

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

299B0416

HOUSE MILITARY AND VETERANS AFFAIRS

ENGROSSED NO. **HB 1044** - 1/24/2019

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Deutsch, Anderson, Beal, Brunner, Chase, Dennert, Diedrich, Duvall, Glanzer, Goodwin, Gross, Hansen, Jensen (Kevin), Johnson (Chris), Latterell, Marty, Mills, Otten (Herman), Peterson (Sue), Qualm, Randolph, Reed, Reimer, Rounds, Willadsen, and Zikmund and Senators Stalzer, Curd, DiSanto, Jensen (Phil), Kolbeck, Maher, Monroe, Nelson, Otten (Ernie), Smith (VJ), Solano, Steinhauer, and Wismer

1 FOR AN ACT ENTITLED, An Act to authorize certain children who are subject to a pending  
2 military relocation to apply for enrollment in a school district.

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

4 Section 1. That § 13-28-9 be amended to read:

5 13-28-9. School residence for the purpose of claiming free school privileges means the legal  
6 residence of the student's parents or guardian except as provided in § 13-28-10. If a parent or  
7 guardian has more than one residence, the school residence is the residence where the parent or  
8 guardian actually lives and makes a home or domicile. In case of dispute, if the student's parent  
9 or guardian has claimed a credit pursuant to § 10-13-39, it is presumed that the dwelling so  
10 claimed is the residence of the parent or guardian. The student or the student's parents or  
11 guardian may not establish school residence and be exempt from the payment of tuition if the  
12 residence of the parents or guardian of the student is acquired solely or principally for obtaining



1 free school privileges. At the time a child is enrolled in a school district, the school residence  
2 of the child as determined by that school district within thirty days after the enrollment may not  
3 change during the school fiscal year, unless the child ceases to be an enrolled member of a  
4 school within the district. If a student's parents or guardians are separated or divorced, the school  
5 residence is the school district in which the custodial parent or guardian has residence. If the  
6 parents or guardian have joint custody of a student, school residence is that of the parent or  
7 guardian with whom the child resides the greater portion of the school year.

8 Notwithstanding the provisions of any other law, if the parent or guardian of a child is  
9 transferred to or is pending transfer to a military installation within the state while on active  
10 military duty pursuant to an official military order, the child meets the residency requirement  
11 for free school privileges in the school district in which the parent or guardian resides or will  
12 reside.

13 For the purposes of this section, a military installation is a base, camp, post, station, yard,  
14 center, or other installation under the jurisdiction of the United States Department of Defense.