

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

785Z0366

SENATE ENGROSSED NO. **HB 1016** - 2/13/2018

Introduced by: The Committee on Education at the request of the Office of the Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the authorization to
2 provide postsecondary education.

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

4 Section 1. That § 13-48-37 be amended to read:

5 13-48-37. The secretary shall issue a certificate of authorization to provide postsecondary
6 education to any postsecondary institution named in § 13-48-36. The secretary also may issue
7 a certificate of authorization to provide postsecondary education to any other postsecondary
8 institution to provide ~~educational~~ education programs at physical locations in this state ~~if the~~ to
9 any postsecondary institution that:

10 (1) Is ~~established~~ as an instrumentality of this state or another state, ~~or is legally~~
11 ~~established to operate as a private business entity or nonprofit corporation in~~
12 ~~accordance with applicable state law~~ is duly organized and existing as a corporation
13 or other entity under the laws of this state, or is qualified to conduct business as a
14 foreign entity in this state; and

15 (2) Is accredited or ~~is~~ operating under an affiliation agreement whose terms make an



1 accredited postsecondary institution responsible for awarding academic credit and
2 educational credentials to its students and maintaining transcripts for such students;
3 and

4 (3) Has filed with the secretary an application for certificate of authorization, on a form
5 prescribed by the secretary, and paid an initial nonrefundable application fee of five
6 hundred dollars.

7 Section 2. That § 13-48-38 be amended to read:

8 13-48-38. ~~Authorization to provide educational programs at physical locations in this state,~~
9 ~~once granted by the secretary, is continuous so~~ Any certificate of authorization issued to a
10 postsecondary institution named in § 13-48-36 remains in effect as long as the postsecondary
11 institution continues to meet the requirements set forth in § in subdivisions 13-48-37(1) and (2)
12 and has not been ordered to cease operations in the state pursuant to § 13-48-40.

13 Section 3. That chapter 13-48 be amended by adding a NEW SECTION to read:

14 Except as provided in section § 13-48-38, each certificate of authorization expires on the
15 first day of July following the date of issue. The secretary shall annually renew the certificate
16 of any postsecondary institution that:

- 17 (1) Continues to meet the requirements in subdivisions 13-48-37(1) and (2);
18 (2) Has not been ordered to cease operations in the state pursuant to § 13-48-40; and
19 (3) Has filed with the secretary on or before the first day of July of each year an
20 application for renewal, on a form prescribed by the secretary, and paid a renewal fee
21 of two hundred fifty dollars.

22 Section 4. That chapter 13-48 be amended by adding a NEW SECTION to read:

23 The secretary may reinstate an expired certificate of authorization if the postsecondary
24 institution:

- 1 (1) Continues to meet the requirements of subdivisions 13-48-37(1) and (2);
- 2 (2) Has not been ordered to cease its operations in the state pursuant to § 13-48-40; and
- 3 (3) Has filed with the secretary an application for reinstatement, on a form prescribed by
- 4 the secretary, and paid a nonrefundable reinstatement fee of two hundred fifty dollars.

5 Section 5. That § 13-48-36 be amended to read:

6 13-48-36. To ensure that postsecondary institutions legally operating in this state as of this
7 date and participating in the federal student financial assistance programs may comply with the
8 state authorization regulations promulgated by the United States Department of Education on
9 October 29, 2010, codified at 34 C.F.R. Section 600.9 and effective as of July 1, 2011, the
10 following postsecondary institutions are acknowledged by the Legislature as being authorized
11 to provide educational programs at physical locations in this state, subject to the provisions of
12 § 13-48-38:

- 13 (1) ~~Augustana College~~ University;
- 14 (2) Avera McKennan Hospital School of Radiologic Technology;
- 15 (3) Avera Sacred Heart Hospital School of Radiologic Technology;
- 16 (4) Bellevue University;
- 17 (5) Black Hills Beauty College;
- 18 (6) Black Hills State University;
- 19 ~~(5)(7)~~ Colorado Technical University;
- 20 ~~(6)(8)~~ Dakota State University;
- 21 ~~(7)(9)~~ Dakota Wesleyan University;
- 22 (10) ELS Educational Services, Inc. (d/b/a ELS Language Centers);
- 23 ~~(8)(11)~~ Globe University;
- 24 (12) Headlines Academy;

- 1 (13) Hot Rod Institute;
- 2 (14) John Witherspoon College;
- 3 ~~(9)~~(15) Kilian Community College;
- 4 ~~(10)~~(16) Lake Area Technical Institute;
- 5 ~~(11)~~(17) Mitchell Technical Institute;
- 6 ~~(12)~~(18) Mount Marty College;
- 7 ~~(13)~~(19) National American University;
- 8 ~~(14)~~(20) Northern State University;
- 9 ~~(15)~~(21) Presentation College;
- 10 ~~(16)~~(22) Sanford Medical Center;
- 11 ~~(17)~~(23) Sioux Falls Seminary;
- 12 (24) Si Tanka University;
- 13 ~~(18)~~(25) South Dakota School of Mines and Technology;
- 14 ~~(19)~~(26) South Dakota State University;
- 15 ~~(20)~~(27) Southeast Technical Institute;
- 16 (28) Southwest Minnesota State University;
- 17 (29) Stewart School;
- 18 ~~(21)~~(30) University of Sioux Falls;
- 19 ~~(22)~~(31) University of South Dakota; and
- 20 ~~(23)~~(32) Western Dakota Technical Institute.