

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

389B0442

## HOUSE EDUCATION ENGROSSED NO. **HB 1144** 2/11/2019

Introduced by: Representatives Finck, Dennert, Gosch, Greenfield (Lana), Qualm, and Weis  
and Senators Maher and Partridge

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the transportation of  
2 students participating in open enrollment.

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

4 Section 1. That § 13-28-45 be amended to read:

5 13-28-45. The parent or guardian of a student who has been accepted for transfer is  
6 responsible for transporting the student to school in the receiving district without  
7 reimbursement. A receiving school district may enter the district of residence of students  
8 accepted for transfer into that school district to provide transportation to those students:  
9 ~~However, if~~ if the school boards in both the receiving school district and the resident school  
10 district ~~shall~~ annually approve the pick-up locations for those students ~~within any incorporated~~  
11 ~~municipality~~. When approving pick-up locations, the school boards shall base their decisions  
12 foremost on student safety. If the school boards cannot reach agreement on the pick-up  
13 locations, ~~the locations shall be determined by the secretary of the Department of Education the~~  
14 receiving school district may not enter the resident school district to provide transportation to



1 students accepted for transfer into the receiving school district. The provisions of § 13-29-4 do  
2 not apply when transporting students enrolled under the provisions of §§ 13-28-40 to 13-28-47.  
3 The receiving district may charge a reasonable fee if the student elects to use the transportation  
4 services offered by the receiving district. The provisions of this section regarding the  
5 transportation agreements among school districts do not apply to any school district defined as  
6 a sparse school district pursuant to § 13-13-78.