

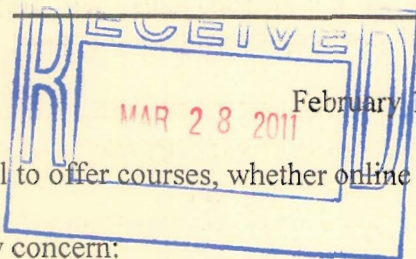
South Dakota



BOARD OF REGENTS

306 EAST CAPITOL AVENUE, SUITE 200
PIERRE, SOUTH DAKOTA 57501-2545
(605) 773-3455/FAX (605) 773-5320
www.sdbor.edu

OFFICE OF THE EXECUTIVE DIRECTOR



Re: Approval to offer courses, whether online or in person, in South Dakota

To whom it may concern:

South Dakota has no system of licensure for institutions seeking to offer postsecondary degree programs or credit-bearing courses.

The South Dakota Board of Regents plays no role in supervising private institutions or out-of-state institutions that deliver postsecondary degree programs or credit-bearing courses. The sole legal authority of the South Dakota Board of Regents relates to control of postsecondary institutions funded by the state, and to the administration of a small merit-based scholarship program established by the state. See, SDCL §§ 13-49-1 <http://legis.state.sd.us/statutes/DisplayStatute.aspx?Statute=13-49-27.1&Type=Statute> and 13-55-30 <http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=13-55-30>.

Prior to 1996, South Dakota licensed postsecondary institutions operating within the state. Since 2001, the state has relied upon a simple prohibition backed by criminal enforcement. No institution may provide postsecondary credits or degrees "in South Dakota, or while organized under the laws of South Dakota," unless it is (a) accredited by an accrediting agency recognized by the U.S. Education Department, (b) approved to offer its students federal financial aid, or (c) actively pursuing accreditation from a U.S. Education Department recognized accrediting agency and offering work pursuant to an affiliation agreement with a duly accredited institution which takes responsibility for issuing credits or degrees, maintaining transcripts and, where appropriate, administering federal financial aid programs. SDCL § 13-49-27.1 <http://legis.state.sd.us/statutes/DisplayStatute.aspx?Statute=13-49-27.1&Type=Statute>. As is the case with other prohibitions backed by criminal sanctions, enforcement authority resides with state attorneys and the Attorney General.

Given the structure and operation of South Dakota law, the Board of Regents is not empowered to provide specific assurance of compliance with South Dakota law.

Sincerely,

Jack R. Warner
Executive Director and CEO

GOVERNING BOARD FOR

BLACK HILLS STATE UNIVERSITY • DAKOTA STATE UNIVERSITY • NORTHERN STATE UNIVERSITY • SOUTH DAKOTA SCHOOL FOR THE DEAF • SOUTH DAKOTA SCHOOL OF MINES & TECHNOLOGY
SOUTH DAKOTA SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED • SOUTH DAKOTA STATE UNIVERSITY • UNIVERSITY OF SOUTH DAKOTA