



2025 South Dakota Legislature

Senate Bill 118

Introduced by: **Senator Davis**

1 **An Act to direct the Department of Social Services to amend administrative rules**
 2 **allowing graduate students to be eligible for child care assistance.**

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

4 **Section 1.** No later than September 30, 2025, the Department of Social Services shall,
 5 pursuant to chapter 1-26, provide for and file with the secretary of state, the amendment of
 6 ARSD 67:47:01:03.01 and ARSD 67:47:01:27, as set forth below:

7 **67:47:01:03.01. Time requirements for work and education --**

8 **Exceptions.** If employed, the recipient ~~shall~~ must be employed a minimum of ~~80~~ eighty
 9 hours ~~a~~ per month and must receive a salary ~~which~~ that is equivalent to the hourly federal
 10 minimum wage. If in school, the recipient ~~shall~~ must attend ~~80~~ eighty school hours ~~a~~ per
 11 month. If the recipient is working and attending school, the combination of actual work
 12 and school hours ~~shall~~ must be a minimum of ~~80~~ eighty hours ~~a~~ per month, and the
 13 recipient must receive a salary that is equivalent to the hourly federal minimum wage. In
 14 determining whether a recipient has met the school hour requirement, the department
 15 shall count the actual hours spent in class, work study, unpaid internships, practice
 16 teaching, and clinical work experience.

17 The recipient has met the requirements of this section if attending a college,
 18 university, or technical ~~institute~~ college a minimum of ~~12~~ ;

19 (1) Twelve semester credit hours; or

20 (2) Six semester credit hours, if the recipient is pursuing a degree beyond a
 21 bachelor's degree.

22 If the household contains both parents, each parent ~~shall~~ must meet the
 23 requirements of this section.

24 A recipient who is enrolled in and physically attending a program of study or
 25 training leading to a GED or a high school diploma is exempt from the requirements of
 26 this section.

1 **Source:** 18 SDR 112, effective January 9, 1992; transferred from
2 § 67:47:01:03, 19 SDR 102, effective January 18, 1993; 21 SDR 86, effective November
3 6, 1994; 22 SDR 188, effective July 8, 1996; 24 SDR 30, effective September 14, 1997;
4 27 SDR 43, effective October 26, 2000; 33 SDR 152, effective April 4, 2007; 37 SDR 236,
5 effective June 28, 2011; 40 SDR 229, effective June 30, 2014; 44 SDR 42, effective
6 September 11, 2017.

7 **General Authority:** SDCL 28-1-61(1).

8 **Law Implemented:** SDCL 28-1-60, 28-1-61(~~1~~).

9 **Cross-References:**

10 Child care services available for certain children, § 67:47:01:03.

11 Determination of incapacity and inability to provide child care,
12 § 67:47:01:03.03.

13 Certain individuals ineligible to receive child care assistance, § 67:47:01:27.

14 **67:47:01:27. Certain individuals ineligible to receive child care**
15 **assistance.** The following individuals are ineligible to receive child care assistance:

16 (1) An individual who is performing volunteer services;

17 (2) An individual who is caring for the individual's own child; and

18 (3) An individual providing registered or unregistered family child care who is
19 requesting child care assistance for the individual's own children at another facility in order
20 to increase the individual's own child care capacity; ~~and~~

21 ~~—(4) An individual who is in an educational program beyond a bachelor's degree.~~

22 **Source:** 21 SDR 86, effective November 6, 1994; 22 SDR 188, effective July 8,
23 1996; 24 SDR 30, effective September 14, 1997; 37 SDR 236, effective June 28, 2011.

24 **General Authority:** SDCL 28-1-61(1).

25 **Law Implemented:** SDCL 28-1-60