



## 2022 South Dakota Legislature

# Senate Bill 210

Introduced by: **Senator** Castleberry

1 **An Act to provide for the establishment of education savings accounts.**

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

3 **Section 1. That chapter 13-27 be amended with a NEW SECTION:**

4 There is hereby established an education savings account program to provide  
 5 moneys for any of the following expenses incurred by or on behalf of a participating  
 6 student attending a nonpublic school or pursuing an elementary or secondary education  
 7 through alternative instruction:

8 (1) Tuition and fees to attend a nonpublic school, and any additional charges for  
 9 textbooks, instructional materials, supplies, and equipment;

10 (2) Tuition and fees to attend a virtual school or to participate in a virtual class or  
 11 program, and any additional charges for textbooks, instructional materials,  
 12 supplies, and equipment;

13 (3) Computers and other programmable electronic device purchases, together with  
 14 any hardware and software, but excluding cellular telephones;

15 (4) Curriculum purchases;

16 (5) Fees for:

17 (a) Advanced placement examinations;

18 (b) College or university admission tests; and

19 (c) Nationally standardized, norm-referenced achievement tests;

20 (6) Instructional material purchases;

21 (7) Textbook purchases; and

22 (8) Tutoring fees.

23 **Section 2. That chapter 13-27 be amended with a NEW SECTION:**

24 The Department of Education shall create an account, in the name of each student  
 25 participating in the education savings account program. No later than September first of

1 each year, the department shall deposit into each account an amount to be annually  
2 transferred from the appropriation for state aid to education in the general appropriations  
3 act and equal to the per student equivalent, as determined under § 13-13-10.1. Any  
4 amount not used for reimbursement and remaining in an account at the conclusion of a  
5 school year must be carried forward to the ensuing school year.

6 When a program participant graduates from high school or withdraws from the  
7 pursuit of a high school diploma, any funds remaining in the student's account on the  
8 following July first must revert to the state general fund.

9 **Section 3. That chapter 13-27 be amended with a NEW SECTION:**

10 In order to be qualified for participation in the education savings account program,  
11 a student:

12 (1) Must have been enrolled in a public school district in this state for at least forty-  
13 five days during the semester immediately preceding:

14 (a) Attendance at a nonpublic school; or

15 (b) The pursuit of an elementary or secondary education through alternative  
16 instruction under this chapter;

17 (2) Must be entering kindergarten for the first time:

18 (a) In a nonpublic school; or

19 (b) Through alternative instruction under this chapter; or

20 (3) Beginning with the 2023-2024 school year, must have participated in the education  
21 savings account program during the preceding academic year.

22 **Section 4. That chapter 13-27 be amended with a NEW SECTION:**

23 In order to enroll in the education savings account program, the parent of a  
24 qualified student shall complete and return to the Department of Education, at any time  
25 prior to August fifteenth of each year, a notification form developed by the department  
26 and available upon request and on the department's website. In completing the form, the  
27 parent shall:

28 (1) Indicate the manner in which the student is to be educated during the ensuing  
29 school year;

30 (2) Affirm that the student will be instructed in all subjects required by law to be taught  
31 to public school students at the same grade level;

32 (3) Verify that any expenses to be submitted for reimbursement are only those  
33 incurred by or on behalf of a participating student attending a nonpublic school

1 orpursuing elementary or secondary education through alternative instruction  
2 under this chapter; and

3 (4) Verify that the parent shall notify the department, if the student relocates out-of-  
4 state, enrolls in a public school district in this state, or withdraws from the pursuit  
5 of a high school diploma.

6 Upon receiving an application for enrollment and verifying that the student is  
7 qualified to enroll, the department shall provide to the parent information regarding  
8 expenses that are reimbursable, as provided for under section 1 of this Act, and the time  
9 and manner in which a claim for reimbursement may be submitted.

10 Nothing in this section relieves a parent of any notice requirement set forth in this  
11 chapter.

12 **Section 5. That chapter 13-27 be amended with a NEW SECTION:**

13 No person who provides goods or services that qualify for reimbursement under  
14 section 1 of this Act may charge a program participant a greater amount than that charged  
15 to a nonparticipant. Any person who violates this section is guilty of a Class 1  
16 misdemeanor.

17 **Section 6. That chapter 13-27 be amended with a NEW SECTION:**

18 Any person who intentionally submits a fraudulent claim for reimbursement is  
19 guilty of a Class 1 misdemeanor.