



2022 South Dakota Legislature
House Bill 1302
ENROLLED

AN ACT

ENTITLED An Act to modify tuition responsibilities for children in residential treatment centers.

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

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

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

If the board rejects the request, the person who made the request may, within fifteen days after receipt of the rejection, petition the board for a hearing. The decision of the board, after the hearing, may be appealed to the circuit court.

A school age child is a resident of the school district in which the child is placed by the Department of Corrections, the Department of Human Services, or the Department of Social Services.

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

13-28-11. If a child is residing in a residential treatment center or an intensive residential treatment center that provides an educational program through a school district, the school district in which the residential treatment center or intensive residential treatment center is located is responsible for providing an educational program for the child.

Tuition for a child who is not placed by an individualized education program team but is, at the time of placement, enrolled in a school district or state operated school must be paid as provided in § 13-13-87.

The provisions of this section and § 13-13-87 do not apply to any placement by the Department of Corrections or the Department of Social Services.

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

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

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

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

The Department of Social Services has rate setting authority for tuition costs and related service costs.

The Department of Social Services shall promulgate rules, pursuant to chapter 1-26, pertaining to:

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

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

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

- (1) The scope, duration, and requirements of enrollment for purposes of qualifying for and calculating rates and payments;

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

An Act to modify tuition responsibilities for children in residential treatment centers.

I certify that the attached Act originated in the:
House as Bill No. 1302

Received at this Executive Office this ____ day of _____, 2022 at _____ M.

Chief Clerk

By _____ for the Governor

Speaker of the House

The attached Act is hereby approved this _____ day of _____, A.D., 2022

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2022 at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1302
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State