
6 day program.

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

9 If, pursuant to section 1 of this Act, a receiving school district is required to provide special
10 education or special education and related services to a child following the requirements of an
11 individualized education program developed for the child by an individualized education
12 program team at another school district in the state, the receiving school district may, with the
13 consent of the child's parent or guardian, provide funding to the parent or guardian for the
14 purchase of services for the child to ensure that the child will receive the appropriate services
15 contained in the existing individualized education program developed by the individualized
16 education program team in the prior school district.