

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

794U0498

## SENATE BILL NO. 158

Introduced by: Senators White, Buhl, Frerichs, Heineman (Phyllis), Holien, Hunhoff (Jean), Krebs, Lucas, Monroe, Peters, Rampelberg, Rave, Rhoden, Sutton, Tieszen, Van Gerpen, and Welke and Representatives Gibson, Bartling, Cronin, Dryden, Erickson, Hajek, Hansen, Hawks, Hawley, Heinert, Hunhoff (Bernie), Killer, Kirschman, Lust, Mickelson, Munsterman, Novstrup (David), Parsley, Peterson, Rozum, Sly, Soli, Solum, Tyler, Verchio, Werner, and Wismer

1 FOR AN ACT ENTITLED, An Act to provide for the funding of educational programs for  
2 children in residential treatment centers, intensive residential treatment centers, or licensed  
3 group care centers.

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

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

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

11 The school district where a ~~group home or private child-care center~~ residential treatment  
12 center or intensive residential treatment center is located is responsible for providing an



1 educational program for the children who reside in the ~~group home or private child-care center~~  
2 residential treatment center or intensive residential treatment center. Tuition for a child enrolled  
3 in a public school district is the responsibility of the school district where the child ~~has school~~  
4 ~~residence, only if assignment to the agency is made with the knowledge of the school district~~  
5 ~~where the child has school residence~~ was enrolled at the time of placement. The amount of  
6 tuition paid by the resident school district for any child placed in a residential treatment center  
7 or intensive residential treatment center who is not eligible for special education services at the  
8 time of placement shall be calculated as follows:

- 9 (1) Divide the current per student allocation as defined in subdivision 13-13-10.1(4) by  
10 one hundred seventy-five; and
- 11 (2) Multiply the result obtained in subdivision (1) by the number of days the child is  
12 placed.

13 Section 2. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as  
14 follows:

15 If a child is residing in a licensed group care center for minors which provides care for  
16 children who are not living with their parents or guardian, the school residence of the child is  
17 the school district where the parents or guardian reside, subject to the provisions of § 13-28-9.

18 The school district where a licensed group care center for minors is located is responsible  
19 for providing an educational program for the children who reside in the group care center.

20 Section 3. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as  
21 follows:

22 A school district providing education for children in a residential treatment center or  
23 intensive residential treatment center shall receive an amount equal to the current year's per  
24 student allocation as defined in subdivision 13-13-10.1(4) multiplied by the average daily

1 membership, in the prior school year, for residentially-placed students attending each residential  
2 treatment center or intensive residential treatment center for whom tuition is paid by another  
3 school district pursuant to § 13-28-11.

4 Section 4. That § 13-13-83 be amended to read as follows:

5 13-13-83. The amount calculated in § 13-13-82 and in section 3 of this Act shall be  
6 distributed to an eligible school district in the same manner as other state aid payments are  
7 distributed pursuant to § 13-13-74 from funds appropriated in the general appropriations act for  
8 state aid to education.