

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

892W0302

## HOUSE BILL NO. 1118

Introduced by: Representatives Mickelson, Bartling, Bolin, Conzet, DiSanto, Dryden, Gosch, Hagggar (Don), Hawley, Jensen (Alex), Johns, Langer, Latterell, Otten (Herman), Partridge, Qualm, Romkema, Schoenbeck, Sly, Solum, Stalzer, Tulson, Westra, and Zikmund and Senators Peters, Brown, Heineman (Phyllis), Holien, Lederman, Otten (Ernie), Soholt, Sutton, and White

1 FOR AN ACT ENTITLED, An Act to provide for oversight of postsecondary technical  
2 institutes.

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

4 Section 1. That § 13-39-34 be amended to read as follows:

5 13-39-34. Any LEA proposing to operate a postsecondary technical institute or establish an  
6 existing postsecondary technical institute as a separate legal entity may petition the state board  
7 ~~pursuant to §§ 13-39-35 to 13-39-36, inclusive. The state board may conduct hearings,~~  
8 ~~investigate school records, and secure other data relating to the proposed postsecondary~~  
9 ~~technical institute, its geographical location, the demography and economy of the area, and any~~  
10 ~~other facts relating to the proposed postsecondary technical institute which the state board may~~  
11 ~~consider appropriate~~ that oversees technical institutes. The state board must approve the petition  
12 before the LEA may operate the postsecondary technical institute.

13 Section 2. That chapter 13-39 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 A board consisting of nine members shall govern the LEA proposing to operate a  
3 postsecondary technical institution.

4 Section 3. That chapter 13-39 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Each board member governing the LEA shall serve a three-year term. No board member  
7 may serve more than three consecutive terms. Three board members shall serve an initial one-  
8 year term. Three board members shall serve an initial two-year term. Three board members shall  
9 serve an initial three-year term. The local school board shall appoint all the initial board  
10 members.

11 Section 4. That chapter 13-39 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 After a board member's initial term is finished, the local school board with input from trade  
14 and industry representatives in the region and the postsecondary technical institute president,  
15 shall continue to appoint the three board member positions whose initial terms were three years.  
16 After the board member's initial term is finished, the Governor shall appoint the three board  
17 members of the board whose initial terms were one year. After the board member's initial term  
18 is finished, the nine person LEA Board, with input from trade and industry representatives in  
19 the region and the postsecondary technical institute president, shall appoint the three board  
20 members of the board whose initial terms were two years.

21 Section 5. That chapter 13-39 be amended by adding thereto a NEW SECTION to read as  
22 follows:

23 In order for the LEA to operate a postsecondary technical institute, the local school board  
24 shall transfer all duties and powers concerning the local postsecondary technical institute to the

1 LEA. After a separate LEA is established, the school district shall assign to, and the newly  
2 established LEA shall expressly assume, all rights, covenants, and obligations of the school  
3 district in connection with any lease purchase agreement or sublease authorized under §§ 13-39-  
4 66 to 13-39-71, inclusive, and any and all instruments and other agreements related to the  
5 postsecondary technical institute.

6 Section 6. That § 13-39-35 be repealed.

7 ~~— 13-39-35. If the South Dakota Board of Education finds that the classification petitioned for  
8 would further the educational interests of the state, more nearly equalize the educational  
9 opportunities in certain phases of technical education to persons in this state who are of the age  
10 and maturity to pursue study in preparation for entering the labor market, be of potential benefit  
11 to persons in all communities of the state, and is otherwise in accordance with the plans of the  
12 state board, it may recommend the petition be approved by the Legislature.~~

13 Section 7. That § 13-39-35.1 be repealed.

14 ~~— 13-39-35.1. If the Legislature approves the petition by passing a joint resolution, an LEA  
15 may operate a postsecondary technical institute. If an LEA begins to operate a postsecondary  
16 technical institute without the approval required by this section, that school is ineligible for state  
17 career and technical education money.~~

18 Section 8. That § 13-39-35.2 be repealed.

19 ~~— 13-39-35.2. The joint resolution passed pursuant to § 13-39-35.1 shall specify the duties and  
20 powers of a postsecondary technical institute. The resolution may also specify the procedure for  
21 selecting members of the governing board, which may include local elections for such members.  
22 A school established pursuant to § 13-39-35.1 may be a distinct legal entity separate and apart  
23 from the school district or districts which established it.~~

24 Section 9. That § 13-39-36 be amended to read as follows:

1        13-39-36. ~~If the petition is approved by the Legislature, the LEA may establish the proposed~~  
2 ~~school and the state board shall classify the school as a postsecondary technical institute. The~~  
3 ~~state board shall conduct~~ has general supervision as provided in § 13-39-37 and in the rules  
4 adopted pursuant to chapter 1-26 by the state board.