

## 2022 South Dakota Legislature

**House Bill 1302****AMENDMENT 1302C FOR THE INTRODUCED BILL**

1 **An Act to modify tuition responsibilities for children in ~~residential~~ treatment**  
2 **~~centers~~facilities.**

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

4 **Section 1. That § 13-28-10 be AMENDED:**

5 **13-28-10.** ~~If Except as otherwise provided in this section, if a school age child~~  
6 ~~resides in a home other than the residence of his~~the child's ~~parents, guardian, or~~  
7 ~~noncustodial parents,~~ on a temporary or permanent basis, the school residency of the  
8 child is where the parents, noncustodial parents, or guardian reside unless, upon request  
9 of the person with whom the child is living, the ~~local school board~~ of the school district  
10 accepts the child as a resident of that school district.

11 If the ~~school board~~ rejects the request, the person who made the request may,  
12 within fifteen days after receipt of the rejection, ~~appeal to~~petition the ~~school board~~ for a  
13 hearing. The decision of the ~~school board,~~ after the hearing is ~~final and,~~ may be appealed  
14 to the circuit court.

15 ~~However, a~~A school age child is a resident of the school district ~~where the school~~  
16 ~~age in which the~~ child is placed by the ~~Unified Judicial System,~~ the Department of  
17 Corrections, ~~or entities approved by the~~ Department of Human Services, or the  
18 Department of Social Services, ~~including a foster home.~~

19 **Section 2. That § 13-28-11 be AMENDED:**

20 **13-28-11.** If a child is residing in a ~~residential treatment center or an intensive~~  
21 ~~residential treatment center~~ facility that provides an educational program through a school  
22 district, the school district ~~where in which~~ the ~~residential treatment center or intensive~~  
23 ~~residential treatment center~~ facility is located is responsible for providing an educational  
24 program for the child.

1 Tuition for a child who is not ~~eligible for special education services placed, or~~  
 2 ~~recommended for placement,~~ by an individualized education program team but is, at the  
 3 time of placement ~~and is,~~ enrolled in a ~~public~~ school district or state operated school at  
 4 the time of placement ~~shall~~ must be paid as provided in § 13-13-87.

5 The provisions of this section and § 13-13-87 do not apply to any placement by  
 6 the Department of Corrections, the Department of Social Services, or ~~any entity approved~~  
 7 ~~by~~ the Department of Social Human Services.

8 For purposes of this section, a state

9 Terms used in this section mean:

10 ~~(1) Intensive residential treatment center, a center that is licensed by the~~  
 11 ~~Department of Social Services to care seven or more children, and which provides more~~  
 12 ~~intensive and frequent services and supervision of children and individualized treatment~~  
 13 ~~to prevent runaway behavior, rage and physical aggression, and the likelihood of children~~  
 14 ~~injuring themselves or others;~~

15 ~~(2) Residential treatment center, a center licensed by the Department of Social~~  
 16 ~~Services to care for seven or more children who have behavioral or emotional problems~~  
 17 ~~requiring intensive professional assistance and therapy in a highly structured, self-~~  
 18 ~~contained environment; and~~

19 ~~(3) State, provided the placement is:~~

20 ~~(1) In a residential treatment center;~~

21 ~~(2) In an intensive residential treatment center;~~

22 ~~(3) In a group care center;~~

23 ~~(4) In an intermediate care facility; or~~

24 ~~(5) With a community services provider.~~

25 For purposes of this section, the term, school district, means a political subdivision  
 26 of this state created in accordance with chapter 13-5.

27 For purposes of this section, the term, state operated school is, means the South  
 28 Dakota Human Services Center academic program, the South Dakota School for the Blind  
 29 and Visually Impaired, or any school so designated by the South Dakota Board of  
 30 Education Standards.

31 **Section 3. That § 13-28-39 be AMENDED:**

32 **13-28-39.** The Department of Social Services shall pay tuition costs and related  
 33 service costs for students in residential treatment centers, intensive residential treatment  
 34 centers, or group care centers for minors who are under the care and custody of the

1 Department of Social Services, ~~the Unified Judicial System, or other entities approved by~~  
2 ~~the secretary of or~~ the Department of Social Services Corrections.

3 The Department of Social Services ~~will have~~has rate setting authority for tuition  
4 costs and related service costs.

5 The ~~secretary of the~~ Department of Social Services ~~may~~ shall promulgate rules,  
6 pursuant to chapter 1-26, pertaining to:

- 7 (1) The amount, scope, and duration of services;
- 8 (2) The basis for and extent of provider payments;
- 9 (3) The method and amount of payment;
- 10 (4) The methods of recoupment or recovery of overpayments;
- 11 (5) Administration, record keeping, and audit requirements;
- 12 (6) Compliance monitoring;
- 13 (7) Reporting ~~requirement~~requirements; and
- 14 (8) Such other standards and requirements as ~~may be necessary~~ to ensure the efficient  
15 operation and administration of the program.

16 **Section 4. That § 13-28-52 be AMENDED:**

17 **13-28-52.** The South Dakota Board of Education Standards may promulgate rules,  
18 pursuant to chapter 1-26, regarding services provided and tuition paid for children residing  
19 in ~~residential treatment centers or intensive residential treatment centers~~ a facility, as  
20 provided in §§ 13-28-11 and 13-13-87, including:

- 21 (1) The scope, duration, and requirements of enrollment for purposes of qualifying for  
22 and calculating rates and payments;
- 23 (2) The amount, scope, and duration of services;
- 24 (3) The basis for, extent of, and timing of payments;
- 25 (4) The method and amount of payment;
- 26 (5) The methods of recoupment or recovery of overpayments;
- 27 ~~(5)~~(6) Reporting requirements;
- 28 ~~(6)~~(7) Designation of additional state operated schools referenced in § 13-28-11; and
- 29 ~~(7)~~(8) Other standards and requirements as may be necessary to ensure the efficient  
30 operation and administration of the program.