

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

668L0723

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

**HB 1170** - 02/15/2005

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

Introduced by: Representative Heineman

1 FOR AN ACT ENTITLED, An Act to provide for the certification of distance learning  
2 providers and to authorize the Board of Education to promulgate rules relating to distance  
3 learning courses.

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

5 Section 1. Terms in this Act mean:

6 (1) "Distance learning," the technology and educational process used to provide  
7 instruction when the student and primary instructor are not physically present at the  
8 same time or place;

9 (2) "Distance learning provider," a school or organization that provides distance learning  
10 courses.

11 Section 2. No distance learning provider may provide courses through distance learning to  
12 any student in an accredited elementary or secondary school in this state unless the distance  
13 learning provider has a certificate issued by the secretary of the Department of Education  
14 authorizing the distance learning provider to provide the courses.

15 Section 3. The South Dakota Board of Education shall promulgate rules pursuant to chapter



1 1-26 establishing the requirements and criteria that an applying entity must meet in order to be  
2 issued a distance learning provider's certificate by the secretary of the Department of Education  
3 authorizing the entity to provide courses through distance learning. The rules shall specify the  
4 duration and the method of renewal, the amount of the fee, not to exceed one hundred dollars,  
5 for issuing the certificate, the application procedures for certificates, the requirements for  
6 certification, and other procedures necessary for the administration of distance learning provider  
7 certification.

8 Section 4. The board shall also promulgate rules pursuant to chapter 1-26 establishing  
9 priorities and eligibility for distance learning courses.