



## 2022 South Dakota Legislature

# House Bill 1302

Introduced by: **Representative Duba**

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

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

3 **Section 1. That § 13-28-11 be AMENDED:**

4 **13-28-11.** If a child is residing in a residential treatment center or an intensive  
 5 residential treatment center that provides an educational program through a school  
 6 district, the school district ~~where-in which~~ the residential treatment center or intensive  
 7 residential treatment center is located is responsible for providing an educational program  
 8 for the child.

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

13 The provisions of this section and § 13-13-87 do not apply to any placement by  
 14 the Department of Corrections, the Department of Social Services, or any entity approved  
 15 by the Department of Social Services.

16 ~~For purposes of this section, a state~~ Terms used in this section mean:

17 (1) Intensive residential treatment center, a center that is licensed by the Department  
 18 of Social Services to care seven or more children, and which provides more  
 19 intensive and frequent services and supervision of children and individualized  
 20 treatment to prevent runaway behavior, rage and physical aggression, and the  
 21 likelihood of children injuring themselves or others;

22 (2) Residential treatment center, a center licensed by the Department of Social  
 23 Services to care for seven or more children who have behavioral or emotional  
 24 problems requiring intensive professional assistance and therapy in a highly  
 25 structured, self-contained environment; and

- 1        (3) State operated school ~~is,~~ the South Dakota Human Services Center academic
- 2                    program, the South Dakota School for the Blind and Visually Impaired, or any
- 3                    school so designated by the South Dakota Board of Education Standards.