

# State of South Dakota

## EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

659T0507

### HOUSE BILL NO. 1151

Introduced by: Representatives Gibson, Abdallah, Dennert, Lucas, and Street and Senators Juhnke, Frerichs, Hansen (Tom), Krebs, and Rampelberg

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the tuition paid by  
2 school districts for children in certain group homes or private child-care 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 as follows:

5 13-28-11. If a child is residing in a state institution, approved group home, or private  
6 child-care center which provides care and custody for children who are not living with their  
7 parents or guardian, the school residence of the child is the school district where the parents or  
8 guardian reside, subject to the provisions of § 13-28-9.

9 The school district where a group home or private child-care center is located is responsible  
10 for providing an educational program for the children who reside in the group home or private  
11 child-care center. Tuition is the responsibility of the school district where the child has school  
12 residence, ~~only if assignment to the agency is made with the knowledge of the school district~~  
13 ~~where the child has school residence~~ if the child was placed at the group home or private child-  
14 care center by the resident school district.

15 If the child is placed at the group home or private child-care center by the parent or guardian,



1 the resident school district shall pay tuition to the nonresident school district where the group  
2 home or private child-care center is located for the first thirty days of the placement if the  
3 resident school district receives written notice of the placement from the parent, guardian,  
4 facility or nonresident school district where the child is placed. If, after the first thirty days of  
5 the placement, the resident school district determines that an appropriate educational program  
6 can be provided for the child within the resident school district, the resident school district is  
7 not responsible for any additional tuition for the child. If, after the first thirty days of the  
8 placement, the resident school district determines that it cannot provide an appropriate  
9 educational program for the child, the resident school district is responsible for paying tuition  
10 for the child for the duration of the placement. The amount of tuition paid by the resident school  
11 district to the nonresident school district for that child is a proportionate share of the amount of  
12 funding received by the resident school district for that child through the state aid to education  
13 foundation program pursuant to chapter 13-13, and it is not based upon the amount of tuition  
14 paid per day by the Department of Social Services for a child pursuant to § 13-28-39.