

AN ACT

ENTITLED, An Act to revise certain provisions regarding the education provided for children in certain residential treatment centers.

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

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

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 where 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 eligible for special education services at the time of placement and is enrolled in a public school district or state operated school at the time of placement shall 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, the Department of Social Services, or any entity approved by the Department of Social Services. For purposes of this section, a state operated school is 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 Board of Education.

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

13-13-87. The Department of Education shall pay tuition to a school district providing education for children pursuant to § 13-28-11. The amount shall be calculated as follows:

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

(1).

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

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

The South Dakota Board of Education 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, and timing of payments;
- (4) The methods of recoupment or recovery of overpayments;
- (5) Reporting requirements;
- (6) Designation of additional state operated schools referenced in § 13-28-11; and
- (7) Other standards and requirements as may be necessary to ensure the efficient operation and administration of the program.

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

(2A) "Fall enrollment," is calculated as follows:

- (a) Determine the number of kindergarten through twelfth grade students enrolled in all schools operated by the school district on the last Friday of September of the current school year;
- (b) Subtract the number of students for whom the district receives tuition except for:
  - (i) Nonresident students who are in the care and custody of a state agency and are attending a public school district;

- (ii) Students who are being provided an education pursuant to § 13-28-11; and
- (iii) Students for whom tuition is being paid pursuant to § 13-28-42.1; and
- (c) Add the number of students for whom the district pays tuition.

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

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I certify that the attached Act originated in the

HOUSE as Bill No. 1021

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1021  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State