

SOUTH DAKOTA BOARD OF TECHNICAL EDUCATION MINUTES OF THE MAY 21, 2020, REGULAR MEETING

South Dakota Board of Technical Education Minutes of the May 21, 2020, Regular Meeting Teleconference

An audio recording of this meeting can be electronically accessed through the South Dakota Public Broadcasting's (SDPB) Stream Archive. The below timestamps are aligned with SDPB's audio stream, which can be accessed at:

<https://sdpb.sd.gov/streamarchive/BOTE05212020.mp3>

1. Call to Order and Roll Call (0:06)

The South Dakota Board of Technical Education (hereinafter referred to as "BOTE") met on May 21, 2020. Chairman Dana Dykhouse called the meeting to order at approximately 10:30 am (CST) with the following members present: Bob Faehn (Vice-Chairman), Terry Sabers (Secretary), Rod Bowar, Doug Ekeren, Scott Knuppe, Ed Mallett, and Diana VanderWoude. One member, Scott Peterson, joined shortly after rollcall.

Also present:

Nick Wendell, Executive Director, BOTE
Scott DesLauriers, Deputy Director, BOTE
Michael Cartney, President, Lake Area Technical Institute
Diane Stiles, Vice-President, Lake Area Technical Institute
Tracy Hlavacek, Director, Lake Area Technical Institute Foundation
Robert Griggs, President, Southeast Technical Institute
Ann Bolman, President, Western Dakota Technical Institute
Kelly Oehlerking, Vice-President of Institutional Effectiveness and Student Success, Western Dakota Technical Institute
Will Mortenson, Attorney, Mortenson Law

2. Adoption of the Agenda (5:50)

Motion made by Mallett and seconded by Knuppe to adopt the proposed agenda as presented in [Attachment #1](#).

Roll call vote. Voting yes: Bowar, Dykhouse, Ekeren, Faehn, Knuppe, Mallett, Peterson, Sabers, VanderWoude.

Motion carried.

3. Approval of Meeting Minutes – March 31, 2020 (7:00)

Motion made by Sabers and seconded by Bowar to adopt the meeting minutes from the March 31, 2020, regular meeting as presented in [Attachment #2](#).

Roll call vote. Voting yes: Bowar, Dykhouse, Ekeren, Faehn, Knuppe, Mallett, Peterson, Sabers, VanderWoude.

Motion carried.

4. Declaration of Conflicts (7:55)

In accordance with SDCL 3-23-10, state boards and commissions are required to publicly address the expectations regarding annual disclosures and waivers. No BOTE members submitted new declarations of conflicts.

5. Public Comment (8:15)

Dykhouse opened the floor to public comment, though none was present.

6. Public Hearing: Consideration of Western Dakota Technical Institute's Petition for the Establishment of a Separate and Distinct Local Education Agency (9:40)

Dykhouse recognized Wendell to provide an overview of the public hearing and consideration process for Western Dakota Technical Institute's (WDT) petition for the establishment of a separate and distinct local education agency (LEA). The process to petition for and establish such an agency is identified in SDCL 13-39A-35. Wendell reviewed the affirmative steps taken by BOTE to establish a petition process and the substance thereof. Wendell acknowledged that the WDT petition is the first of its kind.

Dykhouse opened the floor to proponent testimony. The following individuals presented proponent testimony:

Ann Bolman, President, Western Dakota Technical Institute
Paulette Davidson, President & CEO, Monument Health
Dick Johnson, CEO/General Manger, West River Electric Association
Anna Hayes, Public Policy Director, Rapid City Area Chamber of Commerce
Jon Gillam, President, Floyd's Truck Center
Andy Scull, President, J. Scull Construction
Andrea Powers, Executive Director, Southern Hills Economic Development
Linda Rabe, former President, Rapid City Area Chamber of Commerce
Steve Willard, Superintendent, Belle Fourche School District
Mike Roesler, President, Rapid City Area School Board
Curt Porchardt, First Vice President, Rapid City Area School Board

In accordance with South Dakota state law, the BOTE provided an opportunity for individuals to submit written testimony in advance of the public hearing. Three letters of support were submitted and are accessible in the agenda materials available on the Boards and Commissions website.

Dykhouse proceeded to opponent testimony. No verbal opponent testimony present. Additionally, no written opponent testimony was submitted prior to the public hearing.

Dykhouse opened the floor for questions and comments from BOTE members.

After discussion, Dykhouse recognized Wendell to provide the executive director recommendation as indicated in the petition criteria. Wendell recommended approval of the petition with three contingencies:

1. Confirmation from the South Dakota Healthcare and Education Facilities Authority (SDHEFA) that the creation of a separate and distinct LEA will not have a negative impact on the system's debt capacity, bond rating, or ability to provide debt service coverage.

2. Confirmation from the United States Department of Education (USDOE) that the creation of a separate and distinct LEA will not limit WDT's ability to maintain the current eligibility for federal financial aid.
3. Confirmation from the Higher Learning Commission (HLC) that the creation of a separate and distinct LEA will not negatively impact WDT's current accreditation status or future accreditation efforts.

Wendell continued: If WDT is not able to secure confirmation from the respective entities, the institution should not proceed with the creation of a separate and distinct LEA. The institution should also not transfer assets between Rapid City Area Schools (RCAS) and WDT until such confirmations can be achieved. If such confirmations cannot be secured, WDT should return to the existing governance structure under the RCAS Board of Education.

Motion made by Bowar and seconded by Ekeren to approve the WDT Petition for the establishment of a separate and distinct LEA as presented in [Attachment #3](#).

To clarify contingencies, an amendment to the motion was proposed by Knuppe to accept the petition to establish a separate and distinct LEA to govern Western Dakota Technical Institute if WDT can meet three contingencies, which include receiving confirmation that the creation of a separate LEA will not have a negative impact on the system's bonding relationship with the South Dakota Healthcare and Education Facilities Authority, receiving confirmation from the United States Department of Education that the creation of a separate LEA will not limit WDT's ability to maintain their current federal financial eligibility, and receiving confirmation from the Higher Learning Commission that the creation of a separate LEA will not negatively impact WDT's current accreditation status or future accreditation efforts, AND that we follow the oversight and transition document which serves as Appendix D in the Executive Director's recommendation memo.

Motion brought to the BOTE by Dykhouse. Roll call vote. Voting yes: Bowar, Dykhouse, Ekeren, Faehn, Knuppe, Mallett, Peterson, Sabers, VanderWoude.

Motion carried.

7. Executive Director Update, Nick Wendell (1:26:45)

Wendell presented the executive director update.

8. Report: Graduate Outcomes and Placement, 2019 (1:37:20)

DesLauriers presented the 2019 Graduate Outcomes and Placement report ([Attachment #4](#)).

9. Annual Certificate of No Default and Debt Service Coverage (1:51:23)

Motion made by Sabers and seconded by Faehn to approve the Annual Certificate of No Default and Debt Service Coverage as presented in [Attachment #5](#).

Roll call vote. Voting yes: Bowar, Dykhouse, Ekeren, Faehn, Knuppe, Mallett, Peterson, Sabers, VanderWoude.

Motion carried.

10. Academic Program Approval: Southeast Technical Institute: Paramedic Science, Associate of Applied Science (AAS) – (1:53:18)

Dykhouse recognized Griggs to overview the prospectus. Providing additional proponent comments were: Benjamin Valdez, Vice-President of Academic Affairs at Southeast Technical Institute; Travis Spier, Director of Simulation and Center for Pre-hospital Care at Sanford Health.

Motion made by Peterson and seconded by Knuppe to approve Southeast Technical Institute's request to introduce the Associate of Applied Science in Paramedic Science as presented in [Attachment #6](#).

Roll call vote. Voting yes: Bowar, Dykhouse, Ekeren, Knuppe, Mallett, Peterson, Sabers. Absent: Faehn. Abstain: VanderWoude.

Motion carried.

11. Technical Institute Presidents' Reports (2:18:39)

Cartney (LATI), Griggs (STI), and Bolman (WDT) provided presidents' updates.

12. Adjournment (2:55:48)

Motion made by Sabers and seconded by Mallett to adjourn the meeting.

Roll call vote. Voting yes: Bowar, Dykhouse, Ekeren, Knuppe, Mallett, Peterson, Sabers, VanderWoude. Absent: Faehn.

Motion carried.

The meeting adjourned at approximately 2:15 pm CST.

Submitted on:
May 28, 2020

Approved on:
June 25, 2020