

2020 South Dakota Legislature  
**House Bill 1258**

**AMENDMENT 1258A FOR THE INTRODUCED BILL**

1 **An Act to provide for child safety accounts for students subject to certain safety**  
2 **incidents.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **13-66-1. Child safety accounts--Request.**

6 A parent may request a child safety account within five school days of a reported  
7 safety incident if the qualified school is unable to resolve the safety issue to the satisfaction  
8 of the parent and student.

9 **Section 2.** That a NEW SECTION be added:

10 **13-66-2. Child safety account--Creation--Deposits--Exceptions.**

11 The board of a school district shall create a child safety account upon the parent  
12 signing an agreement on the proper use and responsibilities of the account.

13 The board shall deposit into the account an amount equal to the average yearly  
14 per-pupil cost for government schools in the state. Exceptions to this amount include:

15 (1) The amount shall be prorated based on the number of days remaining in the current  
16 school year, if the safety incident occurs after the school year has already started;  
17 and

18 (2) An additional amount to be deposited if the student has an Individual Education  
19 Plan or a 504 Accommodation Plan issued under Section 504 of the Rehabilitation  
20 Act of 1973. The additional amount shall be equal to the amount provided to the  
21 student's current school district for that student.

22 **Section 3.** That a NEW SECTION be added:

1           **13-66-3. Notification to department.**

2           The board of a school district shall notify the Department of Education about any  
3 child safety account created under § 13-66-2, including:

4           (1) The district where the student was previously enrolled; and

5           (2) The amount deposited into the child safety account.

6           **Section 4.** That a NEW SECTION be added:

7           **13-66-4. Funding for school district--Deductions--Renewal--Uses of funds.**

8           The Department of Education shall deduct the amount provided to a child safety  
9 account from the appropriate funding for that school district.

10          A student may renew that student's account each year until the student:

11          (1) Graduates from a secondary school;

12          (2) Decides to return to the student's original school; or

13          (3) Is no longer a qualified student.

14          Moneys not used during a school year shall remain in the student's account to pay  
15 for qualified education expenses in any subsequent year, including at an institution of  
16 higher education. Moneys remaining after the completion of a bachelor's degree or  
17 technical certification shall revert to the state.

18          **Section 5.** That a NEW SECTION be added:

19          **13-66-5. Notification to parent.**

20          The board of a school district, upon creation of a child safety account, shall provide  
21 a parent with a letter of account creation until a debit card is issued. The letter must be  
22 accepted at a qualified school until the time payment may be made with the use of a debit  
23 card.

24          **Section 6.** That a NEW SECTION be added:

25          **13-66-6. Committee formation--Membership--Review--Fraud--Violation as**  
26 **misdemeanor or felony.**

27          The board of a school district shall form a committee to review disputed  
28 expenditures. The committee shall include:

29          (1) An employee of each type of qualified school;

30          (2) A home education expert; and

31          (3) A member of the staff of the board.

1           If a disputed expenditure is determined to be a simple mistake, the parent of the  
2 qualified student shall repay the expense.

3           If the disputed expenditure is determined to be fraudulent, the expenditure is a  
4 Class 2 misdemeanor. The parent of the qualified student shall repay the expense and the  
5 child safety account shall remain frozen until the repayment is made. The qualified student  
6 is eligible to continue to participate in the program. If there is a second instance of  
7 misdemeanor fraud, the account shall be frozen. The parent and any child of that parent  
8 are prohibited from participating in a child safety account.

9           If the disputed expenditure is determined to be a felony, the account shall be  
10 frozen, and the case remanded to the state's attorney in the district where the parent  
11 resides. The parent and any child of that parent are prohibited from participating in a child  
12 safety account.

13 **Section 7.** This Act is not effective until the Supreme Court of the United States determines  
14 a prohibition against direct government aid to educational institutions that have a religious  
15 affiliation is unconstitutional.