

ARTICLE 24:10
CAREER AND TECHNICAL EDUCATION

Chapter

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- 24:10:46 Lease purchase agreements, Repealed.
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CHAPTER 24:10:42

POSTSECONDARY PROGRAMS

(Reverted to Chapter 24:59:01 and Chapter 24:59:02)

~~Section~~

- ~~24:10:42:01 — Repealed.~~
- ~~24:10:42:02 — Transferred.~~
- ~~24:10:42:03 — Repealed.~~
- ~~24:10:42:04 — Repealed.~~
- ~~24:10:42:05 — Repealed.~~
- ~~24:10:42:06 — Repealed.~~
- ~~24:10:42:07 — Repealed.~~
- ~~24:10:42:08 — Repealed.~~
- ~~24:10:42:09 — Transferred.~~
- ~~24:10:42:10 — Repealed.~~
- ~~24:10:42:11 — Repealed.~~
- ~~24:10:42:12 — Repealed.~~

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~~24:10:42:16 — Repealed.~~

~~24:10:42:17 — Repealed.~~

~~24:10:42:18 — Repealed.~~

~~24:10:42:19 — Repealed.~~

~~24:10:42:20 — Repealed.~~

~~24:10:42:21 — Repealed.~~

~~24:10:42:22 — Contents of applications for new postsecondary programs, program expansions, and continuing programs.~~

~~24:10:42:23 — Application for new or expanded programs.~~

~~24:10:42:24 — Application for continuing programs.~~

~~24:10:42:25 — Approval criteria for new or expanded programs.~~

~~24:10:42:26 — Tuition.~~

~~24:10:42:27 — Set-asides.~~

~~24:10:42:28 — Formula for funding.~~

~~24:10:42:29 — Yearly revision of formula for funding.~~

~~24:10:42:22. Contents of applications for new postsecondary programs, program expansions, and continuing programs.~~ All applications must be certified by the director of the Office of Career and Technical Education as being complete. Applications must include the following data:

~~—— (1) Program title, program description, program objectives and the methods to obtain the objectives, statement of nonduplication, staff certification, program enrollment, and budget for three years;~~

~~—— (2) Potential labor market openings including information provided by the South Dakota Department of Labor;~~

~~—— (3) Average hourly wage, including employer paid benefits and length of program;~~

~~—— (4) Entry and exit points identified to show articulation, if applicable, from secondary to postsecondary institute, postsecondary institute to postsecondary institute, postsecondary institute to college, and postsecondary institute to apprenticeship; and~~

~~—— (5) A career ladder with related workforce needs.~~

~~—— Source: 23 SDR 139, effective March 10, 1997; 32 SDR 117, effective January 5, 2006.~~

~~—— General Authority: SDCL 13-39-37.~~

~~—— Law Implemented: SDCL 13-39-9, 13-39-17, 13-39-37.~~

~~—— 24:10:42:23. Application for new or expanded programs. An application for a new or expanded postsecondary program must be submitted to the director of the Office of Career and Technical Education. The director of the Office of Career and Technical Education shall convene a meeting of the technical institute directors and presidents and an Office of Economic Development staff member. Technical institutes with new or expanded program proposals shall present their rationale for implementation. The director of the Office of Career and Technical Education shall review the rationale presented and make a recommendation to the South Dakota Board of Education as to which programs should be considered for approval or disapproval. All~~

~~proposals for new or expanded programs must go through this process before they can be considered by the South Dakota Board of Education at its next regularly scheduled meeting.~~

~~—— **Source:** 23 SDR 139, effective March 10, 1997; 30 SDR 121, effective February 12, 2004; 31 SDR 90, effective December 29, 2004; 34 SDR 199, effective January 28, 2008.~~

~~—— **General Authority:** SDCL 13-39-37.~~

~~—— **Law Implemented:** SDCL 13-39-9, 13-39-18, 13-39-64.~~

~~—— **Cross References:** Definition of articulation, subdivision 24:10:43:01(4); Council of Technical Institutes created, Executive Order 96-04.~~

~~—— **24:10:42:24. Application of continuing programs.** An application for a continuing postsecondary program must be submitted to the director of the Office of Career and Technical Education for approval whenever a program's risk profile warrants such review. A program's risk is compiled by analysis of the program's enrollment, retention, and placement over a period of at least three years. A local program advisory board or council endorsement is required on programs not holding national, state, regional, or industry accreditation or certification specific to the degree being awarded. The director shall place high risk programs on a plan of correction for a minimum of one year and shall review the program before approving funding each year until the program is discontinued or deemed of acceptable risk.~~

~~—— **Source:** 23 SDR 139, effective March 10, 1997; 32 SDR 117, effective January 5, 2006; 35 SDR 48, effective September 10, 2008.~~

~~—— **General Authority:** SDCL 13-39-37.~~

~~—— **Law Implemented:** SDCL 13-39-9, 13-39-18, 13-39-64.~~

~~24:10:42:25. Approval criteria for new or expanded programs.~~ The South Dakota Board of Education shall consider the following information in determining approval of new or expanded programs in postsecondary technical institutes:

- ~~(1) Identification and description of the program;~~
- ~~(2) Objectives and purpose of the program;~~
- ~~(3) Methods of attaining the objectives of the program;~~
- ~~(4) Description of labor market demands of the United States, the state of South Dakota, student needs, and industry support;~~
- ~~(5) Population to be served by the program;~~
- ~~(6) Projected three-year budget;~~
- ~~(7) Program competencies and entry and exit points of suboccupations;~~
- ~~(8) Statement of nonduplication;~~
- ~~(9) Curriculum design and research; and~~
- ~~(10) Wage factor.~~

~~To receive approval for state funding, new or expanded programs in postsecondary technical institutes must meet minimum targets for wages commensurate with the program length as specified in subdivision 24:10:42:28(2).~~

~~New programs and program expansions of postsecondary technical institutes must receive approval from the South Dakota Board of Education before students are enrolled.~~

~~Source: 8 SDR 150, effective May 16, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985; 11 SDR 168, effective July 2, 1985; 12 SDR 198, effective June 15, 1986; 14 SDR 86, effective December 24, 1987; 15 SDR 118, effective February 14, 1989; transferred from § 24:10:31:03, 20 SDR 223, effective July 7, 1994; repealed, SL 1995, ch 86, § 6, effective July~~

~~1, 1995; readopted, 22 SDR 13, effective August 9, 1995; transferred from § 24:10:42:02, 23 SDR 139, effective March 10, 1997.~~

~~—— **General Authority:** SDCL 13-39-37.~~

~~—— **Law Implemented:** SDCL 13-39-9, 13-39-17, 13-39-18, 13-39-37, 13-39-64.~~

~~—— **24:10:42:26. Tuition.** The South Dakota Board of Education shall determine the rate of tuition and state fees charged to students at postsecondary technical institutes annually, and the rate is effective for the fiscal year beginning July 1.~~

~~—— **Source:** 8 SDR 150, effective May 16, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985; transferred from § 24:10:34:02, 20 SDR 223, effective July 7, 1994; repealed, SL 1995, ch 86, § 6, effective July 1, 1995; readopted, 22 SDR 13, effective August 9, 1995; transferred from § 24:10:42:09, 23 SDR 139, effective March 10, 1997; 35 SDR 306, effective July 1, 2009; 40 SDR 40, effective September 11, 2013; 40 SDR 229, effective July 1, 2014.~~

~~—— **General Authority:** SDCL 1-16A-94, 13-39-37(2), 13-39-38.~~

~~—— **Law Implemented:** SDCL 1-16A-43, 13-39-39, 13-39-39.1.~~

~~—— **24:10:42:27. Set-asides.** The Division of Career and Technical Education shall set aside facility funds and National Guard Tuition Benefit funds from the total appropriated to the postsecondary technical institutes under "Postsecondary Vocational Education."~~

~~—— In fiscal year 2018, the facility fund set aside shall be \$2,328,546, an amount equal to twenty-seven percent of the current year lease purchase agreement payments.~~

~~—— The amount set aside for National Guard Tuition Benefit in fiscal year 2018 shall be \$214,190. The National Guard Tuition Benefit funds shall be distributed each academic term to~~

~~the postsecondary technical institutes based on the actual state tuition benefits applied for qualifying National Guard members after federal tuition benefits are applied.~~

~~—— **Source:** 23 SDR 139, effective March 10, 1997; 32 SDR 117, effective January 5, 2006; 35 SDR 306, effective July 1, 2009; 40 SDR 40, effective September 11, 2013; 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017.~~

~~—— **General Authority:** SDCL 1-16A-94, 13-39-13, 13-39-19, 13-39-37(3).~~

~~—— **Law Implemented:** SDCL 1-16A-43, 1-16A-96, 13-39-19, 13-39-37 to 13-39-39, 33-6-6.~~

~~—— **24:10:42:28. Formula for funding.** The postsecondary technical institutes shall receive state funding, from the amount appropriated by the Legislature less funds reserved in § 24:10:42:27, under a formula that distributes these funds based on full-time equivalent students as follows:~~

~~—— (1) Subtract the total set-asides reserved in § 24:10:42:27 from the total amount appropriated by the Legislature within the general appropriations act;~~

~~—— (2) Determine the number of full-time equivalent students at each institution for the preceding fiscal year using the following calculation:~~

~~—— (a) One "full-time equivalent student" equals 30 credit hours of instruction;~~

~~—— (b) The number of full-time equivalent students for an institution is calculated by dividing tuition collected for the preceding fiscal year by program as per chart of accounts prescribed within the South Dakota School District Accounting Manual by the tuition fee per credit and the quotient is divided by 30 credit hours;~~

~~—— (3) Multiply the number of full time equivalent students at each institution by the per student allocation to determine the total allocation for the distribution formula. The distribution formula is as follows:~~

~~—— (a) "Per student allocation," for school fiscal year 2018 is \$3,487.39;~~

~~—— (b) Twenty five percent (25%) of the total allocation will be distributed equally among the four institutions as a baseline for common operations at each technical institute. The funds shall be divided by four (4);~~

~~—— (c) Seventy five percent (75%) of the total allocation will be distributed within three program categories: high cost low density programs, high cost programs, and standard cost programs. The funds shall be distributed by determining each program's full time equivalent students, multiplied by the weighted program factor multiplied by the weighted per student value;~~

~~—— (d) The Director will identify the weighted program factor of each program documented on the South Dakota School District Accounting Manual;~~

~~—— (e) The weighted per student value is determined by the allocation divided by adding the total high cost low density program's full time equivalent students multiplied by a weighted program factor, plus the total high cost program's full time equivalent students multiplied by a weighted program factor, plus the total standard cost program's full time equivalent students by a weighted program factor.~~

~~—— Source: 23 SDR 139, effective March 10, 1997; 25 SDR 150, effective June 6, 1999; 28 SDR 169, effective June 17, 2002; 32 SDR 117, effective January 5, 2006; 35 SDR 306, effective July 1, 2009; 36 SDR 169, adopted April 21, 2010, effective July 1, 2010; 40 SDR 229,~~

~~effective July 1, 2014; 42 SDR 35, effective September 14, 2015; 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017.~~

~~—— **General Authority:** SDCL 13-39-37.~~

~~—— **Law Implemented:** SDCL 13-39-37 to 13-39-39.~~

~~—— **24:10:42:29. Yearly revision of formula for funding.** The Office of Career and Technical Education shall revise the funding formula each year using tuition data.~~

~~—— **Source:** 23 SDR 139, effective March 10, 1997; 25 SDR 150, effective June 6, 1999; 32 SDR 117, effective January 5, 2006.~~

~~—— **General Authority:** SDCL 13-39-13, 13-39-19, 13-39-37.~~

~~—— **Law Implemented:** SDCL 13-39-19, 13-39-37 to 13-39-39.~~

CHAPTER 24:10:43

ASSOCIATE OF APPLIED SCIENCE DEGREE

(Repealed to Chapter 24:59:01)

Section

~~24:10:43:01 — Minimum standards for program approval.~~

~~24:10:43:02 — Associate of applied science degree requirements.~~

~~24:10:43:03 — Application requirements for program approval.~~

~~—— **24:10:43:01. Minimum standards for program approval.** The following are the minimum standards for approval of programs leading to an associate of applied science degree granted by a postsecondary technical institute:~~

~~—— (1) The curriculum must be not less than 60 semester credit hours;~~

~~—— (2) The curriculum must provide not less than 15 semester credits in general education and not less than 50 percent of the credit hours in technical education;~~

~~—— (3) Associate of applied science degree courses with like competencies must be transferable among the state postsecondary technical institutes;~~

~~—— (4) Articulation must be addressed at secondary, postsecondary, and higher education levels. Articulation is the coordination of adult, vocational, and technical education programs so that students can progress without duplication of time, effort, or expense.~~

~~—— Source: 15 SDR 64, effective November 2, 1988; transferred from § 24:10:38:01, 20 SDR 223, effective July 7, 1994; repealed, SL 1995, ch 86, § 6, effective July 1, 1995; readopted, 22 SDR 13, effective August 9, 1995; 37 SDR 131, effective January 11, 2011.~~

~~—— General Authority: SDCL 13-39-37.~~

~~—— Law Implemented: SDCL 13-39-72.~~

~~—— 24:10:43:02. Associate of applied science degree requirements. The associate of applied science degree is conferred upon the completion of all of the following requirements for graduation from an approved associate of applied science program:~~

~~—— (1) A student must complete a minimum of 60 semester credit hours in a course of study prescribed for the program with a cumulative grade point average of 2.0 or better using a four point system;~~

~~—— (2) Students completing an associate of applied science degree curriculum must possess a high school diploma or general educational development certificate.~~

~~Source: 15 SDR 64, effective November 2, 1988; transferred from § 24:10:38:02, 20 SDR 223, effective July 7, 1994; repealed, SL 1995, ch 86, § 6, effective July 1, 1995; readopted, 22 SDR 13, effective August 9, 1995.~~

~~General Authority: SDCL 13-39-37.~~

~~Law Implemented: SDCL 13-39-72.~~

~~24:10:43:03. Application requirements for program approval. A postsecondary technical institute seeking authority to grant the associate of applied science degree must apply on forms provided by the state director. The application must include documentation of admission requirements, required hours, curriculum components, instructor credentials, and graduation requirements.~~

~~Each associate of applied science degree program must include one or more general education courses in each of the following areas:~~

~~(1) Communications;~~

~~(2) Behavioral sciences;~~

~~(3) Social sciences;~~

~~(4) Mathematics; and~~

~~(5) Computer literacy.~~

~~Source: 15 SDR 64, effective November 2, 1988; transferred from § 24:10:38:03, 20 SDR 223, effective July 7, 1994; repealed, SL 1995, ch 86, § 6, effective July 1, 1995; readopted, 22 SDR 13, effective August 9, 1995.~~

~~General Authority: SDCL 13-39-37.~~

~~Law Implemented: SDCL 13-39-72.~~

CHAPTER 24:10:45

POSTSECONDARY TECHNICAL INSTITUTE CREDENTIAL

(Repealed to 24:59:03)

Section

24:10:45:01 — Repealed.

24:10:45:02 — Repealed.

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24:10:45:09 — Repealed.

24:10:45:10 — Repealed.

24:10:45:11 — Repealed.

24:10:45:12 — Repealed.

24:10:45:13 — Valid dates of credential.

24:10:45:14 — Repealed.

24:10:45:15 — Repealed.

24:10:45:16 — Repealed.

24:10:45:17 — Repealed.

~~24:10:45:13. Valid dates of credential. Effective July 1, 2016, the postsecondary technical institutes shall issue and renew all postsecondary credentials pursuant to policies and processes adopted by the local credentialing committee. A postsecondary credential issued or renewed by the department pursuant to an application submitted prior to July 1, 2016, shall be recognized by the postsecondary technical institute for the period of validity and for the subject or areas which the applicant is qualified to instruct, as noted on the certificate. Nothing in this section limits the ability of the postsecondary technical institute to terminate the employment of an instructor or to revoke, suspend, or refuse to issue a credential to an instructor based on an independent review of the character and fitness of the instructor.~~

~~Source: 24 SDR 16, effective August 10, 1997; 43 SDR 9, effective August 4, 2016.~~

~~General Authority: SDCL 13-1-12.1, 13-39-37, 13-42-3.~~

~~Law Implemented: SDCL 13-39-37, 13-42-1 to 13-42-4.~~

CHAPTER 24:10:46

LEASE PURCHASE AGREEMENTS

(Repealed to 24:59:04)

Section

~~24:10:46:01 Application for new bonds for lease purchase agreements.~~

~~24:10:46:02 Approval of new bonds for lease purchase agreements.~~

~~24:10:46:03 Bond amount limited by pledged revenues.~~

~~24:10:46:04 Projection of contribution from state fees charged to students.~~

~~24:10:46:05 Maturity term of bonds issued.~~

~~24:10:46:01. Application for new bonds for lease purchase agreements.~~ An application for a new bond for lease purchase agreement for the postsecondary technical institutes must be submitted to the director of the Office of Career and Technical Education. The director of the Office of Career and Technical Education shall convene a meeting of designated representatives of the technical institutes and a representative of the Department of Executive Management referenced in SDCL Chapter 1-33. Technical institutes with new bonds for lease purchase agreement proposals shall present their rationale for issuance. The director of the Office of Career and Technical Education shall review the rationale presented and make a recommendation to the South Dakota Board of Education on all applications which were submitted as to which projects should be considered for approval or disapproval. All proposals for projects must go through this process before they may be considered by the South Dakota Board of Education at its next regularly scheduled meeting.

~~Source:~~ 40 SDR 40, effective September 11, 2013.

~~General Authority:~~ SDCL 1-16A-94, 13-39-37(7).

~~Law Implemented:~~ SDCL 1-16A-93, 13-39-9, 13-39-37.

~~24:10:46:02. Approval of new bonds for lease purchase agreements.~~ The South Dakota Board of Education shall propose the adoption of a resolution for new facility bonds for lease purchase agreements if it considers it necessary and feasible based upon need and capacity for additional bonding. Items that the Board may consider in its deliberations are:

- ~~(1) Identification and description of the purpose of the proposed bonds;~~
- ~~(2) Availability of local, regional, and other outside support of the project;~~

~~—— (3) Industry support for the postsecondary technical institute and the program or programs it is expanding as part of the project;~~

~~—— (4) Projected five year enrollment growth at the postsecondary technical institute due to the project;~~

~~—— (5) The estimated increase in state fees charged to students needed for debt coverage;~~

~~—— (6) Ratio of state fees charged to students for bonding projects to total tuition and fees;~~

~~—— (7) Physical capacity constraints of current facilities;~~

~~—— (8) Historical enrollment growth of postsecondary technical institute, particularly as it relates to past expansions;~~

~~—— (9) Anticipated demand for new and expanded curriculum;~~

~~—— (10) Information on how South Dakota postsecondary technical institutes total tuition and fees, state appropriation, and local taxing authority appropriation compare to those of other regional two year colleges and technical institutes;~~

~~—— (11) Graduate placement rates of the postsecondary technical institute considering construction;~~

~~—— (12) Debt term length and payment structure of all existing bonds and new bonds being considered;~~

~~—— (13) Debt coverage ratio of all existing bonds and new bonds being considered;~~

~~—— (14) The term of bond compared to the average useful life of the asset or assets; and~~

~~—— (15) Capital expenditures of each postsecondary technical institute over the past ten years.~~

~~—— New bonds for lease purchase agreements for postsecondary technical institutes must receive approval by adoption of a resolution from the Board and must be approved by the Legislature before being issued.~~

—— ~~Source:~~ 40 SDR 40, effective September 11, 2013.

—— ~~General Authority:~~ SDCL 1-16A-94, 13-39-37(7).

—— ~~Law Implemented:~~ SDCL 1-16A-93, 1-16A-95, 13-39-9, 13-39-21, 13-39-37.

—— ~~24:10:46:03. Bond amount limited by pledged revenues.~~ The Board of Education may not approve any revenue bonds for new projects that, when combined with the debt service on outstanding bonds, provide for a coverage ratio less than one hundred and three percent (103%). The goal of the Board of Education is to maintain a one hundred and five percent (105%) coverage for the estimated receipts, rentals, and other payments, including appropriations by the Legislature, student fee payments, or other balances or revenues pledged under the applicable bond indenture.

—— ~~Source:~~ 40 SDR 40, effective September 11, 2013.

—— ~~General Authority:~~ SDCL 13-39-37.

—— ~~Law Implemented:~~ SDCL 1-16A-43, 13-39-9, 13-39-37.

—— ~~24:10:46:04. Projection of contribution from state fees charged to students.~~ For purposes of forecasting anticipated contributions from student tuition and state fees charged to students for bonding projects, the following calculations shall be used:

—— (1) ~~Calculate the estimated amount of revenue needed to be raised from state fees charged to students for debt service for the next five fiscal years;~~

—— (2) ~~Estimate the number of full-time equivalent students for the current fiscal year and the subsequent five fiscal years;~~

~~—— (3) Determine the estimated contributions from student tuition and fees for the next five fiscal years as follows:~~

~~—— (a) For each fiscal year, multiply the results of subdivision (2) above by 30 credit hours;~~

~~—— (b) Divide the result of subdivision (1) by the result of subdivision (3)(a) and round up to the nearest whole dollar to calculate the estimated state fees charged to students per credit hour needed for debt service coverage; and~~

~~—— (c) Multiply the results of subsections (a) and (b) above for each fiscal year to calculate the estimated amount of state fees charged to students pledged for each fiscal year.~~

~~—— Source: 40 SDR 40, effective September 11, 2013.~~

~~—— General Authority: SDCL 1-16A-94, 13-39-37(7).~~

~~—— Law Implemented: SDCL 1-16A-43, 1-16A-93, 13-39-9, 13-39-37.~~

~~—— 24:10:46:05. Maturity term of bonds issued. When considering approval of new bonds for lease purchase agreement, the Board of Education may set a target maturity term between thirty and forty years. However, the amortization cannot exceed one hundred and twenty percent (120%) of the weighted average useful life of the asset.~~

~~—— Source: 40 SDR 40, effective September 11, 2013.~~

~~—— General Authority: SDCL 1-16A-94, 13-39-37(7).~~

~~—— Law Implemented: SDCL 1-16A-39, 1-16A-43, 1-16A-93, 13-39-9, 13-39-37.~~

CHAPTER 24:10:49

POSTSECONDARY TECHNICAL INSTITUTE INSTRUCTOR SALARY REPORT

(Repealed to 24:59:05)

Section

~~24:10:49:01 — Purpose of salary support funds.~~

~~24:10:49:02 — Market value determination.~~

~~24:10:49:03 — Information to be provided.~~

~~24:10:49:04 — Calculation of need.~~

~~24:10:49:05 — Distribution of funds.~~

~~24:10:49:06 — Instructor salary adjustments.~~

~~24:10:49:07 — Reporting.~~

~~—— **24:10:49:01. Purpose of salary support funds.** Salary support funds shall be used to increase instructor salaries to levels competitive with supervisory level salaries in applicable industries on a per day basis. Funds will be distributed to achieve equitable market values among the postsecondary technical institutes based on market analysis.~~

~~—— **Source:** 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017.~~

~~—— **General Authority:** SDCL 13-39-37, 13-39-75.~~

~~—— **Law Implemented:** SDCL 13-1-65, 13-39-8, 13-39-9, 13-39-37, 13-39-75.~~

~~—— **24:10:49:02. Market value determination.** The department shall set a wage range and market value for each instructor position every three years. The department may consult the Department of Labor and Regulation or the Bureau of Human Resources to set the market value.~~

~~Source: 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017.~~

~~General Authority: SDCL 13-39-37, 13-39-75.~~

~~Law Implemented: SDCL 13-1-65, 13-39-8, 13-39-9, 13-39-37, 13-39-75.~~

~~24:10:49:03. Information to be provided. By March fifteenth of each year, each postsecondary technical institute shall provide the following information for each program in the following academic year:~~

~~(1) Average salary per instructor;~~

~~(2) Average number of contract days;~~

~~(3) Number of instructors; and~~

~~(4) Justification for increase of contract days for the next academic year of instructors, with detail regarding how the increased contract days will be sustained.~~

~~Source: 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017.~~

~~General Authority: SDCL 13-39-37, 13-39-75.~~

~~Law Implemented: SDCL 13-1-65, 13-39-8, 13-39-9, 13-39-37, 13-39-75.~~

~~24:10:49:04. Calculation of need. In the first year, market values are determined as provided in § 24:10:49:02. The department shall calculate, for each postsecondary technical institute, the actual average daily rate per program based upon the information provided in § 24:10:49:03. The department shall then calculate need for technical instructors and general education instructors separately within each program as follows:~~

~~(1) For each program, subtract the actual average daily rate per program from the target average daily rate per program to determine the average daily program gap;~~

~~—— (2) If the calculation in subsection (1) results in a positive number, then multiply the average daily program gap by the average instructor contract days per year for the program and the total number of program instructors to determine the total program salary gap;~~

~~—— (3) Add 14.06 percent to the total program salary gap to account for increased benefits to arrive at the total program need; and~~

~~—— (4) Add all of the total program needs to determine the total need for each postsecondary technical institute.~~

~~—— In the two years following the determination of market values as provided in § 24:10:49:02, the department shall base need calculations on the prior year's actual compensation reported in § 24:10:49:07, taking into account changes to teaching experience, academic degrees, industry credentials, performance, number of instructors, or number of contract days.~~

~~—— Source: 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017.~~

~~—— General Authority: SDCL 13-39-37, 13-39-75.~~

~~—— Law Implemented: SDCL 13-1-65, 13-39-8, 13-39-9, 13-39-37, 13-39-75.~~

~~—— **24:10:49:05. Distribution of funds.** The funds identified for each postsecondary technical institute in § 24:10:49:04 shall be distributed quarterly in equal payments for the year in which the funds were appropriated. These payments may be adjusted if reports received pursuant to § 24:10:49:07 indicate that funding has exceeded need. If the total need exceeds available funds, the funds will be pro-rated for distribution among all the postsecondary technical institutes. The need for technical instructors calculated in § 24:10:49:04~~

~~for all postsecondary technical institutes shall receive priority for funding over the need for general education instructors.~~

~~—— **Source:** 43 SDR 9, effective August 4, 2016.~~

~~—— **General Authority:** SDCL 13-39-37, 13-39-75.~~

~~—— **Law Implemented:** SDCL 13-1-65, 13-39-8, 13-39-9, 13-39-37, 13-39-75.~~

~~—— **24:10:49:06. Instructor salary adjustments.** From the funds distributed to each postsecondary technical institute, the president shall determine compensation for individual instructors in programs with identified need as determined in § 24:10:49:04(1). Compensation shall be based on factors including industry experience, teaching experience, academic degrees, industry credentials, and performance. All postsecondary technical institute presidents shall use a common rubric and methodology to determine instructors' compensation.~~

~~—— **Source:** 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017.~~

~~—— **General Authority:** SDCL 13-39-37, 13-39-75.~~

~~—— **Law Implemented:** SDCL 13-1-65, 13-39-8, 13-39-9, 13-39-37, 13-39-75.~~

~~—— **24:10:49:07. Reporting.** Each postsecondary technical institute shall provide a report to the department by July fifteenth of each year detailing how the salary support funds were applied to instructors' salaries and the resulting instructor compensation. In addition, the postsecondary technical institute is responsible for reporting quarterly any difference between need calculated pursuant to § 24:10:49:04 and funding applied pursuant to § 24:10:49:06. The department shall annually provide a report to the Board of Education and the Legislature.~~

~~—— **Source:** 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017.~~

~~General Authority: SDCL 13-39-37, 13-39-75.~~

~~Law Implemented: SDCL 13-1-65, 13-39-8, 13-39-9, 13-39-37, 13-39-75.~~

ARTICLE 24:59

POSTSECONDARY TECHNICAL INSTITUTES

Chapter

- 24:59:01 Postsecondary Technical Institute Programs
- 24:59:02 Postsecondary Technical Institute Funding Distribution
- 24:59:03 Postsecondary Technical Institute Credential
- 24:59:04 Postsecondary Technical Institute Lease Purchase Agreements
- 24:59:05 Postsecondary Technical Institute Instructor Salary Support
- 24:59:06 Definitions

CHAPTER 24:59:01

POSTSECONDARY TECHNICAL INSTITUTE PROGRAMS

- 24:59:01:01 Contents of applications for new postsecondary programs, program expansions, and continuing programs.
- 24:59:01:02 Application for new or expanded programs.
- 24:59:01:03 Application for continuing programs.
- 24:59:01:04 Approval criteria for new or expanded programs.
- 24:59:01:05 Minimum standards for program approval.
- 24:59:01:06 Associate of applied science degree requirements.
- 24:59:01:07 Application requirements for program approval.

24:10:42:2224:59:01:01. Contents of applications for new postsecondary programs, program expansions, and continuing programs. All applications must be certified by the executive director of the ~~Office of Career and~~ Board of Technical Education as being complete. Applications must include the following data:

(1) Program title, program description, program objectives and the methods to obtain the objectives, statement of nonduplication, staff certification, program enrollment, and budget for three years;

(2) Potential labor market openings including information provided by the South Dakota Department of Labor and Regulation;

(3) Average hourly wage, including employer-paid benefits and length of program;

(4) Entry and exit points identified to show articulation, if applicable, from secondary to postsecondary institute, postsecondary institute to postsecondary institute, postsecondary institute to college, and postsecondary institute to apprenticeship; and

(5) A career ladder with related workforce needs.

Source: 23 SDR 139, effective March 10, 1997; 32 SDR 117, effective January 5, 2006.

Repealed from § 24:10:42:22.

General Authority: SDCL ~~13-39-37~~ 13-39A-18.

Law Implemented: SDCL ~~13-39-9, 13-39-17, 13-39-37~~ 13-39A-16, 13-39A-18, 13-39A-42.

24:10:42:2324:59:01:02. Application for new or expanded programs. An application for a new or expanded postsecondary program must be submitted to the executive director of the

~~Office of Career and Board of~~ Technical Education. The executive director of the ~~Office of Career and Technical Education~~ shall convene a meeting of the technical institute directors and presidents and a Governor's Office of Economic Development staff member. Technical institutes with new or expanded program proposals shall present their rationale for implementation. The executive director of the ~~Office of Career and Technical Education~~ shall review the rationale presented and make a recommendation to the South Dakota Board of Technical Education as to which programs should be considered for approval or disapproval. All proposals for new or expanded programs must go through this process before they can be considered by the South Dakota Board of Technical Education at its next regularly scheduled meeting.

Source: 23 SDR 139, effective March 10, 1997; 30 SDR 121, effective February 12, 2004; 31 SDR 90, effective December 29, 2004; 34 SDR 199, effective January 28, 2008. Repealed from § 24:10:42:23.

General Authority: SDCL ~~13-39-37~~13-39A-18.

Law Implemented: SDCL ~~13-39-9, 13-39-18, 13-39-64~~13-39A-16, 13-39A-18, 13-39A-42.

Cross-References: Definition of articulation, subdivision 24:59:01:05(4); Council of Technical Institutes created, Executive Order 96-04.

~~24:10:42:24~~24:59:01:03. **Application of continuing programs.** An application for a continuing postsecondary program must be submitted to the executive director of the ~~Office of Career and Board of~~ Technical Education for approval whenever a program's risk profile warrants such review. A program's risk is compiled by analysis of the program's enrollment, retention, and placement over a period of at least three years. A local program advisory board or

council endorsement is required on programs not holding national, state, regional, or industry accreditation or certification specific to the degree being awarded. The executive director shall place high risk programs on a plan of correction for a minimum of one year and shall review the program before approving funding each year until the program is discontinued or deemed of acceptable risk.

Source: 23 SDR 139, effective March 10, 1997; 32 SDR 117, effective January 5, 2006; 35 SDR 48, effective September 10, 2008. Repealed from § 24:10:42:24.

General Authority: SDCL ~~13-39-37~~13-39A-18.

Law Implemented: SDCL ~~13-39-9, 13-39-18, 13-39-64~~13-39A-16, 13-39A-18, 13-39A-42.

~~24:10:42:25~~24:59:01:04. Approval criteria for new or expanded programs. The South Dakota Board of Technical Education shall consider the following information in determining approval of new or expanded programs in postsecondary technical institutes:

- (1) Identification and description of the program;
- (2) Objectives and purpose of the program;
- (3) Methods of attaining the objectives of the program;
- (4) Description of labor market demands of the United States, the state of South Dakota, student needs, and industry support;
- (5) Population to be served by the program;
- (6) Projected three-year budget;
- (7) Program competencies and entry and exit points of suboccupations;
- (8) Statement of nonduplication;

(9) Curriculum design and research; and

(10) Wage factor.

To receive ~~approval for~~ state funding, new or expanded programs in postsecondary technical institutes must ~~meet minimum targets for wages commensurate with the program length as specified in subdivision 24:10:42:28(2)~~ be listed in the South Dakota School District Accounting Manual for the given fiscal year.

New programs and program expansions of postsecondary technical institutes must receive approval from the South Dakota Board of Technical Education before students are enrolled.

Source: 8 SDR 150, effective May 16, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985; 11 SDR 168, effective July 2, 1985; 12 SDR 198, effective June 15, 1986; 14 SDR 86, effective December 24, 1987; 15 SDR 118, effective February 14, 1989; transferred from § 24:10:31:03, 20 SDR 223, effective July 7, 1994; repealed, SL 1995, ch 86, § 6, effective July 1, 1995; readopted, 22 SDR 13, effective August 9, 1995; transferred from § 24:10:42:02, 23 SDR 139, effective March 10, 1997. Repealed from § 24:10:42:25.

General Authority: SDCL ~~13-39-37~~13-39A-18.

Law Implemented: SDCL ~~13-39-9, 13-39-17, 13-39-18, 13-39-37, 13-39-64~~13-39A-16, 13-39A-18, 13-39A-42.

~~24:10:43:01~~24:59:01:05. **Minimum standards for program approval.** The following are the minimum standards for approval of programs leading to an associate of applied science degree granted by a postsecondary technical institute:

(1) The curriculum must be not less than 60 semester credit hours;

(2) The curriculum must provide not less than 15 semester credits in general education and not less than 50 percent of the credit hours in technical education;

(3) Associate of applied science degree courses with like competencies must be transferable among the state postsecondary technical institutes;

(4) Articulation must be addressed at secondary, postsecondary, and higher education levels. Articulation is the coordination of adult, vocational, and technical education programs so that students can progress without duplication of time, effort, or expense.

Source: 15 SDR 64, effective November 2, 1988; transferred from § 24:10:38:01, 20 SDR 223, effective July 7, 1994; repealed, SL 1995, ch 86, § 6, effective July 1, 1995; readopted, 22 SDR 13, effective August 9, 1995; 37 SDR 131, effective January 11, 2011. Repealed from 24:10:43:01.

General Authority: SDCL ~~13-39-37~~13-39A-18.

Law Implemented: SDCL ~~13-39-72~~13-39A-16, 13-39A-18, 13-39A-42.

~~24:10:43:02~~24:59:01:06. **Associate of applied science degree requirements.** The associate of applied science degree is conferred upon the completion of all of the following requirements for graduation from an approved associate of applied science program at a postsecondary technical institute:

(1) A student must complete a minimum of 60 semester credit hours in a course of study prescribed for the program with a cumulative grade point average of 2.0 or better using a four point system;

(2) Students completing an associate of applied science degree curriculum must possess a high school diploma or ~~general educational development~~ equivalency certificate.

Source: 15 SDR 64, effective November 2, 1988; transferred from § 24:10:38:02, 20 SDR 223, effective July 7, 1994; repealed, SL 1995, ch 86, § 6, effective July 1, 1995; readopted, 22 SDR 13, effective August 9, 1995. Repealed from 24:10:43:02.

General Authority: SDCL ~~13-39-37~~13-39A-18.

Law Implemented: SDCL ~~13-39-72~~13-39A-16, 13-39A-18, 13-39A-42.

~~24:10:43:03~~24:59:01:07. Application requirements for program approval. A postsecondary technical institute seeking authority to grant the associate of applied science degree must apply on forms provided by the ~~state~~executive director of the Board of Technical Education. The application must include documentation of admission requirements, required hours, curriculum components, instructor credentials, and graduation requirements.

Each associate of applied science degree program must include one or more general education courses in each of the following areas:

- (1) Communications;
- (2) Behavioral sciences;
- (3) Social sciences;
- (4) Mathematics; and
- (5) Computer literacy.

Source: 15 SDR 64, effective November 2, 1988; transferred from § 24:10:38:03, 20 SDR 223, effective July 7, 1994; repealed, SL 1995, ch 86, § 6, effective July 1, 1995; readopted, 22 SDR 13, effective August 9, 1995. Repealed from 24:10:43:03.

General Authority: SDCL ~~13-39-37~~13-39A-18.

Law Implemented: SDCL ~~13-39-72~~13-39A-16, 13-39A-18, 13-39A-42.

CHAPTER 24:59:02

POSTSECONDARY TECHNICAL INSTITUTE FUNDING DISTRIBUTION

24:59:02:01 Tuition.

24:59:02:02 Set-asides.

24:59:02:03 Formula for funding.

24:59:02:04 Yearly revision of formula for funding.

~~24:10:42:26~~24:59:02:01. Tuition. The South Dakota Board of Technical Education shall determine the rate of tuition and state fees charged to students at postsecondary technical institutes annually, and the rate is effective for the fiscal year beginning July first.

Source: 8 SDR 150, effective May 16, 1982; 11 SDR 96, 11 SDR 112, effective July 1, 1985; transferred from § 24:10:34:02, 20 SDR 223, effective July 7, 1994; repealed, SL 1995, ch 86, § 6, effective July 1, 1995; readopted, 22 SDR 13, effective August 9, 1995; transferred from § 24:10:42:09, 23 SDR 139, effective March 10, 1997; 35 SDR 306, effective July 1, 2009; 40 SDR 40, effective September 11, 2013; 40 SDR 229, effective July 1, 2014. Repealed from 24:10:42:26.

General Authority: SDCL 1-16A-94, ~~13-39-37(2), 13-39-38~~13-39A-12, 13-39A-18.

Law Implemented: SDCL 1-16A-43, ~~13-39-39, 13-39-39.1~~13-39A-12, 13-39A-18.

~~24:10:42:27~~24:59:02:02. Set-asides. The ~~Division of Career and~~ Board of Technical Education shall set aside facility funds and National Guard Tuition Benefit funds from the total

appropriated to the postsecondary technical institutes under "Postsecondary Vocational Education."

In fiscal year 2018, the facility fund set aside shall be \$2,328,546, an amount equal to twenty-seven percent of the current year lease purchase agreement payments.

The amount set aside for National Guard Tuition Benefit in fiscal year 2018 shall be \$214,190. The National Guard Tuition Benefit funds shall be distributed each academic term to the postsecondary technical institutes based on the actual state tuition benefits applied for qualifying National Guard members after federal tuition benefits are applied.

Source: 23 SDR 139, effective March 10, 1997; 32 SDR 117, effective January 5, 2006; 35 SDR 306, effective July 1, 2009; 40 SDR 40, effective September 11, 2013; 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017. Repealed from 24:10:42:27.

General Authority: SDCL 1-16A-94, ~~13-39-13, 13-39-19, 13-39-37(3)~~ 13-39A-12, 13-39A-18.

Law Implemented: SDCL 1-16A-43, 1-16A-96, ~~13-39-19, 13-39-37 to 13-39-3938~~ 13-39A-12, 13-39A-18, 33-6-6.

~~24:10:42:28~~ 24:59:02:03. **Formula for funding.** The postsecondary technical institutes shall receive state funding, from the amount appropriated by the Legislature less funds reserved in § 24:59:02:02, under a formula that distributes these funds based on full-time equivalent students as follows:

(1) Subtract the total set-asides reserved in § 24:59:02:02 from the total amount appropriated by the Legislature within the general appropriations act;

(2) Determine the number of full-time equivalent students at each institution for the preceding fiscal year using the following calculation:

(a) One "full-time equivalent student" equals 30 credit hours of instruction;

(b) The number of full-time equivalent students for an institution is calculated by dividing tuition collected for the preceding fiscal year by program as per chart of accounts prescribed within the South Dakota School District Accounting Manual by the tuition fee per credit and the quotient is divided by 30 credit hours;

(3) Multiply the number of full-time equivalent students at each institution by the per student allocation to determine the total allocation for the distribution formula. The distribution formula is as follows:

(a) "Per student allocation," for school fiscal year 2018 is \$3,487.39;

(b) Twenty-five percent (25%) of the total allocation will be distributed equally among the four institutions as a baseline for common operations at each technical institute. The funds shall be divided by four (4);

(c) Seventy-five percent (75%) of the total allocation will be distributed within three program categories: high cost-low density programs, high cost programs, and standard cost programs. The funds shall be distributed by determining each program's full-time equivalent students, multiplied by the weighted program factor multiplied by the weighted per student value;

(d) The executive director will identify the weighted program factor of each program documented on the South Dakota School District Accounting Manual;

(e) The weighted per student value is determined by the allocation divided by adding the total high cost-low density program's full-time equivalent students multiplied by a weighted

program factor, plus the total high cost program's full-time equivalent students multiplied by a weighted program factor, plus the total standard cost program's full-time equivalent students by a weighted program factor.

Source: 23 SDR 139, effective March 10, 1997; 25 SDR 150, effective June 6, 1999; 28 SDR 169, effective June 17, 2002; 32 SDR 117, effective January 5, 2006; 35 SDR 306, effective July 1, 2009; 36 SDR 169, adopted April 21, 2010, effective July 1, 2010; 40 SDR 229, effective July 1, 2014; 42 SDR 35, effective September 14, 2015; 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017. Repealed from 24:10:42:28.

General Authority: SDCL ~~13-39-37~~13-39A-18 and 13-39A-21.

Law Implemented: SDCL ~~13-39-37 to 13-39-39~~13-39A-18 and 13-39A-21.

~~24:10:42:29~~24:59:02:04. **Yearly revision of formula for funding.** The ~~Office of Career and Board of~~ Technical Education shall revise the funding formula each year using tuition data.

Source: 23 SDR 139, effective March 10, 1997; 25 SDR 150, effective June 6, 1999; 32 SDR 117, effective January 5, 2006. Repealed from 24:10:42:29.

General Authority: SDCL ~~13-39-13, 13-39-19, 13-39-37~~13-39A-12, 13-39A-18, 13-39A, 21.

Law Implemented: SDCL ~~13-39-19, 13-39-37 to 13-39-39~~13-39A-12, 13-39A-18, 13-39A, 21.

CHAPTER 24:59:03

POSTSECONDARY TECHNICAL INSTITUTE CREDENTIAL

24:59:03:01 Valid dates of credential.

24:10:45:1324:59:03:01. **Valid dates of credential.** Effective July 1, 2016, the postsecondary technical institutes shall issue and renew all postsecondary credentials pursuant to policies and processes adopted by the local credentialing committee. A postsecondary credential issued or renewed by the department pursuant to an application submitted prior to July 1, 2016, shall be recognized by the postsecondary technical institute for the period of validity and for the subject or areas which the applicant is qualified to instruct, as noted on the certificate. Nothing in this section limits the ability of the postsecondary technical institute to terminate the employment of an instructor or to revoke, suspend, or refuse to issue a credential to an instructor based on an independent review of the character and fitness of the instructor.

Source: 24 SDR 16, effective August 10, 1997; 43 SDR 9, effective August 4, 2016.

Repealed from 24:10:45:13.

General Authority: SDCL 13-1-12.1, ~~13-39-37~~13-39A-18, 13-42-3.

Law Implemented: SDCL ~~13-39-37~~13-39A-18, 13-42-1 to 13-42-4.

CHAPTER 24:59:04

POSTSECONDARY TECHNICAL INSTITUTE LEASE PURCHASE AGREEMENTS

24:59:04:01 Application for new bonds for lease purchase agreements.

24:59:04:02 Approval of new bonds for lease purchase agreements.

24:59:04:03 Bond amount limited by pledged revenues.

24:59:04:04 Projection of contribution from state fees charged to students.

24:59:04:05 Maturity term of bonds issued.

~~24:10:46:01~~24:59:04:01. Application for new bonds for lease purchase agreements. An application for a new bond for lease purchase agreement for the postsecondary technical institutes must be submitted to the executive director of the ~~Office of Career and Board~~ of Technical Education. The executive director ~~of the Office of Career and Technical Education~~ shall convene a meeting of designated representatives of the technical institutes and a representative of the Department of Executive Management referenced in SDCL Chapter 1-33. Postsecondary technical institutes with new bonds for lease purchase agreement proposals shall present their rationale for issuance. The executive director ~~of the Office of Career and Technical Education~~ shall review the rationale presented and make a recommendation to the South Dakota Board of Technical Education on all applications which were submitted as to which projects should be considered for approval or disapproval. All proposals for projects must go through this process before they may be considered by the South Dakota Board of Technical Education at its next regularly scheduled meeting.

Source: 40 SDR 40, effective September 11, 2013. Repealed from 24:10:46:01

General Authority: SDCL 1-16A-94, ~~13-39-37(7)~~13-39A-24.

Law Implemented: SDCL 1-16A-93, ~~13-39-9, 13-39-37~~13-39A-24, 13-39A-25, 13-39A-26.

~~24:10:46:02~~24:59:04:02. Approval of new bonds for lease purchase agreements. The South Dakota Board of Technical Education shall propose the adoption of a resolution for new facility bonds for lease purchase agreements if it considers it necessary and feasible based upon need and capacity for additional bonding. Items that the Board of Technical Education may consider in its deliberations are:

- (1) Identification and description of the purpose of the proposed bonds;
- (2) Availability of local, regional, and other outside support of the project;
- (3) Industry support for the postsecondary technical institute and the program or programs it is expanding as part of the project;
- (4) Projected five-year enrollment growth at the postsecondary technical institute due to the project;
- (5) The estimated increase in state fees charged to students needed for debt coverage;
- (6) Ratio of state fees charged to students for bonding projects to total tuition and fees;
- (7) Physical capacity constraints of current facilities;
- (8) Historical enrollment growth of postsecondary technical institute, particularly as it relates to past expansions;
- (9) Anticipated demand for new and expanded curriculum;
- (10) Information on how South Dakota postsecondary technical institutes total tuition and fees, state appropriation, and local taxing authority appropriation compare to those of other regional two-year colleges and technical institutes;
- (11) Graduate placement rates of the postsecondary technical institute considering construction;
- (12) Debt term length and payment structure of all existing bonds and new bonds being considered;
- (13) Debt coverage ratio of all existing bonds and new bonds being considered;
- (14) The term of bond compared to the average useful life of the asset or assets; and
- (15) Capital expenditures of each postsecondary technical institute over the past ten years.

New bonds for lease purchase agreements for postsecondary technical institutes must receive approval by adoption of a resolution from the Board of Technical Education and must be approved by the Legislature before being issued.

Source: 40 SDR 40, effective September 11, 2013. Repealed from 24:10:46:02

General Authority: SDCL 1-16A-94, ~~13-39-37(7)~~13-39A-24.

Law Implemented: SDCL 1-16A-93, 1-16A-95, ~~13-39-9, 13-39-37~~13-39A-24, 13-39A-25, 13-39A-26.

~~24:10:46:03~~24:59:04:03. **Bond amount limited by pledged revenues.** The Board of Technical Education may not approve any revenue bonds for new projects that, when combined with the debt service on outstanding bonds, provide for a coverage ratio less than one hundred and three percent (103%) .~~The goal of the Board of Education is to maintain a one hundred and five percent (105%) coverage for the estimated receipts, rentals, and other payments, including appropriations by the Legislature, student fee payments, or other balances or revenues pledged under the applicable bond indenture.~~

Source: 40 SDR 40, effective September 11, 2013. Repealed from 24:10:46:03.

General Authority: SDCL ~~13-39-37~~13-39A-24

Law Implemented: SDCL ~~13-39-9, 13-39-37~~13-39A-24, 13-39A-25, 13-39A-26.

~~24:10:46:04~~24:59:04:04. **Projection of contribution from state fees charged to students.** For purposes of forecasting anticipated contributions from student tuition and state fees charged to students for bonding projects, the following calculations shall be used:

(1) Calculate the estimated amount of revenue needed to be raised from state fees charged to students for debt service for the next five fiscal years;

(2) Estimate the number of full-time equivalent students for the current fiscal year and the subsequent five fiscal years;

(3) Determine the estimated contributions from student tuition and fees for the next five fiscal years as follows:

(a) For each fiscal year, multiply the results of subdivision (2) above by 30 credit hours;

(b) Divide the result of subdivision (1) by the result of subdivision (3)(a) and round up to the nearest whole dollar to calculate the estimated state fees charged to students per credit hour needed for debt service coverage; and

(c) Multiply the results of subsections (a) and (b) above for each fiscal year to calculate the estimated amount of state fees charged to students pledged for each fiscal year.

Source: 40 SDR 40, effective September 11, 2013. Repealed from 24:10:46:04.

General Authority: SDCL 1-16A-94, ~~13-39-37(7)~~13-39A-24.

Law Implemented: SDCL 1-16A-43, 1-16A-93, ~~13-39-9, 13-39-37~~13-39A-24, ~~13-39A-25, 13-39A-26,~~

~~24:10:46:05~~24:59:04:05. **Maturity term of bonds issued.** When considering approval of new bonds for lease purchase agreement, the Board of Technical Education may set a target maturity term ~~between~~ of thirty ~~and forty~~ years. ~~However, the~~ The amortization cannot exceed one hundred and twenty percent (120%) of the weighted average useful life of the asset.

Source: 40 SDR 40, effective September 11, 2013. Repealed from 24:10:46:05.

General Authority: SDCL 1-16A-94, ~~13-39-37(7)~~13-39A-24.

Law Implemented: SDCL 1-16A-39, 1-16A-43, 1-16A-93, ~~13-39-9, 13-39-37~~13-39A-24, 13-39A-25, 13-39A-26

CHAPTER 24:10:48

DEFINITIONS

Section

24:10:48:01 Definitions.

24:10:48:01. Definitions. Unless otherwise defined in this section, terms defined in SDCL 13-39-1.2 have the same meaning when used in this article. Other terms used in this article mean:

~~—— (1) "Actual average daily rate," the average rate paid per contract day for all instructors in a program, separately calculated for technical instructors and general education instructors;~~

~~—— (2) "Approved postsecondary career and technical education program," a program approved pursuant to § 24:10:42:25;~~

(1) (3) "Approved secondary career and technical education program," "secondary CTE program," an approved career cluster program of study in a secondary school approved by the department and taught by a certified teacher or instructor;

(2) (4) "Approved teacher education program," a program approved pursuant to subdivision 24:02:03:01(2) through August 31, 2000, and beginning on September 1, 2000, pursuant to subdivision 24:15:01:01(5);

(3) ~~(5)~~ "Capstone experience," a culminating high school experience designed to integrate knowledge, skills, and concepts gained from a student's program of study. Capstone experiences include:

(a) Senior experience that requires students to complete a research project, design and develop a product, assemble a portfolio, and complete an oral presentation before a panel;

(b) Entrepreneurship experience that requires students to research a new business opportunity, develop a business plan, assemble a portfolio, and complete an oral presentation before a panel; and

(c) Youth internship that allows students to gain hands-on experience at a business, develop employability skills, learn technical skills, and complete a portfolio.

(4) ~~(6)~~ "Career and technical student organization," "CTSO," a youth organization tied to career or technical education courses and operated in conjunction with an approved secondary CTE program, focusing on extending a student's learning experiences from the classroom to develop the student's leadership and work-readiness skills, assist the student to serve the student's community, and deepen the student's understanding of careers;

(5) ~~(7)~~ "Career, high demand," occupations in South Dakota for which occupational employment projections by DLR demonstrate an average annual demand for workers which is higher than the average annual demand across all occupations included in the projections data;

(6) ~~(8)~~ "Career, high skill," occupations in South Dakota which:

(a) Prefer a minimum education of a postsecondary non-degree award;

(b) Prefer an apprenticeship, internship, or long term on the job training; or

(c) Prefer work experience of more than five years;

(7) (9) "Career, high wage," occupations in South Dakota in which statewide occupational wage estimates by DLR demonstrate an average wage which is greater than the average wage across all occupations included in the wage estimates data;

(8) (10) "Career pathway," a coherent, articulated sequence of rigorous academic, career and technical education courses developed, implemented, and maintained in partnership among secondary and postsecondary education, business, and employers. A career pathway commences in the ninth grade and leads to an associate, baccalaureate, or other degree, an industry recognized certificate, or a license;

~~———— (11) "Contract days," the working days in an academic year for an instructor position;~~

~~———— (12) "Credential," the certificate giving authority or license to instruct at the postsecondary technical institute level;~~

(9) (13) "Credit, concurrent," postsecondary education courses for which a student receives both secondary and postsecondary credit, taught at a high school by a teacher who has been approved by a public postsecondary technical institute or university;

(10) (14) "Credit, dual," postsecondary education courses for which a student receives both secondary and postsecondary credit, taught through a public postsecondary technical institute or university, either online or in-person;

(11) (15) "CTE," career and technical education as defined by SDCL 13-39-1.2;

(12) (16) "DLR," the Department of Labor and Regulation;

~~———— (17) "General education," the courses in communications, computer applications, math/science, social studies, and behavioral science taught at postsecondary technical institutes;~~

(13) (18) "Health occupation," a program that prepares individuals to enter, advance, or retrain for employment consistent with industry and labor market needs in the health field;

~~—— (19) "Instructor," an instructor at a postsecondary technical institute;~~

~~—— (20) "Instructor, general education," an instructor whose primary assignment is teaching general education courses;~~

~~—— (21) "Instructor, technical," an instructor whose primary assignment is teaching courses other than general education courses;~~

~~—— (22) "Local credentialing committee," a committee of instructors and administrators appointed by the director of the local postsecondary technical institute to monitor the credentialing process;~~

~~—— (23) "Market value," the point within the wage range for each instructor position which reflects full qualification to hold the position and supervisory level professional compensation in a comparable industry;~~

(14) (24) "Postsecondary education," training after secondary school with the goal of a credential, license, diploma, or degree;

(15) (25) "Program of study," a comprehensive, structured approach for delivering academic and career and technical education to prepare students for postsecondary education and career success;

(16) (26) "Secondary," a public secondary school as defined by § 24:43:01:01(41) and (42);

(17) (27) "Service learning," meaningful and relevant activity that addresses needs important to the community being served, in which students explore the context of societal issues relevant to the service;

~~—— (28) "Salary support funds," funding appropriated each year for instructor salary support to increase instructor salaries to market value;~~

~~—— (29) "Target average daily rate," the market value for each instructor position divided by the number of working days for that position;~~

(18) (30) "Technical specialty," an area of expertise determined by the occupational work experience of the individual;

~~—— (31) "Wage range," the range of pay established for each instructor position which includes an entry rate, market value, and maximum rate;~~

(19) (32) "Work-based learning," credit and noncredit bearing experiences focused on career exploration and development which help a student build employment-related competencies in the workplace, including capstone experiences, service learning projects, work placements, job shadow experiences, and workplace mentoring;

(20) (33) "Work experience," full-time employment in a career and technical area;

(21) (34) "Workforce education grants," grants from the workforce education fund established by SDCL 13-13-88; and

(22) (35) "Work-readiness skills," skills that indicate an individual possesses at least minimal qualifications, including intellectual and behavioral skills for a specific occupation.

Source: 41 SDR 97, effective December 8, 2014; 43 SDR 9, effective August 4, 2016.

General Authority: SDCL 13-1-12.1, 13-13-90, ~~13-39-13, 13-39-37, 13-39-75, 13-42-3.~~

Law Implemented: SDCL 13-1-12.1, 13-13-88 to 13-13-90, ~~13-39-1.2, 13-39-8, 13-39-9, 13-39-17.1, 13-39-37, 13-39-75, 13-42-3.~~

CHAPTER 24:59:05

POSTSECONDARY TECHNICAL INSTITUTE INSTRUCTOR SALARY SUPPORT

Section

24:59:05:01 Purpose of salary support funds.

24:59:05:02 Market value determination.

24:59:05:03 Information to be provided.

24:59:06:04 Calculation of need.

24:59:06:05 Distribution of funds.

24:59:06:06 Instructor salary adjustments.

24:59:06:07 Reporting.

~~24:10:49:01~~24:59:05:01. Purpose of salary support funds. Salary support funds shall be used to increase instructor salaries to levels competitive with supervisory-level salaries in applicable industries on a per-day basis. Funds will be distributed to achieve equitable market values among the postsecondary technical institutes based on market analysis.

Source: 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017.

Reverted from 24:10:49:01.

General Authority: SDCL ~~13-39-37, 13-39-75~~13-39A-18.

Law Implemented: SDCL 13-1-65, ~~13-39-8, 13-39-9, 13-39-37, 13-39-75~~13-39A-18.

~~24:10:49:02~~24:59:05:02. Market value determination. The ~~department~~ Board of Technical Education shall set a wage range and market value for each instructor position every three years. The ~~department~~ Board of Technical Education may consult the Department of Labor and Regulation or the Bureau of Human Resources to set the market value.

Source: 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017.

Repealed from 24:10:49:02.

General Authority: SDCL ~~13-39-37, 13-39-75~~13-39A-18.

Law Implemented: SDCL 13-1-65, ~~13-39-8, 13-39-9, 13-39-37, 13-39-75~~13-39A-18.

~~24:10:49:03~~24:59:05:03. Information to be provided. By March fifteenth of each year, each postsecondary technical institute shall provide the following information for each program in the following academic year:

- (1) Average salary per instructor;
- (2) Average number of contract days;
- (3) Number of instructors; and
- (4) Justification for increase of contract days for the next academic year of instructors,

with detail regarding how the increased contract days will be sustained.

Source: 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017.

Repealed from 24:10:49:03.

General Authority: SDCL ~~13-39-37, 13-39-75~~13-39A-18.

Law Implemented: SDCL 13-1-65, ~~13-39-8, 13-39-9, 13-39-37, 13-39-75~~13-39A-18.

~~24:10:49:04~~24:59:05:04. Calculation of need. In the first year, market values are determined as provided in § 24:59:05:02. The ~~department~~ Board of Technical Education shall calculate, for each postsecondary technical institute, the actual average daily rate per program based upon the information provided in § 24:59:05:03. The ~~department~~ Board of Technical Education shall then calculate need for technical instructors and general education instructors separately within each program as follows:

(1) For each program, subtract the actual average daily rate per program from the target average daily rate per program to determine the average daily program gap;

(2) If the calculation in subsection (1) results in a positive number, then multiply the average daily program gap by the average instructor contract days per year for the program and the total number of program instructors to determine the total program salary gap;

(3) Add 14.06 percent to the total program salary gap to account for increased benefits to arrive at the total program need; and

(4) Add all of the total program needs to determine the total need for each postsecondary technical institute.

In the two years following the determination of market values as provided in § 24:59:05:02, the ~~department~~ Board of Technical Education shall base need calculations on the prior year's actual compensation reported in § 24:59:05:07, taking into account changes to teaching experience, academic degrees, industry credentials, performance, number of instructors, or number of contract days.

Source: 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017.
Repealed from 24:10:49:04.

General Authority: SDCL ~~13-39-37, 13-39-75~~ 13-39A-18.

Law Implemented: SDCL 13-1-65, ~~13-39-8, 13-39-9, 13-39-37, 13-39-75~~ 13-39A-18.

~~24:10:49:05~~ 24:59:05:05. **Distribution of funds.** The funds identified for each postsecondary technical institute in § 24:59:05:04 shall be distributed quarterly in equal payments for the year in which the funds were appropriated. These payments may be adjusted if reports received pursuant to § 24:59:05:07 indicate that funding has exceeded need. If the total

need exceeds available funds, the funds will be pro-rated for distribution among all the postsecondary technical institutes. The need for technical instructors calculated in § 24:59:05:04 for all postsecondary technical institutes shall receive priority for funding over the need for general education instructors.

Source: 43 SDR 9, effective August 4, 2016. Repealed from 24:10:49:05.

General Authority: SDCL ~~13-39-37, 13-39-75~~13-39A-18.

Law Implemented: SDCL 13-1-65, ~~13-39-8, 13-39-9, 13-39-37, 13-39-75~~13-39A-18.

~~24:10:49:06~~24:59:05:06. **Instructor salary adjustments.** From the funds distributed to each postsecondary technical institute, the president shall determine compensation for individual instructors in programs with identified need as determined in § subdivision 24:59:05:04(1). Compensation shall be based on factors including industry experience, teaching experience, academic degrees, industry credentials, and performance. All postsecondary technical institute presidents shall use a common rubric and methodology to determine instructors' compensation.

Source: 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017.
Repealed from 24:10:49:06.

General Authority: SDCL ~~13-39-37, 13-39-75~~13-39A-18.

Law Implemented: SDCL 13-1-65, ~~13-39-8, 13-39-9, 13-39-37, 13-39-75~~13-39A-18.

~~24:10:49:07~~24:59:05:07. **Reporting.** Each postsecondary technical institute shall provide a report to the ~~department~~Board of Technical Education by July fifteenth of each year detailing how the salary support funds were applied to instructors' salaries and the resulting instructor compensation. In addition, the postsecondary technical institute is responsible for reporting

quarterly any difference between need calculated pursuant to § 24:59:05:04 and funding applied pursuant to § 24:59:05:06. The ~~department~~ Board of Technical Education shall annually provide a report to ~~the Board of Education and~~ the Legislature.

Source: 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017.

Repealed from 24:10:49:07.

General Authority: SDCL ~~13-39-37, 13-39-75~~ 13-39A-18.

Law Implemented: SDCL 13-1-65, ~~13-39-8, 13-39-9, 13-39-37, 13-39-75~~ 13-39A-18.