

AN ACT

ENTITLED, An Act to revise certain provisions regarding the authorization to provide postsecondary education.

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

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

13-48-37. The secretary shall issue a certificate of authorization to provide postsecondary education to any postsecondary institution named in § 13-48-36. The secretary also may issue a certificate of authorization to provide postsecondary education to any other postsecondary institution to provide education programs at physical locations in this state to any postsecondary institution that:

- (1) Is an instrumentality of this state or another state, is duly organized and existing as a corporation or other entity under the laws of this state, or is qualified to conduct business as a foreign entity in this state;
- (2) Is accredited or operating under an affiliation agreement whose terms make an accredited postsecondary institution responsible for awarding academic credit and educational credentials to its students and maintaining transcripts for such students; and
- (3) Has filed with the secretary an application for certificate of authorization, on a form prescribed by the secretary, and paid an initial nonrefundable application fee of five hundred dollars.

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

13-48-38. Any certificate of authorization issued to a postsecondary institution named in § 13-48-36 remains in effect as long as the postsecondary institution continues to meet the requirements in subdivisions 13-48-37(1) and (2) and has not been ordered to cease operations in the state pursuant to § 13-48-40.

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

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

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

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

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

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

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

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

- (1) Augustana University;
- (2) Avera McKennan Hospital School of Radiologic Technology;

- (3) Avera Sacred Heart Hospital School of Radiologic Technology;
- (4) Bellevue University;
- (5) Black Hills Beauty College;
- (6) Black Hills State University;
- (7) Dakota State University;
- (8) Dakota Wesleyan University;
- (9) ELS Educational Services, Inc. (d/b/a ELS Language Centers);
- (10) Headlines Academy;
- (11) Hot Rod Institute;
- (12) John Witherspoon College;
- (13) Lake Area Technical Institute;
- (14) Mitchell Technical Institute;
- (15) Mount Marty College;
- (16) National American University;
- (17) Northern State University;
- (18) Presentation College;
- (19) Sanford Medical Center;
- (20) Sioux Falls Seminary;
- (21) South Dakota School of Mines and Technology;
- (22) South Dakota State University;
- (23) Southeast Technical Institute;
- (24) Southwest Minnesota State University;
- (25) Stewart School;
- (26) University of Sioux Falls;

- (27) University of South Dakota; and
- (28) Western Dakota Technical Institute.

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I certify that the attached Act
originated in the
HOUSE as Bill No. 1016

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1016
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,
20__ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State