

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

400V0356

HOUSE BILL NO. 1032

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding children placed in
2 residential treatment centers or intensive residential treatment 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 residential treatment center or an intensive residential
6 treatment center which provides care for children who are not living with their parents or
7 guardian, the school residence of the child is the school district where the parents or guardian
8 reside, subject to the provisions of § 13-28-9.

9 The school district where a residential treatment center or intensive residential treatment
10 center is located is responsible for providing an educational program for the children who reside
11 in the residential treatment center or intensive residential treatment center. Tuition for a child
12 enrolled in a public school district is the responsibility of the school district where the child was
13 enrolled at the time of placement in the residential treatment center or intensive residential
14 treatment center. The amount of tuition paid by ~~the resident~~ that school district for any child
15 placed in a residential treatment center or intensive residential treatment center who is not



1 eligible for special education services at the time of placement shall be calculated as follows:

2 (1) Divide the current per student allocation as defined in subdivision 13-13-10.1(4) by
3 one hundred seventy-five; and

4 (2) Multiply the result obtained in subdivision (1) by the number of days the child is
5 placed.

6 This section applies only to a residential treatment center or intensive residential treatment
7 center that provided an educational program through a school district in the 2013-2014 school
8 year or that initiates an educational program through a school district in a subsequent school
9 year. This section does not apply to any placement by the Unified Judicial System, the
10 Department of Corrections, the Department of Social Services, or any entity approved by the
11 Department of Social Services, including a foster home.

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

13 13-13-87. A school district providing education for children in a residential treatment center
14 or intensive residential treatment center shall receive an amount equal to the current year's per
15 student allocation as defined in subdivision 13-13-10.1(4) multiplied by the average daily
16 membership, in the prior school year, for residentially-placed students attending each residential
17 treatment center or intensive residential treatment center for whom tuition is paid by another
18 school district pursuant to § 13-28-11. This section applies only to an educational program
19 provided through a school district.