



2022 South Dakota Legislature

House Bill 1302

HOUSE EDUCATION ENGROSSED

Introduced by: **Representative Duba**

1 **An Act to modify tuition responsibilities for children in treatment facilities.**

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

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

4 **13-28-10.** ~~If Except as otherwise provided in this section, if a school age child~~
 5 ~~resides in a home other than the residence of his~~the child's ~~parents, guardian, or~~
 6 ~~noncustodial parents,~~ on a temporary or permanent basis, the school residency of the
 7 child is where the parents, noncustodial parents, or guardian reside unless, upon request
 8 of the person with whom the child is living, the ~~local school board~~ of the school district
 9 accepts the child as a resident of that school district.

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

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

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

19 **13-28-11.** If a child is residing in a ~~residential treatment center or an intensive~~
 20 ~~residential treatment center~~ facility that provides an educational program through a school
 21 district, the school district ~~where in which the residential treatment center or intensive~~
 22 ~~residential treatment center~~ facility is located is responsible for providing an educational
 23 program for the child.

24 Tuition for a child who is not ~~eligible for special education services~~ placed by an
 25 individualized education program team but is, at the time of placement ~~and is,~~ enrolled in

1 a ~~public~~-school district or state operated school ~~at the time of placement shall must be~~
 2 paid as provided in § 13-13-87.

3 The provisions of this section and § 13-13-87 do not apply to any placement by
 4 the Department of Corrections, the Department of Social Services, or ~~any entity approved~~
 5 ~~by the Department of Social Human Services. For purposes of this section, a state,~~
 6 provided the placement is:

- 7 (1) In a residential treatment center;
 8 (2) In an intensive residential treatment center;
 9 (3) In a group care center;
 10 (4) In an intermediate care facility; or
 11 (5) With a community services provider.

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

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

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

19 **13-28-39.** The Department of Social Services shall pay tuition costs and related
 20 service costs for students in residential treatment centers, intensive residential treatment
 21 centers, or group care centers for minors who are under the care and custody of the
 22 Department of Social Services, ~~the Unified Judicial System, or other entities approved by~~
 23 ~~the secretary of~~ or the Department of Social Services Corrections.

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

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

- 28 (1) The amount, scope, and duration of services;
 29 (2) The basis for and extent of provider payments;
 30 (3) The method and amount of payment;
 31 (4) The methods of recoupment or recovery of overpayments;
 32 (5) Administration, record keeping, and audit requirements;
 33 (6) Compliance monitoring;
 34 (7) Reporting ~~requirement~~ requirements; and

- 1 (8) Such other standards and requirements as ~~may be~~ necessary to ensure the efficient
2 operation and administration of the program.

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

4 **13-28-52.** The South Dakota Board of Education Standards may promulgate rules,
5 pursuant to chapter 1-26, regarding services provided and tuition paid for children residing
6 in ~~residential treatment centers or intensive residential treatment centers~~ a facility, as
7 provided in §§ 13-28-11 and 13-13-87, including:

- 8 (1) The scope, duration, and requirements of enrollment for purposes of qualifying for
9 and calculating rates and payments;
10 (2) The amount, scope, and duration of services;
11 (3) The basis for, extent of, and timing of payments;
12 (4) The method and amount of payment;
13 (5) The methods of recoupment or recovery of overpayments;
14 ~~(5)~~(6) Reporting requirements;
15 ~~(6)~~(7) Designation of additional state operated schools referenced in § 13-28-11; and
16 ~~(7)~~(8) Other standards and requirements as may be necessary to ensure the efficient
17 operation and administration of the program.