

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

400Y0115

## HOUSE BILL NO. 1021

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the education  
2 provided for children in certain residential treatment centers.

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

4 Section 1. That § 13-28-11 be amended to read:

5 13-28-11. If a child is residing in a residential treatment center or an intensive residential  
6 treatment center ~~which provides care for children who are not living with their parents or~~  
7 ~~guardian, the school residence of the child is the school district where the parents or guardian~~  
8 ~~reside, subject to the provisions of § 13-28-9.~~

9 ~~—The~~ that provides an educational program through a school district, the school district where  
10 ~~a~~ the residential treatment center or intensive residential treatment center is located is  
11 responsible for providing an educational program for the ~~children who reside in the residential~~  
12 ~~treatment center or intensive residential treatment center~~ child. Tuition for a child who is not  
13 eligible for special education services at the time of placement and is enrolled in a public school  
14 ~~district is the responsibility of the school district where the child was enrolled at the time of~~  
15 ~~placement in the residential treatment center or intensive residential treatment center. The~~



1 amount of tuition paid by that school district for any child placed in a residential treatment  
 2 center or intensive residential treatment center who is not eligible for special education services  
 3 at the time of placement shall be calculated as follows:

4 ~~— (1) — Divide the current per student equivalent as defined in § 13-13-10.1 by one hundred~~  
 5 ~~seventy-five; and~~

6 ~~— (2) — Multiply the result obtained in subdivision (1) by the number of days the child is~~  
 7 ~~placed.~~

8 ~~— This section applies only to a residential treatment center or intensive residential treatment~~  
 9 ~~center that provided an educational program through a school district in the 2013-2014 school~~  
 10 ~~year or that initiates an educational program through a school district in a subsequent school~~  
 11 ~~year. This does or state operated school at the time of placement shall be paid as provided in~~  
 12 ~~§ 13-13-87. The provisions of this section and § 13-13-87 do not apply to any placement by the~~  
 13 ~~Unified Judicial System, the Department of Corrections, the Department of Social Services, or~~  
 14 ~~any entity approved by the Department of Social Services, including a foster home. For purposes~~  
 15 ~~of this section, a state operated school is the South Dakota Human Services Center academic~~  
 16 ~~program, the South Dakota School for the Blind and Visually Impaired, or any school so~~  
 17 ~~designated by the Board of Education.~~

18 Section 2. That § 13-13-87 be amended to read:

19 13-13-87. ~~★~~ The Department of Education shall pay tuition to a school district providing  
 20 education for children in a residential treatment center or intensive residential treatment center  
 21 shall receive an amount equal to the current year's per student equivalent as defined in § 13-13-  
 22 10.1 multiplied by the average daily membership, in the prior school year, for residentially-  
 23 placed students attending each residential treatment center or intensive residential treatment  
 24 center for whom tuition is paid by another school district pursuant to § 13-28-11. This section

1 ~~applies only to an educational program provided through a school district pursuant to § 13-28-~~  
2 11. The amount shall be calculated as follows:

- 3 (1) Multiply the tuition rate set by the Department of Social Services pursuant to § 13-  
4 28-39 by the number of days of enrollment for children provided an education  
5 pursuant to § 13-28-11, in the previous fiscal year; and  
6 (2) Subtract moneys received by the school district in the form of general state aid to  
7 schools as calculated pursuant to § 13-13-73 attributable to all children referenced  
8 in subdivision (1).

9 No person or entity may be charged additional tuition for any child for whom tuition is paid  
10 pursuant to this section.

11 Section 3. That chapter 13-28 be amended by adding a NEW SECTION to read:

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

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

24 Section 4. That subdivision (2A) of § 13-13-10.1 be amended to read:

1 (2A) "~~Fall enrollment, the number of kindergarten through twelfth grade students enrolled~~  
2 ~~in all schools operated by the school district on the last Friday of September of the~~  
3 ~~current school year minus the number of students for whom the district receives~~  
4 ~~tuition, except nonresident students who are in the care and custody of a state agency~~  
5 ~~and are attending a public school and students for whom tuition is being paid~~  
6 ~~pursuant to § 13-28-42.1, plus the number of students for whom the district pays~~  
7 ~~tuition~~ is calculated as follows:

8 (a) Determine the number of kindergarten through twelfth grade students enrolled  
9 in all schools operated by the school district on the last Friday of September  
10 of the current school year;

11 (b) Subtract the number of students for whom the district receives tuition except  
12 for:

13 (i) Nonresident students who are in the care and custody of a state agency  
14 and are attending a public school district;

15 (ii) Students who are being provided an education pursuant to § 13-28-11;  
16 and

17 (iii) Students for whom tuition is being paid pursuant to § 13-28-42.1; and

18 (c) Add the number of students for whom the district pays tuition.

19 When computing state aid to education for a school district pursuant to § 13-13-73,  
20 the secretary of the Department of Education shall use the school district's fall  
21 enrollment;

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