



2024 South Dakota Legislature

House Bill 1218

Introduced by: **Representative Duba**

1 **An Act to create the building opportunity through out-of-school time program and**
 2 **to make an appropriation therefor.**

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

4 **Section 1. That a NEW SECTION be added to title 13:**

5 Terms used in this chapter mean:

6 (1) "Community-based nonprofit organization," an organization that qualifies under §
 7 501(c)(3) of the Internal Revenue Code and that provides out-of-school time
 8 programming to school-age youth;

9 (2) "Department," the South Dakota Department of Education;

10 (3) "Eligible provider," any community-based nonprofit organization or statewide
 11 youth-serving nonprofit that complies with standards established by the
 12 department under this chapter;

13 (4) "Out-of-school time programming," a structured program or activities with
 14 engaged adult mentors and evidence-based or evidence-informed practices
 15 provided to school-age youth before school, after school, or during the summer
 16 that:

17 (a) Improves social, emotional, academic, or career-readiness competencies;

18 (b) Prevents and reduces teenage pregnancies;

19 (c) Reduces negative behaviors including violence and crime, tobacco use,
 20 alcohol or substance abuse, disengagement from school, school suspension,
 21 truancy, or other health-compromising behavior;

22 (d) Provides a safe out-of-school-time environment;

23 (e) Engages in career exploration or formal or informal work-based learning;

24 or

25 (f) Constitutes any other programming approved by the department;

1 (5) "School-age youth," a child attending a public or nonpublic kindergarten,
2 elementary school, or secondary school at which the compulsory attendance
3 requirements of the state may be met; and

4 (6) "Statewide youth-serving nonprofit," a statewide organization that qualifies under
5 § 501(c)(4) of the Internal Revenue Code and that serves community based non-
6 profit organizations, is affiliated and is in good standing with a nationally
7 recognized nonprofit, and provides facility-based out-of-school time programming
8 designed for recreational, educational, or character-building purposes for school-
9 age youth.

10 **Section 2. That a NEW SECTION be added to title 13:**

11 The building opportunity through out-of-school time program is hereby established
12 as a competitive grant program within the department to expand out-of-school time
13 programming opportunities for school-age youth.

14 **Section 3. That a NEW SECTION be added to title 13:**

15 The department shall:

16 (1) Perform all functions necessary to carry out the program, including the monitoring
17 of grantees;

18 (2) Enter into agreements with third-party entities, including with intermediate units,
19 to carry out the provisions of this chapter;

20 (3) Publish the application process, the criteria by which an application is assessed,
21 and the uses of the grants awarded on the department's publicly accessible internet
22 website; and

23 (4) Annually publish the program grant awards by grantee on the department's publicly
24 accessible website.

25 The department may use up to five percent of the moneys appropriated for the
26 program to administer the program.

27 The department shall promulgate rules, pursuant to chapter 1-26, establishing the
28 process by which eligible providers may apply for program grants, the criteria used to
29 make program grant award determinations, the allowable program grant award uses, and
30 the guidelines and standards necessary to implement this chapter.

31 **Section 4. That a NEW SECTION be added to title 13:**

1 The department shall award program grants under this chapter to the extent that
2 moneys are appropriated for the program by the Legislature. A program grant award may
3 not exceed a grantee's total cost of operating the out-of-school time program.

4 The department shall give priority to eligible providers that:

- 5 (1) Demonstrate a commitment to serve and increase access for historically under-
6 represented and under-served school-age youth;
7 (2) Develop and maintain community coordination and partnerships;
8 (3) Engage prospective school-aged youth participants and other stakeholders in the
9 development and implementation of out-of-school time programming; and
10 (4) Supplement, not supplant, existing funding sources.

11 The department shall ensure that program grant funding is geographically
12 dispersed to eligible providers throughout the state. No more than forty percent of the
13 moneys appropriated for the program in any given year may be awarded to statewide
14 youth-serving nonprofits.

15 **Section 5. That a NEW SECTION be added to title 13:**

16 A grantee shall:

- 17 (1) Maintain a separate ledger account in its budget to facilitate monitoring and
18 auditing of the use of the program grant moneys; and
19 (2) Perform all other duties pursuant to applicable regulations and standards.

20 A grantee may use up to five percent of the grant for administrative costs
21 associated with the implementation of the program grant.

22 **Section 6. That a NEW SECTION be added to title 13:**

23 No later than October 1, 2025, and October first of each year thereafter in which
24 funding is appropriated by the Legislature for the purpose of providing program grants to
25 eligible providers under this chapter, the department shall submit a report to the Joint
26 Committee on Appropriations and the education committees of the House of
27 Representatives and the Senate, respectively, summarizing the operation of the program
28 for the immediately preceding fiscal year. The report must include:

- 29 (1) The criteria used to determine the eligibility of a provider for funding;
30 (2) The criteria used to select eligible providers for program grant awards and
31 determine the program grant amount;

- 1 (3) A summary of the process by which eligible providers apply for grant moneys,
2 including sample copies of all application forms, instructions, guidelines, and
3 deadlines;
- 4 (4) A summary of the total amount of program grant moneys paid to eligible providers;
- 5 (5) A summary of the amount used for administrative costs;
- 6 (6) A summary of the allowable uses of program grant moneys;
- 7 (7) A listing by county of each eligible provider submitting a program grant application
8 and indicating whether the eligible provider received program funding and the
9 amount thereof; and
- 10 (8) A report by county indicating:
- 11 (a) The name of each grantee's program;
- 12 (b) The address for each grantee's program;
- 13 (c) The number of school-age youth served by each program by grade level;
- 14 (d) The use of the program grant moneys by each grantee's program;
- 15 (e) A financial summary indicating the program grantee's total expenditures on
16 the out-of-school time programming supported by a program grant and
17 indicating, as components of those expenditures, the total revenues
18 received from the state under the program and the total revenues received
19 from families with school-age youth enrolled in the program; and
- 20 (f) The enrollment goals for each grantee's program as set forth in the program
21 grant application.

22 **Section 7.** There is hereby appropriated from the general fund the sum of \$10,000,000 to
23 the Department of Education, for purposes of providing grants through the building
24 opportunity through out-of-school time program, pursuant to this Act.

25 **Section 8.** The secretary of the Department of Education shall approve vouchers and the
26 state auditor shall draw warrants to pay expenditures authorized by this Act.

27 **Section 9.** Any amounts appropriated in this Act not lawfully expended or obligated by June
28 30, 2027, shall revert in accordance with the procedures prescribed in chapter 4-8.