

2022 South Dakota Legislature

House Bill 1302**AMENDMENT 1302D FOR THE HOUSE EDUCATION
ENGROSSED BILL**

1 **An Act to modify tuition responsibilities for children in residential treatment**
2 **facilities centers.**

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

4 **Section 1. That § 13-28-10 be AMENDED:**

5 **13-28-10.** ~~If Except as otherwise provided in this section, if a school age child~~
6 ~~resides in a home other than the residence of his~~ the child's ~~parents, guardian, or~~
7 ~~noncustodial parents,~~ on a temporary or permanent basis, the school residency of the
8 ~~child is where the parents, noncustodial parents, or guardian reside unless, upon request~~
9 ~~of the person with whom the child is living, the local school board~~ of the school district
10 ~~accepts the child as a resident of that school district.~~

11 ~~If the school board rejects the request, the person who made the request may,~~
12 ~~within fifteen days after receipt of the rejection, appeal to~~ petition ~~the school board for a~~
13 ~~hearing. The decision of the school board,~~ after the hearing is final and, ~~may be appealed~~
14 ~~to the circuit court.~~

15 ~~However, a~~ A ~~school age child is a resident of the school district where the school~~
16 ~~age in which the child is placed by the Unified Judicial System, the Department of~~
17 ~~Corrections, or entities approved by the Department of Human Services, or the~~
18 ~~Department of Social Services, including a foster home.~~

19 **Section 2. That § 13-28-11 be AMENDED:**

20 **13-28-11.** If a child is residing in a **residential treatment center or an intensive**
21 **residential treatment center** ~~facility~~ **that provides an educational program through a school**
22 **district, the school district** ~~where in which~~ **the residential treatment center or intensive**
23 **residential treatment center** ~~facility~~ **is located is responsible for providing an educational**
24 **program for the child.**

1 Tuition for a child who is not ~~eligible for special education services placed by an~~
 2 individualized education program team but is, at the time of placement ~~and is,~~ enrolled in
 3 a ~~public~~ school district or state operated school ~~at the time of placement shall~~ must be
 4 paid as provided in § 13-13-87.

5 The provisions of this section and § 13-13-87 do not apply to any placement by
 6 the Department of Corrections, ~~or~~ the Department of Social Services, ~~or any entity~~
 7 approved by ~~the Department of Social~~ Human Services. For purposes of this section, a
 8 state, ~~provided the placement is:~~

9 ~~(1) In a residential treatment center;~~

10 ~~(2) In an intensive residential treatment center;~~

11 ~~(3) In a group care center;~~

12 ~~(4) In an intermediate care facility; or~~

13 ~~(5) With a community services provider.~~

14 For purposes of this section, the term, school district, means a political subdivision
 15 of this state created in accordance with chapter 13-5.

16 For purposes of this section, the term, state operated school is, means the South
 17 Dakota Human Services Center academic program, the South Dakota School for the Blind
 18 and Visually Impaired, or any school so designated by the South Dakota Board of
 19 Education Standards.

20 **Section 3. That § 13-28-39 be AMENDED:**

21 **13-28-39.** The Department of Social Services shall pay tuition costs and related
 22 service costs for students in residential treatment centers, intensive residential treatment
 23 centers, or group care centers for minors who are under the care and custody of the
 24 Department of Social Services, ~~the Unified Judicial System, or other entities approved by~~
 25 ~~the secretary of~~ or the Department of ~~Social Services~~ Corrections.

26 The Department of Social Services ~~will have~~ has rate setting authority for tuition
 27 costs and related service costs.

28 The ~~secretary of the~~ Department of Social Services ~~may~~ shall promulgate rules,
 29 pursuant to chapter 1-26, pertaining to:

- 30 (1) The amount, scope, and duration of services;
- 31 (2) The basis for and extent of provider payments;
- 32 (3) The method and amount of payment;
- 33 (4) The methods of recoupment or recovery of overpayments;
- 34 (5) Administration, record keeping, and audit requirements;

- 1 (6) Compliance monitoring;
2 (7) Reporting ~~requirement~~ requirements; and
3 (8) Such other standards and requirements as ~~may be~~ necessary to ensure the efficient
4 operation and administration of the program.

5 **Section 4. That § 13-28-52 be AMENDED:**

6 **13-28-52.** The South Dakota Board of Education Standards may promulgate rules,
7 pursuant to chapter 1-26, regarding services provided and tuition paid for children residing
8 in ~~residential treatment centers or intensive residential treatment centers~~ a facility, as
9 provided in §§ 13-28-11 and 13-13-87, including:

- 10 (1) The scope, duration, and requirements of enrollment for purposes of qualifying for
11 and calculating rates and payments;
12 (2) The amount, scope, and duration of services;
13 (3) The basis for, extent of, and timing of payments;
14 (4) The method and amount of payment;
15 (5) The methods of recoupment or recovery of overpayments;
16 ~~(5)~~(6) Reporting requirements;
17 ~~(6)~~(7) Designation of additional state operated schools referenced in § 13-28-11; and
18 ~~(7)~~(8) Other standards and requirements as may be necessary to ensure the efficient
19 operation and administration of the program.