



# South Dakota Board of Technical Education

## SOUTH DAKOTA BOARD OF TECHNICAL EDUCATION SB 142 POLICY DEVELOPMENT AND IMPLEMENTATION EFFECTIVE: JULY 1, 2020

### I. BACKGROUND

During the 2020 Legislative Session, [Senate Bill 142](#) (SB 142) – an act to establish certain restrictions regarding the state-subsidized dual credit program – was enacted. SB 142 was subsequently signed by the Governor on March 23, 2020. The specific statute amended will be [SDCL 13-28-37.1](#).

In summary, starting in Fall 2020, students participating in the High School Dual Credit Program (HSDC) are no longer eligible to participate in HSDC if the student receives a “W” or “F” grade in a HSDC course. However, if the student demonstrates “good cause,” s/he may submit a petition for continued eligibility. SB 142 did not define good cause; rather, SB 142 referred the authority to do so to the Boards of Regents and Technical Education. A proposed policy is reflected in Section II.

Further, should a student be unable to demonstrate good cause, s/he may pay for the full HSDC tuition rate<sup>1</sup> at his/her own expense. The full HSDC tuition rate includes both the student portion of the tuition (1/3 of the full rate), as well as the portion typically paid for by the Department of Education (2/3 of the full rate). If a student successfully passes the course in which s/he received a “W” or “F,” s/he can regain full eligibility into HSDC.

Lastly, SB 142 now prevents remedial courses through HSDC. These courses were rare but did exist in some circumstances.

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<sup>1</sup> For courses in the state subsidized program, per SDCL 13-28-37.1, the “Board of Regents shall set a high school dual credit tuition rate equivalent to forty-three percent of the undergraduate off-campus tuition rate. The student taking the course shall pay an amount equal to thirty-three and three tenths percent of the total high school dual credit tuition rate and a school district may pay any portion of the student's share. The state shall pay an amount equal to sixty-six and seven tenths percent of the total high school dual credit tuition rate. No public institution of higher education or postsecondary technical institute offering the credit may require any additional fees.”

## II. POLICY

SB 142 requires the adoption of policy to ensure standardized implementation across the six public universities, four technical colleges, Boards of Regents and Technical Education System Offices, and the South Dakota Department of Education.

The following policy<sup>2</sup> is recommended for adoption:

1. Per SDCL § 13-28-37.1, any student who earns a “W” or an “F” in any given term shall be denied any future enrollment unless he/she is able to demonstrate good cause or, at their own expense, successfully pass the course in which they withdrew or failed.
  - 1.1. Good cause may be shown through demonstrating an extenuating circumstance which led the student withdraw or fail the course(s).
  - 1.2. A student who earns a “W” or an “F” and cannot demonstrate good cause may be reinstated into the HSDC program but must first successfully repeat the course(s) in which they earned a “W” or an “F” at the full HSDC tuition rate. The full HSDC tuition rate includes both the student portion of the tuition (1/3 of the full rate), as well as the portion typically paid for by the Department of Education (2/3 of the full rate).
  - 1.3. Students wishing to continue in the program after receiving a “W” or “F” grade must first complete an Eligibility Exemption Form (EEF).
    - 1.3.1. For students who wish to establish good cause through extenuating circumstances, they must submit the EEF to the institution they earned the “W” or “F” grade from, as that institution will determine good cause. Upon making a determination, the institution will forward the completed form to the institution(s) the student is planning to enroll at, as necessary.
    - 1.3.2. For students who wish to continue at the full HSDC tuition rate, the EEF must be submitted to the campus they wish to enroll at.
    - 1.3.3. A student may appeal the decision of the institution to the High School Dual Credit Joint Appeals Panel (Panel), consisting of a representative from SDBOR, the Board of Technical Education, and the Department of Education. The Panel will make a final determination as to whether the student showed good cause.

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<sup>2</sup> The policy, if approved, will serve as shared guidance between the Boards of Regents and Technical Education. The policy has the flexibility to be supplemented with system-specific guidelines, as appropriate. The Board of Regents will tentatively consider this policy for approval at its August meeting.

### III. POLICY DEVELOPMENT PROCESS

1. After passage of SB 142, central administrators in the Boards of Regents and Technical Education System Offices, alongside the South Dakota Department of Education, developed a first draft policy.
2. The first draft policy and petition waiver were distributed to the technical colleges for review and feedback.
3. The BOR and BOTE System Offices consolidated the feedback and made revisions to the first-draft policy.
4. A second draft policy and petition waiver were distributed to the technical colleges for review and feedback.
5. The BOR and BOTE System Offices reviewed the second round of feedback and integrated revisions.
6. The BOTE System Office reviewed this policy with the technical college presidents.
7. The BOTE System Office prepared this policy recommendation for BOTE consideration.

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