

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

668L0723

SENATE EDUCATION COMMITTEE ENGROSSED NO.

**HB 1170** - 02/24/2005

**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 provide for the endorsement of distance learning instructors and to  
3 authorize the Board of Education to promulgate rules relating to distance learning courses.

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

5 Section 1. For purposes of this Act, distance learning is the technology and educational  
6 process used to provide instruction when the student and primary instructor are not physically  
7 present at the same time or place.

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

12 Section 3. The South Dakota Board of Education shall promulgate rules pursuant to chapter  
13 1-26 defining a distance learning provider, and establishing the requirements and criteria that  
14 an applying provider must meet in order to be issued a distance learning certificate by the  
15 secretary of the Department of Education. The rules shall specify the duration and the method



1 of renewal, the amount of the fee, not to exceed one hundred dollars, for issuing a certificate,  
2 the application procedures for a certificate, the requirements for certification, and other  
3 procedures necessary for the administration of distance learning certification.

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