

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

848Q0218

HOUSE ENGROSSED NO. **HB 1149** - 2/23/2009

Introduced by: Representatives Brunner, Bolin, Feickert, Jensen, Juhnke, Kirkeby, Moser, Novstrup (David), Olson (Betty), Rausch, Rave, Russell, and Verchio and Senators Howie, Abdallah, Bradford, Garnos, Novstrup (Al), Rhoden, and Schmidt

1 FOR AN ACT ENTITLED, An Act to allow a person or entity to offer postsecondary education
2 credit in South Dakota while seeking accreditation from a recognized accrediting agency.

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

4 Section 1. That § 13-49-27.1 be amended to read as follows:

5 13-49-27.1. No person or governmental entity may offer postsecondary education credit or
6 degree in South Dakota, or while organized under the laws of South Dakota, unless currently
7 holding accreditation from ~~a regional~~ an accrediting agency recognized by the United States
8 Department of Education pursuant to 20 U.S.C. § 1099b as amended to January 1, ~~2001~~ 2009,
9 as a regional or national institutional accrediting agency, or participating in any federal financial
10 assistance program authorized by Title IV of the Higher Education Act of 1965 as amended to
11 January 1, ~~2001~~ 2009, or unless the person or governmental entity is, for a period of no more
12 than five years, actively seeking accreditation from a recognized accrediting agency while
13 operating in South Dakota under an affiliation agreement with an institution accredited by an
14 agency recognized by the United States Department of Education as a regional or national



1 institutional accrediting agency or an institution that participates in federal financial assistance
2 programs if, under the terms of the articulation agreement, the institution holding regional or
3 national institutional accreditation or participating in federal financial aid programs is
4 responsible for awarding credits and degrees, maintaining transcripts, and, in appropriate
5 circumstances, administering federal financial aid programs. A violation of this section is a
6 Class 1 misdemeanor and subjects the violator to a civil penalty of twenty-five thousand dollars.

7 The provisions of this section do not apply to a religious institution that offers credit or
8 degree solely for the purpose of conferring status or authority within that religion.