

**CHAPTER 24:59:05**

**POSTSECONDARY TECHNICAL ~~INSTITUTE~~ COLLEGE INSTRUCTOR SALARY**

**SUPPORT**

Section

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**24:59:05:01. (Effective through June 30, 2022) 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.

**(Effective July 1, 2022) Purpose of salary support funds.** Salary support funds ~~shall~~ must 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; Readopted from § 24:10:49:01, 44 SDR 184, effective June 25, 2018.

**General Authority:** SDCL 13-39A-18.

**Law Implemented:** SDCL 13-39A-18.

**24:59:05:02. (Effective through June 30, 2022) Market value determination.** The Board of Technical Education shall set a wage range and market value for each instructor position every three years. The Board of Technical Education may consult the Department of Labor and Regulation or the Bureau of Human Resources to set the market value.

**(Effective July 1, 2022) Market value information determination.** The South Dakota Board of Technical Education shall ~~set a~~ provide wage range and market value ~~data~~ for each instructor position to each postsecondary technical college every three years. The South Dakota Board of Technical Education may consult with the Department of Labor and Regulation or the Bureau of Human Resources to compile such data. ~~set the market value.~~

**Source:** 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017; Readopted from § 24:10:49:02, 44 SDR 184, effective June 25, 2018.

**General Authority:** SDCL 13-39A-18.

**Law Implemented:** SDCL 13-39A-18.

**24:59:05:03. (Effective through June 30, 2022) 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.

~~(Effective July 1, 2022) 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.~~ Repealed.

**Source:** 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017; Readopted from § 24:10:49:03, 44 SDR 184, effective June 25, 2018.

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

~~Law Implemented:~~ SDCL 13-1-65, 13-39A-18.

**24:59:05:04. (Effective through June 30, 2022) Calculation of need.** In the first year, market values are determined as provided in § 24:59:05:02. The 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 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 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.

**(Effective July 1, 2022) Calculation of need Allocation of funds.** In the first year, market values are determined as provided in § 24:59:05:02. The 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 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 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.

The postsecondary technical colleges shall receive salary support funds as follows:

- (1) The total salary support funds must be distributed within the following program categories:

- (a) High cost-low density programs;
  - (b) High cost programs; and
  - (c) Standard cost programs.
- (2) The executive director shall:
  - (a) Determine the number of full-time equivalent students in each program; and
  - (b) Multiply the number determined under subdivision (a) by a number representing the weighted program factor multiplied by the weighted per student value.
- (3) The executive director shall use the weighted program factors set forth in §24:59:02:03.
- (4) The weighted per student value equals the amount of the allocation divided by an amount equal to the total of:
  - (a) The high cost-low density program's full-time equivalent students multiplied by a weighted program factor;
  - (b) The total high cost program's full-time equivalent students multiplied by a weighted program factor; and
  - (c) The total standard cost program's full-time equivalent students multiplied by a weighted program factor.

**Source:** 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017; Readopted from § 24:10:49:04, 44 SDR 184, effective June 25, 2018.

**General Authority:** SDCL 13-39A-18.

**Law Implemented:** SDCL 13-39A-18.

**24:59:05:05. (Effective through June 30, 2022) 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.

**(Effective July 1, 2022) Distribution of funds.** The funds identified for each postsecondary technical ~~institute~~ college in § 24:59:05:04 ~~shall~~ must be distributed semi-annually for the year in which the funds were appropriated. These payments may be adjusted by the South Dakota Board of Technical Education, 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.~~ been used in a manner that fails to meet the purposes set forth in § 24:59:05:06.

**Source:** 43 SDR 9, effective August 4, 2016; Readopted from § 24:10:49:05, 44 SDR 184, effective June 25, 2018.

**General Authority:** SDCL 13-39A-18.

**Law Implemented:** SDCL 13-39A-18.



**24:59:05:06. (Effective through June 30, 2022) 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.

**(Effective July 1, 2022) Instructor salary adjustments.** From the funds distributed to each postsecondary technical ~~institute~~ college, the president shall determine compensation for individual instructors ~~in programs with identified need as determined in subdivision~~ 24:59:05:04(1). ~~Compensation shall 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.~~ Salary support funds must be used to increase salaries to levels competitive with applicable industry practitioners. The funds must be allocated based on instructor performance and the relative difficulty of attracting and retaining instructors in high-need industry areas, taking into consideration the wage data provided pursuant to §24:59:05:02. The funds must be used to provide differential pay based on industry and may not be applied equally among all instructors.

**Source:** 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017; Readopted from § 24:10:49:06, 44 SDR 184, effective June 25, 2018.

**General Authority:** SDCL 13-39A-18.

**Law Implemented:** SDCL 13-39A-18.

**24:59:05:07. (Effective through June 30, 2022) Reporting.** Each postsecondary technical institute shall provide a report to the 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 Board of Technical Education shall annually provide a report to the Legislature.

**(Effective July 1, 2022) Reporting.** Each postsecondary technical ~~institute~~ college shall provide a report to the South Dakota Board of Technical Education by ~~July~~ September fifteenth of each year detailing ~~how~~ the allocation of the salary support funds in accordance with the purposes set forth in §24:59:05:06. ~~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 South Dakota Board of Technical Education shall annually provide a ~~report~~ to the Legislature a report regarding the use of the salary support funds.

**Source:** 43 SDR 9, effective August 4, 2016; 43 SDR 176, effective July 3, 2017; Readopted from § 24:10:49:07, 44 SDR 184, effective June 25, 2018.

**General Authority:** SDCL 13-39A-18.

**Law Implemented:** SDCL 13-39A-18.