

Comments from Jim Shekleton, South Dakota Board of Regents. Please direct questions to him at:

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The Board of Regents introduced a bill, and the bill has already passed one house in amended form without a single contrary vote. We anticipate that it will pass the second house with similar ease. I've inserted a link below to the bill's webpage. There you can find the versions of the bill, and links to an audio recording of the committee hearing and floor debates and action involving the bill.

You'll see that the amended version is quite different from the original bill. The administration strongly supports participation in the SARA, but it prefers to use an executive order to address some aspects of the authorization. This matter is addressed in the testimony on the bill, so the Legislature is aware that the amended bill anticipates and complements an executive order.

The bill now addresses two elements in existing law that needed to be addressed in order to assure compliance with the basic SARA expectations.

The first section of the amended bill requires the secretary of state and the AG to share information requested by the Board of Regents "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." This formulation confirms in statute the expectation that the Board of Regents will be responsible, on behalf of the state, for the administrative and oversight functions contemplate in the WICHE agreement and under the NC-SARA standards and policies. The remainder of the section, by limiting the information about non-regental institutions to such as may be required of an institution participating in SARA confirms the understanding that the authority of the Board will extend to any such institution that pursues SARA authorization.

The second section of the amended bill supplements the existing code by enumerating activities that do not constitute operating from a physical location in the state for purposes of South Dakota's state authorization law. The intent here is to clarify the application of the state authorization chapter to those institutions that may or may not wish to participate in SARA but that provide distance education programming in the state or that have incidental contacts within the state.

The administration will issue an executive order sometime after the legislature adjourns at the end of March. We do not control the timing of the order, but we don't expect the administration to tarry. In any event, the bill itself would not become legally effective until July 1, 2014.

The bottom line is that the changes here reflect differences in approach not outcome. South Dakota will duly elect to participate in SARA, and it will duly designate the Board of Regents to act as the agency charged with administrative and oversight responsibilities, and vested with the necessary powers, to implement the expectations outlined in the SARA documents.

How are other states progressing?

HB 1019	provide certain provisions regarding the requirements for postsecondary institutions to participate in a multistate state authorization reciprocity agreement for distance education activities
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