

2026 South Dakota Legislature

House Bill 1082**AMENDMENT 1082B
FOR THE INTRODUCED BILL**

1 **An Act to establish parameters for the reimbursement of school districts that**
2 **provide free or reduced-price meals to students.**

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

4 **Section 1. That § 13-35-2 be AMENDED:**

5 ~~13-35-2. Pupils and employed personnel of the school district or other agencies~~
6 ~~contracting with the Department of Education, who are fed through a school food services~~
7 ~~program may be charged for meals.~~

8 ~~If a student is eligible for reduced price meals through the National School Lunch~~
9 ~~Program, 42 U.S.C. § 1751, et seq. (January 1, 2026), or the School Breakfast Program,~~
10 ~~42 U.S.C. § 1773 (January 1, 2026), the board of a school district may not impose a~~
11 ~~charge upon the student for any meals served through the National School Lunch Program~~
12 ~~or the School Breakfast program, provided by the school district's food services program.~~

13 The board of a school district may impose a charge for any meal provided through
14 the school district's food services program to:

15 (1) Any student other than a student who is eligible for free or reduced-price meals
16 through the National School Lunch Program, 42 U.S.C. § 1751, et seq. (January 1,
17 2026), or the School Breakfast Program, (January 1, 2026);

18 (2) An employee of the school district; or

19 (3) Any other individual, not otherwise exempted in accordance with ~~this~~ section 2 of
20 this Act.

21 ~~The Department of Education shall, with moneys appropriated in the general~~
22 ~~appropriation bill, reimburse each school district for costs incurred by the district in~~
23 ~~providing meals to students who are eligible for reduced price meals in accordance with~~
24 ~~this section, less any amount reimbursed through the National School Lunch Program or~~
25 ~~the School Breakfast Program.~~

26 **Section 2. That a NEW SECTION be added to chapter 13-35:**

1 If a student is eligible for reduced-price meals through the National School Lunch
2 Program, 42 U.S.C. § 1751, et seq. (January 1, 2026), or the School Breakfast Program,
3 42 U.S.C. § 1773 (January 1, 2026), the board of a school district may not impose a
4 charge upon the student for any meals served by the district through the National School
5 Lunch Program or the School Breakfast Program.

6 **Section 3. That a NEW SECTION be added to chapter 13-35:**

7 On or before June thirtieth of each year, the department shall, based on
8 information forwarded by each school district, calculate the amount to be reimbursed by
9 the department for the cost of meals served to students who may not be charged,
10 pursuant to section 2 of this Act. The department shall:

11 (1) Subtract the amount to be reimbursed to the district for each meal served to a
12 student eligible for reduced-price meals through the National School Lunch
13 Program, 42 U.S.C. § 1751, et seq. (January 1, 2026), or the School Breakfast
14 Program, 42 U.S.C. § 1773 (January 1, 2026), from the amount reimbursed to the
15 district for a meal served to a student eligible for free meals through either
16 program; and

17 (2) Multiply the difference of subdivision (1) by the number of meals served to students
18 who may not be charged, pursuant to section 2 of this Act.

19 The Department of Education shall, with moneys appropriated in the general
20 appropriation bill, reimburse each school district in accordance with this section.