

2026 South Dakota Legislature

Senate Bill 213**AMENDMENT 213B
FOR THE INTRODUCED BILL**

1 **An Act to create the building opportunity through out-of-school time program and**
2 **the building opportunity through out-of-school time program fund, authorize**
3 **a new fee, and make an appropriation therefor, ~~and transfer moneys to the~~**
4 **~~building opportunity through out-of-school time program fund.~~**

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

6 **Section 1. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

7 Terms used in this chapter mean:

8 (1) "Department," the Department of Education;

9 (2) "Eligible provider," a school district or an organization that:

10 (a) Qualifies under 26 U.S.C. § 501(c)(3) and provides out-of-school time
11 programming to students, is affiliated and is in good standing with a
12 nationally recognized nonprofit, and provides facility-based out-of-school
13 time programming designed for recreational, educational, or character-
14 building purposes; or

15 (b) Qualifies under 26 U.S.C. § 501(c)(4) and serves any organization providing
16 out-of-school time programming, pursuant to subsection (a), is affiliated
17 and is in good standing with a nationally recognized nonprofit, and provides
18 facility-based out-of-school time programming designed for recreational,
19 educational, or character-building purposes;

20 (3) "Out-of-school time programming," a structured program or activities using
21 evidence-based or evidence-informed practices provided to students before school,
22 after school, or during the summer, which is designed to:

23 (a) Improve academic, or career-readiness competencies;

24 (b) Reduce negative behaviors, including violence and crime, nicotine use,
25 alcohol or substance abuse, disengagement from school, school suspension,
26 truancy, or other health-compromising behaviors;

- 1 (c) Provide a safe out-of-school-time environment; or
2 (d) Engage in career exploration or formal or informal work-based learning;
3 and
4 (4) "Student," a child attending a public or nonpublic elementary school, or secondary
5 school, at which the compulsory attendance requirements of the state may be met.

6 **Section 2. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

7 There is created in the state treasury the building opportunity through out-of-
8 school time program fund. The fund consists of all moneys designated for deposit into the
9 fund, pursuant to sections 7 and 8 of this Act.

10 The department shall administer the fund. The purpose of the fund is to provide
11 moneys for the building opportunity through out-of-school time grant program within the
12 department to expand out-of-school time programming opportunities for students, as
13 provided in this chapter.

14 Interest on moneys credited to the fund must remain in the fund. The building
15 opportunity through out-of-school time program fund is continuously appropriated to the
16 department. The department may spend up to five percent of the moneys deposited in
17 the fund for costs incurred in administering the grants.

18 **Section 3. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

19 The department shall:

- 20 (1) Perform all functions necessary to carry out the program, including the monitoring
21 of grantees;
22 (2) Publish the application process, the criteria by which an application is assessed,
23 and the uses of the grants awarded on the department's publicly accessible internet
24 website; and
25 (3) Annually publish the program grant awards by grantee on the department's publicly
26 accessible website.

27 ~~The Beginning July 1, 2027 and every year thereafter, the~~ department shall
28 ~~annually~~ provide grants in accordance with this chapter on the basis of applications
29 received during the period beginning August first and ending September thirtieth, of each
30 year.

31 The department shall promulgate rules, pursuant to chapter 1-26, to establish the
32 criteria used to determine the eligibility of a provider for funding, the process by which
33 eligible providers may apply for program grants, the criteria used to make program grant

1 award determinations, and the guidelines and standards necessary to implement this
2 chapter.

3 **Section 4. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

4 A program grant award may not exceed a grantee's total cost of operating the out-
5 of-school time program.

6 The department shall give priority to eligible providers that:

7 (1) Demonstrate a commitment to serve and increase access for under-served
8 students;

9 (2) Develop and maintain community coordination and partnerships;

10 (3) Engage prospective student participants and other stakeholders in the
11 development and implementation of out-of-school time programming; and

12 (4) Supplement, not supplant, existing funding sources.

13 The department shall ensure that program grant funding is geographically
14 dispersed to eligible providers throughout the state.

15 **Section 5. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

16 The recipient of a grant from the building opportunity through out-of-school time
17 program fund may use the grant for:

18 (1) The employment of individuals to provide out-of-school time programming;

19 (2) The purchase of materials and supplies necessary to provide out-of-school time
20 programming; and

21 (3) Transportation between the student's home and the location where the out-of-
22 school time programming in which the student participates is provided.

23 **Section 6. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

24 The recipient of a grant from the building opportunity through out-of-school time
25 program fund shall:

26 (1) Maintain a separate account in its budget to facilitate monitoring and auditing of
27 the use of the program grant moneys; and

28 (2) Perform all other duties pursuant to applicable regulations and standards.

29 A grantee may use no more than ten percent of the grant for administrative costs
30 associated with the implementation of the program grant.

31 **Section 7. That a NEW SECTION be added to a NEW CHAPTER in title 13:**

1 No later than January 15, ~~2028~~ 2029, and January fifteenth of each year thereafter,
2 the department shall submit a report to the Joint Committee on Appropriations and the
3 education committees of the House of Representatives and the Senate, respectively,
4 summarizing the operation of the program for the immediately preceding fiscal year. The
5 report must include:

- 6 (1) The amount of program grant moneys paid to eligible providers;
7 (2) A listing by school district of each eligible provider submitting a program grant
8 application; and
9 (3) A listing by school district of each eligible provider that received program funding,
10 including:
11 (a) The name of the grantee's program;
12 (b) The address for the grantee's program;
13 (c) The amount awarded to the grantee;
14 (d) The number of students served by the grantee's program by grade level;
15 (e) The use of the program grant moneys by the grantee's program;
16 (f) A financial summary indicating the program grantee's total expenditures on
17 the out-of-school time programming supported by a program grant and
18 indicating, as components of those expenditures, the total revenues
19 received from the state under the program and the total revenues received
20 from families with students enrolled in the program; and
21 (g) The enrollment goals for the grantee's program as set forth in the program
22 grant application.

23 **Section 8. That § 47-34A-212 be AMENDED:**

- 24 **47-34A-212.** The secretary of state shall charge and collect for:
25 (a) Filing the articles of organization in the case of a domestic limited liability company,
26 a filing fee of one hundred fifty dollars. Filing the articles of organization in the case
27 of a foreign limited liability company, a filing fee of seven hundred fifty dollars;
28 (b) A reporting fee of ~~fifty-five~~ ninety dollars, due and payable with the filing of each
29 annual report. Each entity that does not file or refuses to file its annual report
30 within the time prescribed is subject to a penalty of ~~fifty-five~~ ninety dollars to be
31 assessed by the secretary of state;
32 (c) Filing the articles of organization in the case of a domestic limited liability company,
33 where the articles of organization contain a notice that the limited liability company
34 is authorized to establish one or more series, a filing fee of two hundred dollars.

1 Filing an application for a certificate of authority in the case of a foreign limited
2 liability company authorized to establish a series under the laws of another state
3 or jurisdiction, or series of such limited liability company on its own behalf, a filing
4 fee of eight hundred dollars.

5 The secretary of state shall forward to the state treasurer thirty-five dollars of the
6 annual reporting fee paid to the secretary of state and thirty-five dollars of any late fee
7 assessed by the secretary of state, pursuant to subdivision (b), for deposit in the building
8 opportunity through out-of-school time program fund, created pursuant to section 2 of
9 this Act.

10 ~~**Section 9.** The state treasurer shall transfer \$2,500,000 from the general fund to the building~~
11 ~~opportunity through out-of-school time program fund created in section 2 of this Act.~~

12 ~~**Section 10.** The secretary of the Department of Education shall approve vouchers and the~~
13 ~~state auditor shall draw warrants to pay expenditures authorized by this Act.~~

14 ~~**Section 11.** This Act is effective beginning June 30, 2026.~~