State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

400V0369

HOUSE STATE AFFAIRS

ENGROSSED NO. HB 1019 - 01/29/2014

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on State Affairs at the request of the Board of Regents

FOR AN ACT ENTITLED, An Act to provide certain provisions regarding the requirements for postsecondary institutions to participate in a multistate state authorization reciprocity agreement for distance education activities.

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

Section 1. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as follows:

The secretary of state and the attorney general shall provide information requested by the Board of Regents in order to carry out administrative, oversight, information sharing, and reporting responsibilities on behalf of South Dakota under the Western Interstate Commission for Higher Education State Authorization Reciprocity Agreement, dated November 1, 2013, and the National Council for State Authorization Reciprocity Agreement's Policies and Standards, dated November 18, 2013. With respect to any postsecondary institution authorized under this chapter that is not controlled by the Board of Regents, the information requested by the Board of Regents from the secretary of state and the attorney general may not exceed that which is

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Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.

specifically required for a postsecondary institution to receive reciprocal authorizations to conduct distance education activities in other states under the Western Interstate Commission for Higher Education State Authorization Reciprocity Agreement, dated November 1, 2013, and the National Council for State Authorization Reciprocity Agreement's Policies and Standards, dated November 18, 2013.

Section 2. That chapter 13-48 be amended by adding thereto a NEW SECTION to read as follows:

For the purposes of this chapter, physical location in this state, means the ongoing occupation of a physical location in South Dakota for instructional purposes or the maintenance of an administrative office to facilitate instruction. The following activities do not constitute the use of a physical location in this state: delivering of distance education courses online, through correspondence or broadcast; advertising; recruiting; contractual arrangements to acquire goods or services, including educational or examination proctoring services, with institutions or businesses physically located in South Dakota; courses delivered on military installations by an accredited institution limited to active and reserve military personnel, dependents of military personnel, and civilian employees of the military installation; field trips; operation of a server or other electronic service device; short courses (twenty classroom hours or less, or the equivalent thereof); courses for which fewer than twenty-five percent of class requirements take place in a setting where the instructor and students physically meet together; and experiential learning opportunities, such as a clinical, practicum, residency, or internship, if the offering institution has already obtained all the necessary professional and licensure approvals necessary to conduct the learning opportunity in the state, and that only ten students from each institution are physically present simultaneously at a single field site.