The South Dakota Board of Regents met on December 11-12, 2019 at the Community College for Sioux Falls in Sioux Falls, South Dakota with the following members present:

Kevin Schieffer, President
John Bastian, Vice President
Jim Morgan, Secretary
Lucas Lund, Regent
Pam Roberts, Regent
Randy Schaefer, Regent
Barb Stork, Regent
Jim Thares, Regent
Joan Wink, Regent

Also present during all or part of the meeting were Dr. Paul B. Beran, Board of Regents Executive Director and CEO; Jay Perry, System Vice President of Academic Affairs; Nathan Lukkes, Board of Regents General Counsel; Michele Anderson, System Internal Auditor; Kayla Bastian, System Director of Human Resources; Heather Forney, System Vice President of Finance & Administration; Dave Hansen, System Chief Information Officer; Janelle Toman, System Director of Communications; Leah Ahartz, System Budget Manager; Scott Van Den Hemel, System Compliance Officer; Joelle Lein, System Associate Vice President of Academic Affairs; Molly Weisgram; Executive Assistant to the CEO and Board; Barry Dunn, SDSU President; José-Marie Griffiths, DSU President; Laurie Nichols, Interim BHSU President; Jim Rankin, SDSM&T President; Tim Downs, NSU President; Sheila Gestring, USD President; Randy Culver, Kathy Johnson, BHSU; Nathan Harmer, Jim Moran, Corey Braskamp, Dick Hanson, Jim Jacobson, DSU; Veronica Paulson, Michael Wanous, NSU; Jerilyn Roberts, Lancy Roberts, SDSM&T; Tracy Greene, Dennis Hedge, Mike Holbeck, Michaela Willis, Dean Kattelmann, Bruce Berdanier, Anthony Shimon, Jessica Boesch, Dustin Manzey, Jesse Carlson, Amber Alreg, Sarah Cook, Corey Berscheit, Ally Monson, Mary Kay Helling, SDSU; Abuk Jiel, Hannah Booth, Jacob Holmberg, Matt Yetter, Erin Weightman, Carmen Simone, Mackenzie Feldhacker, Nicole Leinhart, Dana Vaudeberg, Kurt Hackemer, Adam Rosheim, Mary Nettleman, Lamont Sellers, Beth Freeburg USD; Claudean Hluchy, SDSD/SDSBVI; Shelly Conlon, Argus Leader; Bogdan Anton, Stephanie Kazi, Douglas Yim, Seldinger Society; and other members of the Regental system and public and media.
BOARD WORK

Regent Schieffer declared a quorum present and called the meeting to order at 11:15 a.m.

1-A Approval of the Agenda

IT WAS MOVED by Regent Thares, seconded by Regent Morgan, to approve the agenda as published. Motion failed.

Regent Wink explained that there have been a few changes to the Committee on Academic and Student Affairs agenda. She would like to remove items 4-I(1), 4-I(2), 4-I(3), and 5-F(1) from the agenda.

SUBSTITUTE MOTION:

IT WAS MOVED by Regent Thares, seconded by Regent Morgan, to approve the agenda as published except to remove agenda items 4-I(1), 4-I(2), 4-I(3), and 5-F(1). Motion passed.

1-B Declaration of Conflicts

There were no declared conflicts.

1-C Approval of the Minutes – Meeting on October 2-3, 2019

IT WAS MOVED by Regent Morgan, seconded by Regent Schaefer, to approve the minutes of the meeting on October 2-3, 2019. Motion passed.

IT WAS MOVED by Regent Morgan, seconded by Regent Schaefer, that the Board dissolve into executive session at 11:22 a.m. on Wednesday, December 11, 2019, to consult with legal counsel and discuss personnel matters, pending and prospective litigation, contractual matters, marketing or pricing strategies by a board of a business owned by the state when public discussion may be harmful to the competitive position of the business, and to consult with legal counsel; that it recess at 2:30 p.m. to resume the regular order of business; that it reconvene into executive session at 8:00 a.m. on Thursday, December 12, 2019 to continue to discuss the earlier referenced matters and that it recess at 9:30 a.m. to resume the regular order of business; and that it reconvene in executive session at 1:15 p.m. on Thursday, December 12, 2019 to continue discussing the earlier referenced matters, and that it rise at 1:45 p.m. to act in public session on any recommended action it deems prudent as a result of its executive session deliberations. Motion passed.

The Board dissolved into executive session at 11:22 a.m. and reconvened in public session at 2:30 p.m.
3-A Welcome and Presentation by USD Sheila Gestring

USD President Sheila Gestring welcomed the audience to Community College of Sioux Falls and shared how USD is committed to developing leaders who move South Dakota’s communities forward. She described USD’s contributions to workforce through workforce development in health sciences, health and human services, biomedical engineering, and law.

3-B Report of the Executive Director/Interim Actions

Dr. Paul B. Beran, Board of Regents Executive Director, said he recently sat before the Legislative Appropriations Committee and talked to them about the Board of Regents universities, what they are doing, their goals and ambitions, and their budget and budget needs. He pointed out the Board’s top budget request, Dakota’s Promise, which is a scholarship program for students who have financial need. He noted that the universities have been hard at work on intellectual diversity directives, the product of which shows a broad range of presenters and efforts. He said the system is working with legislators, industry leaders, and presidents who can partner on some critical programs in South Dakota. He explained that the system is actively working to search for the next leaders of Black Hills State University, South Dakota School for the Blind and Visually Impaired, and South Dakota School for the Deaf. Dr. Beran recognized the phenomenal presidents and leaders in South Dakota higher education and its special school. He applauded the Board of Regents for supporting their institutional CEOs and student leaders.

A copy of the Report of the Executive Director/Interim Actions can be found on pages _____ to _____ of the official minutes.

3-C Reports on Individual Regent Activities

Regent Schaefer paid his respects to the late Don King, DSU President Griffiths’ husband. He passed along condolences to President Griffiths and family.

3-D Reports from Individual Presidents and Superintendents

No reports from individual presidents or superintendents.

3-E Report from SD Department of Education Secretary Ben Jones

Dr. Ben Jones, Secretary of the South Dakota Department of Education, provided an overview of the Department of Education. He shared the department’s 2019-24 strategic plan. He explained joint Department of Education (DOE) and Board of Regents (BOR) initiatives, including the industrial arts BS degree development, civics education initiative, dual credit, automatic admission to SD public universities based upon the SD assessment scores, faculty participation in the crafting of academic standards, senior leadership regular meetings, and critical teacher needs scholarships. Additionally, he shared thoughts on where the DOE and BOR could collaborate more, which included education research to support policy making for teacher practice to enable the DOE to be a resource regarding issues where mental health, health care, and K-12 education are involved, and Native American education issues. Regarding dual credit, he explained that the DOE is reverting
$764,164 from its budget request for this coming year as we are seeing demand for dual credit leveling off. Finally, he shared the areas where there are shortages in teachers in South Dakota as well as provided context of South Dakota K-12 student achievement. Secretary Jones said a real problem for South Dakota is that students who are economically disadvantaged perform at lower rates of success. He explained that the knowledge gap and challenges outside of school are contributing to the opportunity gap. He would like the department to contribute to finding cures for the opportunity gap. In wrap up, Dr. Jones said the Department of Education would like to continue the tradition of having a joint meeting with the Board of Regents in the near future.

Regent Morgan applauded Dr. Jones for his suggestion of a research arm between the BOR and DOE. There are many questions that could be answered by employing the Board of Regents’ research talent.

3-F DSU Residence Village Facility Design Plan Revision

Heather Forney, System Vice President of Finance and Administration, explained the change in the budget of the Residence Village Facility that was approved at the August 2019 Board Meeting. She said the request to amend the original budget is due to the increased cost estimates from $11.5 million to $12.5 million. The increase of funding would come from a $500,000 increase in the amount bonded with an additional $500,000 from the contract with Sodexo, DSU’s contracted food service provider.

The increase in the project budget would allow the adoption of steel columns and pre-cast construction from the previously approved combination of steel and wood-stud construction. There are significant benefits to pre-cast construction. The cost differential between a re-cast building and a wood-stud building was a much smaller gap than previously estimated. The changes would assure the campus is able to provide the quality and modern living standard expected by students.

IT WAS MOVED by Regent Roberts, seconded by Regent Schaefer, to approve the revised Facility Design Plan for DSU’s Residence Village Facility at a cost not to exceed $12.5 million. Motion passed.

A copy of the DSU Residence Village Facility Design Plan Revision can be found on pages _____ to ____ of the official minutes.

3-G BOR 2019 Series Housing and Auxiliary Facilities System Revenue Bonds

Heather Forney, System Vice President of Finance and Administration, explained the request to approve the issuance of Housing and Auxiliary Facilities System Revenue Bonds, Series 2019A (the “Series 2019A Bonds”) to construct a new residence hall (the “DSU Project”) for Dakota State University (“DSU”) ($12,000,000 Series 2019A Bond Proceeds) and pay interest on the Series 2019A Bonds relating to the DSU Project through April 1, 2021 ($624,534 Series 2019A Bond Proceeds); and Housing and Auxiliary Facilities System Taxable Refunding Revenue Bonds, Series 2019B (the “Series 2019B Bonds” and together with the Series 2019A Bonds, the “Bonds”) to refinance a portion of the outstanding Series 2011 Bonds (defined below) for the Institutional System for Northern State University (“NSU”) ($4,585,000 Par Amount).
The last Housing and Auxiliary System Revenue Bonds deal in 2017 was assigned a ration of “Aa3” by Moody’s. These Bonds have been assigned a rating of “Aa3” by Moody’s. Piper Jaffray & Co. is the underwriter for the Bonds. Chapman and Cutler LLP serves as bond counsel for revenue bonds.

Bond counsel and counsel to the underwriter have prepared the appropriate resolutions and documents to proceed with the next phases of the financing. It was recognized that the five necessary action would need to be approved with separate motions, seconds, and roll call votes.

IT WAS MOVED by Regent Roberts, seconded by Regent Schaefer, to approve Action Item 1 to authorize the issuance of additional series of Bonds under the Amended and Restated Bond Resolution adopted by the Board on October 21, 2004 (the “Original Resolution”) to finance:

i. the DSU Project;
ii. capitalized interest on the Series 2019A Bonds relating to the DSU Project through April 1, 2021;
iii. the refunding of a portion of the Refunded Bonds, but only if (a) the net present value of the savings from the portion of the Series 2019B Bonds attributable to the refunding shall be at least $100,000 and (b) the aggregate debt service on the portion of the Series 2019B Bonds attributable to the refunding does not exceed the aggregate debt service on the Refunded Bonds; and
iv. costs of issuance of the Bonds; (Attachment I—Fourteenth Supplemental System Revenue Bond Resolution (the “Fourteenth Supplemental Bond Resolution”).

Roll Call Vote:
Bastian – AYE
Morgan – AYE
Lund – AYE
Roberts – AYE
Schaefer – AYE
Stork – AYE
Thares – AYE
Wink – AYE
Schieffer – AYE

Motion passed.

IT WAS MOVED by Regent Roberts, seconded by Regent Bastian, to approve Action Item 2 to approve the contract with the underwriter, Piper Jaffray & Co., who will market the Bonds for the Board; provided, however, that (i) the aggregate principal amount of Series 2019A Bonds sold pursuant thereto shall not exceed $12,000,000, shall mature not later than April 1, 2044, shall bear interest at a true interest cost not exceeding 3.5%, and shall be sold at an underwriter’s discount of not more than .5% of the principal amount of the Series 2019A Bonds and (ii) the aggregate principal amount of Series 2019B Bonds sold pursuant thereto shall not exceed $4,600,000, shall mature not later than April 1, 2036, shall bear interest at a true interest cost not exceeding 3.5%,
and shall be sold at an underwriter’s discount of not more than .5% of the principal amount of the Series 2019B Bonds (Attachment II—Bond Purchase Agreement).

Roll Call Vote:
Bastian – AYE
Morgan – AYE
Lund – AYE
Roberts – AYE
Schaefer – AYE
Stork – AYE
Thares – AYE
Wink – AYE
Schieffer – AYE

Motion passed.

IT WAS MOVED by Regent Roberts, seconded by Regent Thares, to approve Action Item 3 to approve an escrow agreement with First Bank & Trust, Brookings, South Dakota, the Bond Registrar for the Refunded Bonds, to provide for the refunding of the Refunded Bonds (Attachment III—Escrow Agreement).

Roll Call Vote:
Bastian – AYE
Morgan – AYE
Lund – AYE
Roberts – AYE
Schaefer – AYE
Stork – AYE
Thares – AYE
Wink – AYE
Schieffer – AYE

Motion passed.

IT WAS MOVED by Regent Roberts, seconded by Regent Lund, to approve Action Item 4 to ratify the distribution of the preliminary official statement and approving the distribution of the official statement to reflect the actual terms of the transaction once they are determined and the Bonds are ready for sale (Attachment IV—draft Preliminary Official Statement).

Roll Call Vote:
Bastian – AYE
Morgan – AYE
Lund – AYE
Roberts – AYE
Schaefer – AYE
Stork – AYE
Thares – AYE
Wink – AYE
Schieffer – AYE

Motion passed.

IT WAS MOVED by Regent Roberts, seconded by Regent Thares, to approve Action Item 3 to approve an escrow agreement with First Bank & Trust, Brookings, South Dakota, the Bond Registrar for the Refunded Bonds, to provide for the refunding of the Refunded Bonds (Attachment III—Escrow Agreement).

Roll Call Vote:
Bastian – AYE
Morgan – AYE
Lund – AYE
Roberts – AYE
Schaefer – AYE
Stork – AYE
Thares – AYE
Wink – AYE
Schieffer – AYE

Motion passed.

IT WAS MOVED by Regent Roberts, seconded by Regent Lund, to approve Action Item 4 to ratify the distribution of the preliminary official statement and approving the distribution of the official statement to reflect the actual terms of the transaction once they are determined and the Bonds are ready for sale (Attachment IV—draft Preliminary Official Statement).

Roll Call Vote:
Bastian – AYE
Morgan – AYE
Lund – AYE
Roberts – AYE
Schaefer – AYE
Stork – AYE
Thares – AYE
Wink – AYE
Schieffer – AYE

Motion passed.

IT WAS MOVED by Regent Roberts, seconded by Regent Thares, to approve Action Item 3 to approve an escrow agreement with First Bank & Trust, Brookings, South Dakota, the Bond Registrar for the Refunded Bonds, to provide for the refunding of the Refunded Bonds (Attachment III—Escrow Agreement).

Roll Call Vote:
Bastian – AYE
Morgan – AYE
Lund – AYE
Roberts – AYE
Schaefer – AYE
Stork – AYE
Thares – AYE
Wink – AYE
Schieffer – AYE

Motion passed.

IT WAS MOVED by Regent Roberts, seconded by Regent Lund, to approve Action Item 4 to ratify the distribution of the preliminary official statement and approving the distribution of the official statement to reflect the actual terms of the transaction once they are determined and the Bonds are ready for sale (Attachment IV—draft Preliminary Official Statement).

Roll Call Vote:
Bastian – AYE
Morgan – AYE
Lund – AYE
Roberts – AYE
Schaefer – AYE
Stork – AYE
Thares – AYE
Wink – AYE
Schieffer – AYE

Motion passed.

IT WAS MOVED by Regent Roberts, seconded by Regent Thares, to approve Action Item 3 to approve an escrow agreement with First Bank & Trust, Brookings, South Dakota, the Bond Registrar for the Refunded Bonds, to provide for the refunding of the Refunded Bonds (Attachment III—Escrow Agreement).

Roll Call Vote:
Bastian – AYE
Morgan – AYE
Lund – AYE
Roberts – AYE
Schaefer – AYE
Stork – AYE
Thares – AYE
Wink – AYE
Schieffer – AYE

Motion passed.

IT WAS MOVED by Regent Roberts, seconded by Regent Lund, to approve Action Item 4 to ratify the distribution of the preliminary official statement and approving the distribution of the official statement to reflect the actual terms of the transaction once they are determined and the Bonds are ready for sale (Attachment IV—draft Preliminary Official Statement).

Roll Call Vote:
Bastian – AYE
Morgan – AYE
Lund – AYE
Roberts – AYE
Schaefer – AYE
Stork – AYE
Thares – AYE
Wink – AYE
Schieffer – AYE

Motion passed.
Thares – AYE
Wink – AYE
Schieffer – AYE

Motion passed.

IT WAS MOVED by Regent Roberts, seconded by Regent Lund, to approve Action Item 5 to authorize the President of the Board, the President of Dakota State University, the President of Northern State University, the Executive Director of the Board and other Board officials to perform those acts and to execute those documents necessary to complete the Bond issue and the refunding of the Refunded Bonds, and the execution and delivery of the Fourteenth Supplemental Bond Resolution, the Bond Purchase Agreement and the Escrow Agreement; and to make the certifications required prior to the issuance of additional Bonds under Section 14(K) of the Original Resolution based on the Actual Net Revenues of the System for each of the two most recent Fiscal Years and the Projected Net Revenues of the System for each of the specified three Fiscal Years (Attachment V).

Roll Call Vote:
Bastian – AYE
Morgan – AYE
Lund – AYE
Roberts – AYE
Schaefer – AYE
Stork – AYE
Thares – AYE
Wink – AYE
Schieffer – AYE

Motion passed.

A copy of the BOR 2019A Series Housing and Auxiliary Facilities System Revenue Bonds can be found on pages _______ to _______ of the official minutes.

CONSENT AGENDA

IT WAS MOVED by Regent Roberts, seconded by Regent Bastian, to approve consent agenda items 4-A through 4-S, as amended. Motion passed.

Regent Wink commended the Board of Regents’ institutions who have been working to collaborate with others as shown by several consent agenda items.
Academic and Student Affairs – Consent

4-A Graduation Lists
Approve the Fall 2019 graduation lists for BHSU, DSU, NSU, SDSMT, SDSU, and USD contingent upon the students’ completion of all degree requirements.

A copy of the Graduation Lists can be found on pages _____ to ____ of the official minutes.

4-B BOR Policy 1:29 – State Authorization Reciprocity Agreement (SARA) Revisions (Second Reading)
Approve the second and final reading of the proposed revisions to BOR Policy 1:29 – State Authorization Reciprocity Agreement SARA), as presented in Attachment I.

A copy of the BOR Policy 1:29 – State Authorization Reciprocity Agreement (SARA) Revisions (Second Reading) can be found on pages _____ to ____ of the official minutes.

4-C New Program Request – DSU – Minor in Finance Technology
Authorize DSU to offer a minor in Finance Technology, as presented.

A copy of the New Program Request – DSU – Minor in Finance Technology can be found on pages _____ to ____ of the official minutes.

4-D (1) New Certificate Request – DSU – Cyber Security (Graduate)
Authorize DSU to offer a graduate certificate in Cyber Security, as presented.

A copy of the New Certificate Request – DSU – Cyber Security (Graduate) can be found on pages _____ to ____ of the official minutes.

4-D (2) New Certificate Request – NSU – Behavioral and Justice Studies (Graduate)
Authorize NSU to offer a graduate certificate in Behavioral and Justice Studies, as presented.

A copy of the New Certificate Request – NSU – Behavioral and Justice Studies (Graduate) can be found on pages _____ to ____ of the official minutes.

4-E New Specialization Request – NSU – Forensic Counseling (MSEd in Clinical Mental Health Counseling)
Authorize NSU to offer a specialization in Forensic Counseling within the MSEd Clinical Mental Health program, as presented.
A copy of the New Specialization Request – NSU – Forensic Counseling (MSEd in Clinical Mental Health Counseling) can be found on pages _____ to ____ of the official minutes.

4-F (1) Agreement on Academic Cooperation – Northern State University

Approve the agreement on academic cooperation between Northern State University and University of Hradec Kralove, Czech Republic.

A copy of the Agreement on Academic Cooperation – Northern State University can be found on pages _____ to ____ of the official minutes.

4-F (2) Agreements on Academic Cooperation – SD School of Mines & Technology

Approve South Dakota School of Mines & Technology’s agreements on academic cooperation with the University of South-Eastern Norway (Norway), Lovely Professional University (Phagwara, India), and Technische Universität Darmstadt (Germany).

A copy of the Agreements on Academic Cooperation – SD School of Mines and Technology can be found on pages _____ to ____ of the official minutes.

4-F (3) Agreement on Academic Cooperation – University of South Dakota

Approve the University of South Dakota’s agreement on academic cooperation with the Geneva School of Business Administration in Switzerland.

A copy of the Agreement on Academic Cooperation – University of South Dakota can be found on pages _____ to ____ of the official minutes.

4-G (1) Articulation Agreements – Dakota State University

Approve Dakota State University’s articulation agreements with Lake Superior College, Metropolitan Community College, and Lake Area Technical Institute, as presented.

A copy of the Articulation Agreements – Dakota State University can be found on pages _____ to ____ of the official minutes.

4-G (2) Articulation Agreements – South Dakota State University

Approve South Dakota State University’s articulation agreements with Lake Area Technical Institute, Western Dakota Technical Institute, and Palmer College of Chiropractic, as presented.

A copy of the Articulation Agreements – South Dakota State University can be found on pages _____ to ____ of the official minutes.
4-H DSU and Huron Community Campus MOU

Approve the Memorandum of Understanding between Dakota State University and Huron Community Campus, as presented.

A copy of the DSU and Huron Community Campus MOU can be found on pages _____ to ____ of the official minutes.

4-I (1) Guaranteed Admissions Interview Program Agreements – BHSU & Edward Via College of Osteopathic Medicine (VCOM) – REMOVED FROM AGENDA

4-I (2) Guaranteed Admissions Interview Program Agreements – SDSMT & Idaho College of Osteopathic Medicine (ICOM) – REMOVED FROM AGENDA

4-I (3) Guaranteed Admissions Interview Program Agreements – SDSU & Idaho College of Osteopathic Medicine (ICOM) – REMOVED FROM AGENDA

4-J Affiliation Agreement – BHSU & Would Endeavors LLC

Approve the affiliation agreement between Northern State University and World Endeavors LLC.

A copy of the Affiliation Agreement – BHSU & Would Endeavors LLC can be found on pages _____ to ____ of the official minutes.

4-K Dual Credit In-District Delivery – USD & Tea Area School District – Course Addition

Approve the course request as presented for the 2019-2020 academic year for in-district delivery of High School Dual Credit courses.

A copy of the Dual Credit In-District Delivery – USD & Tea Area School District – Course Addition can be found on pages _____ to ____ of the official minutes.

4-L Request to Seek Accreditation – SDSU

Approve SDSU’s requests to seek accreditation from the Council for Accreditation of Counseling and Related Educational Programs (CACREP) for their MS in Counseling & Human Resource Development – Marriage and Family Counseling Specialization.

A copy of the Request to Seek Accreditation – SDSU can be found on pages _____ to ____ of the official minutes.

4-M SDLTAP Joint Powers Agreement – SDSU & SD Department of Transportation

Approve proceeding with the Joint Powers Agreement in substantially similar form to that set forth in Attachment I.
A copy of the SDLTAP Joint Powers Agreement – SDSU & SD Department of Transportation can be found on pages _____ to _____ of the official minutes.

**Budget and Finance – Consent**

**4-N M&R Projects**

Approve the USD and USD Sanford School of Medicine maintenance and repair projects as described in this agenda item.

A copy of the M&R Projects can be found on pages _____ to _____ of the official minutes.

**4-O FY21 HEFF M&R Projects**

Approve the FY21 HEFF M&R projects as presented in Attachment II of the agenda item.

A copy of the FY21 HEFF M&R Projects can be found on pages _____ to _____ of the official minutes.

**4-P FY21 Auxiliary System M&R Projects**

Approve the FY21 Auxiliary System M&R projects as presented in Attachment I of the agenda item.

A copy of the FY21 Auxiliary System M&R Projects can be found on pages _____ to _____ of the official minutes.

**4-Q FY21 AES M&R Projects**

Approve the AES M&R projects for FY21 as requested.

A copy of the FY21 AES M&R Projects can be found on pages _____ to _____ of the official minutes.

**4-R Capital Asset Purchase Greater than $500,000**

SD Mines has received RII-T-1 and RII-T-2 grant awards from the National Science Foundation (NSF). A portion of the funds are to be used to purchase a Pulsed Laser Deposition System.

Approve SD Mines’ request to purchase a Pulsed Laser Deposition System using approximately $632,000 of grant funds.

A copy of the Capital Asset Purchase Greater than $500,000 can be found on pages _____ to _____ of the official minutes.
4-S West Central Electric Co-op, Inc. Easement Resolution (SDSU)

Approve and adopt the Resolution set forth in Attachment I of the agenda item, requesting the Commissioner of School and Public Lands to proceed with the easement as stated therein.

A copy of the West Central Electric Co-op, Inc. Easement Resolution can be found on pages _____ to _____ of the official minutes.

Routine Information Items – No Board Action Necessary - Consent

4-T Capital Projects List

The Board received the Capital Project List.

A copy of the Capital Projects List can be found on pages _____ to _____ of the official minutes.

4-U Building Committee Report

The Board received the Building Committee Report.

A copy of the Building Committee Report can be found on pages _____ to _____ of the official minutes.

4-V SDSU Football Stadium FY19 Financials

The Board received SDSU’s FY19 football stadium financials. The actual FY19 stadium financials show less revenue and higher expenditures compared to the FY19 budget, however, the debt service coverage ratio is above 1.00. SDSU is projecting a higher debt service coverage ratio moving forward.

A copy of the SDSU Football Stadium FY19 Financials can be found on pages _____ to _____ of the official minutes.

4-W SD Mines Strategic Plan

The Board received the updated SD Mines Strategic Plan for the last academic cycle. The plan aligns with the South Dakota Board of Regents Strategic Plan priority areas. The finalized plan specifies goals in four areas: (1) Academic & Co-Curricular Excellence, (2) Research & Innovation, (3) Outreach & Engagement, and (4) Campus Culture. Within each goal area, strategies have been defined and metrics have been developed to support the goals for the next five to ten years. The plan addresses the vision for SD Mines as a university and provides for SD Mines to establish a physical connection to the Rapid City community and newly established Innovation District. In addition, the strategic plan sets goals and strategies that have been incorporated into both a strategic enrollment plan and campus master plan recently developed on campus.

A copy of the SD Mines Strategic Plan can be found on pages _____ to _____ of the official minutes.
4-X SD Mines Master Plan

The Board received the updated SD Mines Master Plan, which provides a vision for the future of the university that matches the recently updated university strategic plan. The plan provides realistic, achievable, and actionable goals for campus development over the next ten years while keeping the original 2011 master plan in focus. The plan envisions a very vibrant future for SD Mines with a physical connection to the Rapid City community and newly established Innovation District.

A copy of the SD Mines Master Plan can be found on pages _____ to ____ of the official minutes.

4-Y FY19 Credit Card/Store Charge Card Audit

A copy of the FY19 Credit Card/Store Charge Card Audit can be found on pages _____ to ____ of the official minutes.

ACADEMIC AND STUDENT AFFAIRS

5-A Student Federation Report

Josh Sorbe, Student Federation Executive Director, explained that the Student Federation met on December 10 and unanimously supported a resolution supporting the Dakota’s Promise scholarship proposal submitted by the Board of Regents. Further, he shared a report that showed the progress reports from the Student Federation as a whole and from each member institution. Last, he said the Student Federation is preparing for Students in Higher Education Days (SHED) on February 10, 2020, in the Capitol rotunda.

A copy of the Student Federation Report can be found on pages _____ to ____ of the official minutes.

5-B USD Student Organization Awards

Dr. Kim Grieve, USD VP of Student Affairs/Dean of Students, presented the Student Organization Awards for USD. The Award for Academic Excellence for 2018 was presented to Radiology Interest Group/Seldinger Society. The Award for Community Service was presented to Student Occupational Therapy Association (SOTA). The Award for Organization Leadership was presented to Union of African American Students.

A copy of the Student Organization Awards can be found on pages _____ to ____ of the official minutes.

5-C SDSBVI Comprehensive Plan for Special Education

SDSBVI Superintendent Marje Kaiser explained that each local school district and accredited school is required to submit a Comprehensive Plan for Special Education to the South Dakota Department of Education that details how the school will implement federal and state laws and special education regulations. Where the responsibility of South Dakota School for the Blind and
Visually Impaired (SDSBVI) differs from that of local education agencies, the exceptions are noted in the document. Much of the information in the Comprehensive Plan is documented in the SDSBVI school policy handbooks. Since the SDBOR serves as the governing board for SDSBVI, formal approval is required prior to submission.

IT WAS MOVED by Regent Wink, seconded by Regent Thares, to approve the SDSBVI Comprehensive Plan for Special Education as presented. Motion passed.

A copy of the SDSBVI Comprehensive Plan for Special Education can be found on pages _____ to _____ of the official minutes.

5-D Strategic Plans for the SDSBVI and SDSD

SDSBVI/SDSD Superintendent Marje Kaiser explained that the South Dakota School for the Blind and Visually Impaired (SDSBVI) and the South Dakota School for the Deaf (SDSD) have completed the strategic planning process. Both schools worked with Margaret Sumption to gather information from both internal and external constituents, reaffirm institutional values, and create an action plan.

IT WAS MOVED by Regent Wink, seconded by Regent Morgan, to approve the strategic plans for the South Dakota School for the Blind and Visually Impaired and the South Dakota School for the Deaf as presented. Motion passed.

A copy of the SDSBVI and SDSD Strategic Plans can be found on pages _____ to _____ of the official minutes.

5-E SDSBVI and SDSD Advisory Council By-Laws – DEFERRED TO THURSDAY, DECEMBER 12

5-F (1) Revisions to BOR Policy 2:17 – Awarding of Degrees, Graduation Dates, and Catalog of Graduation, and BOR Policy 2:18 – Honorary Doctorate Degrees (First Reading) – REMOVED FROM THE AGENDA

5-F (2) BOR Policy 3:14 – Student Insurance Revisions (First Reading)

Kayla Bastian, Director of Human Resources, explained that the student international affairs offices meet annually with the BOR staff in Pierre. Following the last meeting there was a request to update BOR Policy 3:14 to define that university affiliated international activities are activities that are organized by, or on behalf of a university organization, club, college, or department and use university funds.

In addition to the updated definition for university affiliated activities related to international travel, there is one clarification made in Section 3 to include a reference to “in-network” coverage when validating primary insurance for student athletes. This was the intent when the policy was updated in 2014, however, the current language specifies “full coverage” which is ambiguous and often leads to questions on the insurance requirements for student athletes.
IT WAS MOVED by Regent Wink, seconded by Regent Stork, to approve the first reading of the proposed revisions to BOR Policy 3:14. Motion passed.

A copy of the BOR Policy 3:14 – Student Insurance Revisions (First Reading) can be found on pages _____ to ____ of the official minutes.

**5-G LRC Review of the High School Dual Credit Program**

Dr. Jay Perry, System Vice President for Academic Affairs, explained that the Executive Board of the State Legislature directed the Legislative Research Council (LRC) to evaluate the state subsidized High School Dual Credit (HSDC) program as defined in SDCL § 13-28-37.1. Specifically, the Executive Board tasked LRC with evaluating the financial impact of the HSDC program, determining the courses offered and taken by students in the program, and determining if HSDC improved student outcomes. He shared highlights from the LRC’s program evaluation report, which is provided in Attachment I of the agenda item.

Regent Schaefer explained that he felt the intent of the dual credit program was to encourage students to matriculate into the Regental system. He asked for Dr. Perry’s reaction to the ideas of charging more for dual credits but then giving a rebate to students who attend in-state universities to encourage in-state attendance. Dr. Perry acknowledged that dual credit opportunities exist outside of the Regental program so we want to be careful about restrictions we place on our program. Additionally, he said the Regental program makes money on the program only when students go out-of-state for college; otherwise, the system forfeits credits it would have otherwise delivered for full price.

A copy of the LRC Dual Credit Report can be found on pages _____ to ____ of the official minutes.

**5-H Enrollment Trends in the University System**

Dr. Jay Perry, System Vice President for Academic Affairs, stated that this report offers an in-depth analysis of university system fall enrollment data from 2008 to 2019. While annual fall enrollment reports already provide summary-level information about student enrollment in the Regental system, this report draws special attention to several key trends observed in system enrollment data in recent years. Findings suggest that enrollment transitions that currently are underway in the university system already have begun to reshape the basic composition of the Regental student body, and consequently may have a significant impact on university programming and resource allocation.

Regent Schieffer asked about the in-state students we are losing to other institutions. He is wondering of those who are leaving how many are leaving due to financial need. Dr. Perry said the data suggests that the system used to capture 71% of free and reduced lunch students; however, now it is only capturing 50% of these students. Regent Schieffer requested that the story around this data be polished before the upcoming legislative session.

A copy of the Enrollment Trends in the University System can be found on pages _____ to ____ of the official minutes.
5-I Graduate Debt Analyses

Dr. Jay Perry, System Vice President for Academic Affairs, explained that this briefing reviews two recent national reports on student debt. Attachment I of the agenda item presents data which recently were published by the Institute for College Access and Success (TICAS) on two major debt indicators for bachelor’s degree completers at four-year institutions in South Dakota and the nation. Attachment II of the agenda item provides a basic overview of federal student loan default rate data from the US Department of Education.

A copy of the Graduate Debt Analyses can be found on pages _____ to _____ of the official minutes.

5-J Intellectual Diversity Report

Nathan Lukkes, Board of Regents General Council, explained that due to HB 1087, which was passed during the 2019 Legislative Session, the Board of Regents shall prepare a report for the Governor and the legislature regarding intellectual diversity. Specifically, the report shall address all actions taken by each institution to promote and ensure intellectual diversity and the free exchange of ideas, as well as describe any events or occurrences that impeded the same. The Board’s report for 2019 is included as Attachment I of the agenda item.

Regent Schieffer recognized the amount of time and energy that has gone into this report, which equates to a lot of cost, time, and effort for the system and state. He hopes we can figure out a way to streamline this going forward.

A copy of the Intellectual Diversity Report can be found on pages _____ to _____ of the official minutes.

5-K SDSU Vet 2+2 Agreement

Nathan Lukkes, Board of Regents General Council, and SDSU Provost Hedge explained that during its December 2018 meeting, the Board approved pursuing legislation to authorize SDSU to engage in a Vet 2+2 Program with the University of Minnesota. That legislation was passed and signed into law by the Governor in 2019. The Agreement for Collaborative Program of Veterinary Medical Education between SDSU and UMN is the culmination of efforts by SDSU and UMN to operationalize the Vet 2+2 Program, which will allow for 20 students a year to attend their first two years of the Doctor of Veterinary Medicine program at SDSU, and then transfer to the UMN to complete their final two years of the program.

Provost Hedge introduced SDSU student leaders Allyson Monson and Corey Berscheit. They shared the student body’s support for this program and shared the benefits of partnerships like this.

IT WAS MOVED by Regent Wink, seconded by Regent Morgan, to approve the Agreement and authorize the Executive Director to finalize and execute the Agreement in substantially similar form to that set forth in Attachment I of the agenda item. Motion passed.

A copy of the SDSU Vet 2+2 Agreement can be found on pages _____ to _____ of the official minutes.
BUDGET AND FINANCE

6-A NSU Building Inventory and Action Plan

NSU President Tim Downs, NSU Provost Mike Wanous, and NSU Vice President of Finance & Administration Veronica Paulson explained NSU’s intentions to meet the stated goals after the Facility Utilization Report for Fall of 2018 was presented to the Board at the October 2019 meeting. The facilities utilization outline with additional detail and the action plan were discussed.

Regent Roberts shared her appreciation for NSU’s further review and description of action steps.

Regent Schieffer said it would be useful to consider the Fact Book numbers regarding facilities utilization to make sure these square out. Regent Stork agreed and said it would be helpful to match the headings as well in order to better understand the bigger picture with all the data available.

Regent Schaefer commented on the section in the report that says that NSU needs additional square footage. He said this makes him skeptical of the report in total as he does not believe NSU needs more square footage. In response, it was described that this determination uses optimal square footage and because of this certain things just cannot be changed due to older buildings. It was requested that the heading be changed to “optimal” or “wish list” square footage.

A copy of the NSU Building Inventory and Action Plan can be found on pages _____ to _____ of the official minutes.

6-B Campus Financial Planning

Heather Forney, System Vice President of Finance and Administration, stated fall enrollment at South Dakota’s six public universities was down by nearly three percent in full-time equivalent (FTE) students for 2019, the second year in a row with declining enrollment across the system. The fall 2019 change in FTE enrollment is as follows: BHSU, -4.76%; DSU, 1.26%; NSU, -5.01%; SD Mines, -1.87%; SDSU, -4.08%; and USD, -2.03%. Accordingly, she explained we are taking efforts to reduce budgets in order to live within our means.

A copy of the Campus Financial Planning can be found on pages _____ to _____ of the official minutes.

6-C FY21 Governor’s Recommended Budget

Heather Forney, System Vice President of Finance and Administration, shared Governor Noem’s recommended budget items presented during her budget address on Tuesday, December 3. She said venues are slightly lower than anticipated for FY20, resulting in a $5.9M reduction in the FY20 revenue projection. She explained that no salary policy or inflationary increases proposed
by the Governor for FY21. She also proposed no change to employee health insurance costs, while proposing enhancements to certain leave benefits.

A copy of the FY21 Governor’s Recommended Budget can be found on pages ____ to ____ of the official minutes.

**6-D Resolution to Remove Waneta Hall at SDSU from the Auxiliary Facilities System**

Heather Forney, System Vice President of Finance & Administration, requested authority from the Board to remove Waneta Hall, residence hall on the campus of South Dakota State University (SDSU), from the SDSU Housing and Auxiliary Facilities System created pursuant to the Amended and Restated Bond Resolution adopted by the Board on October 21, 2004, as amended and supplemented.

The action item includes a resolution making the determination of the Board that (1) Waneta Hall located on the campus of SDSU and part of the SDSU Institutional System, is physically and structurally unfit for use as a student residence hall and should therefore be abandoned for economic non-feasibility and removed from the SDSU Institutional System; and (2) prior to its removal from the SDSU Institutional System, Waneta Hall will be demolished, with the cost of such demolition payable from available revenues of the SDSU Institutional System.

IT WAS MOVED by Regent Roberts, seconded by Regent Schaefer, to approve the recommendation as set forth in detail on Attachment I of the agenda item.

**Roll Call Vote:**
Bastian – AYE
Morgan – AYE
Lund – AYE
Roberts – AYE
Schaefer – AYE
Stork – AYE
Thares – AYE
Wink – AYE
Schieffer – AYE

Motion passed.

A copy of the Resolution to Remove Waneta Hall at SDSU from the Auxiliary Facilities System can be found on pages ____ to ____ of the official minutes.

**6-E DSU Resolution – Street Vacation**

Nathan Lukkes, Board of Regents General Council, and Heather Forney, System Vice President of Finance and Administration, explained that the Board approved the DSU Residence Village Facility Program Plan at its April 2019 meeting. As part of that project, DSU would like to request the City of Madison vacate the portion of 8th Street running between Washington Avenue and Lee Avenue. That process will require, in-part, the City of Madison retaining and receiving an
easement associated with the waterline currently running under the portion of 8th street to be vacated, and any necessary platting which may be necessitated by the street vacation.

IT WAS MOVED by Regent Roberts, seconded by Regent Schaefer, to approve proceeding with the requested street vacation and adopt the Resolution set forth in Attachment I of the agenda item, requesting the Commissioner of School and Public Lands to proceed with the easement as stated therein, any necessary platting resulting therefrom, and authorize staff/employees to take any action(s) necessary to effectuate the intentions thereof. Motion passed.

A copy of the City of Madison Easement Resolution can be found on pages _____ to ____ of the official minutes.

**6-F BHSU Library and Learning Center Renovation Facility Program Plan**

Kathy Johnson, BHSU Vice President for Finance & Administration, and Randy Culver, BHSU Associate Vice President of Facilities and Sustainability, explained that the library is in the most need of attention of all the buildings on the BHSU campus. The South Dakota Legislature approved the E.Y. Berry Library Renovation project with HB1051 in 2012 as part of the Board’s ten-year capital improvement plan. The Board of Regents approved the Preliminary Facility Statement for this project in May of 2012.

Vice President Johnson explained that BHSU is also requesting to amend HB1051 from the 2012 legislative session to allow a small increase in gross square footage (GSF). HB1051 authorized the renovation of the E.Y. Berry Library in the amount of $4.5 million with $3 million from bonds (HEFF) and $1.5 million in other funds (M&R). There is no provision for a GSF addition in this legislation. BHSU is requesting to add up to 5,000 GSF on the 2nd floor, or 8% to the building’s current 62,036 GSF.

The initial cost estimate of $9,372,245 was prepared in cooperation with Williams & Associates Architecture and Ratio Architects. The estimate includes new construction, renovation, site work, contingencies, and fees. The Higher Education Facilities Fund (HEFF) will contribute $3 million in the anticipated FY22 bond issue. With minor exceptions, the remaining $6.325 million is from BHSU’s maintenance & repair funding. BHSU received $2.6 million in M&R funding in FY20 from HEFF, General funds, and the M&R Fee. FY20’s commitment of $1 million of this funding or 39.8% is allotted to the library. Once the project is complete, the demand on current M&R funds will decrease as the old systems are upgraded or replaced, reducing the current demand for repairs.

IT WAS MOVED by Regent Roberts, seconded by Regent Lund, to approve BHSU’s Facility Program Plan for the E.Y. Berry Library and Learning Center Renovation at a cost not to exceed $9,372,245, funded by a combination of HEFF, M&R, and other funds. Motion passed.

A copy of the BHSU Library and Learning Center Renovation Facility Program Plan can be found on pages _____ to ____ of the official minutes.
6-G SD Mines Ascent Innovation Building Purchase and Renovation Preliminary Facility Statement

Jerilyn Roberts, SDSMT Director of Facilities and Risk Management, explained that the Ascent Innovation building, which is located on campus-owned property, is building a new facility off campus. The facility will be used to house campus activities designed to foster entrepreneurship and economic development among students/faculty and grow both industrial funded applied research and basic research. The purchase of the facility will provide needed space to expand research and economic development for SD Mines and South Dakota. The facility will require renovation in order to house the desired research activities. The project will also require legislative approval.

The project has an estimated cost of $5.5 million - $3.5 million for the purchase of the facility and $2.0 million for the renovations. The purchase will be funded by a bond issue to be paid back through overhead recovery funds. A request is being made for $2.0M in state general funds for the renovations. In the event of a lease-purchase agreement, the term shall not exceed five years and any payments will be credited towards the purchase price.

IT WAS MOVED by Regent Roberts, seconded by Regent Bastian, to approve SD Mines’ Preliminary Facility Statement for the acquisition, whether outright or through a lease-purchase arrangement, and renovation of the Ascent Innovation building, at a cost of $3.5 million for the acquisition to be funded with overhead recovery funds and $2.0 million for renovations to be funded through state general funds or other funds if general funds are unavailable, and to submit this project for legislative approval. Motion passed.

A copy of the SD Mines Ascent Innovation Building Purchase and Renovation Preliminary Facility Statement can be found on pages _____ to _____ of the official minutes.

6-H SD Mines Stadium Renovation Preliminary Facility Statement

Jerilyn Roberts, SDSMT Director of Facilities and Risk Management, described the request to renovate the north stadium buildings on campus. She explained the renovation is necessary to provide more efficient and modern facilities that meet the needs of the campus and the Rapid City community. The building under the stadium grandstand was built in 1974 with no major improvements since that timeframe. The announcer and skybox area at the top of the stadium is not ADA accessible and does not provide for optimal viewing of sporting events. The current facility has one locker room and does not support male and female athletes or home and visiting teams.

Construction costs are anticipated to come in at less than $5 million. SD Mines requests that the building committee be assigned to allow them to select an architect using the Statements of Interest process with an approval by the building committee via phone. Funding may include Rapid City Vision funds, Rapid City Area School funds, maintenance and repair funds, and donations.
IT WAS MOVED by Regent Roberts, seconded by Regent Morgan, to approve SD Mines’ Preliminary Facility Statement for the renovation of the stadium with an estimated cost not to exceed $5,000,000 to be funded by other funds. Motion passed.

A copy of the SD Mines Stadium Renovation Preliminary Facility Statement can be found on pages _____ to ____ of the official minutes.

6-I SDSU McFadden Biostress Preliminary Facility Statement

Dean Kattelmann, SDSU Associate Vice President of Facilities and Services, explained the multi-phase maintenance and repair project for upgrades to the lab exhaust systems of the McFadden Biostress building on SDSU’s campus. This facility is one SDSU’s largest consumers of energy. The current lab spaces have constant volume exhaust fans for each lab space and fume hood, with no energy recovery system currently in place. The proposed upgrades to the building’s exhaust system will provide significant energy savings and operational improvements.

In order to perform like a modern lab system, replacement of the lab controls and exhaust system along with the addition of a heat recovery system is required. There are two air handling units from the original phase of construction, approximately 27 years ago, that serve lab spaces with these individual exhaust fans. The project will consolidate these into a single lab exhaust system for each air handling unit that will include energy recovery that will transfer energy from the exhausted air into the incoming outside air supplied to the space.

SDSU requests that the building committee approve the continuation of West Plains Engineering design services through the remainder of the project. They were selected through a competitive selection process under statutory requirements and have completed conceptual design services.

IT WAS MOVED by Regent Roberts, seconded by Regent Stork, to approve SDSU’s Preliminary Facility Statement for the upgrade and renovation of the lab exhaust systems in the McFadden Biostress building at an estimated cost of $5,000,000 to be funded by HEFF funds. Motion passed.

A copy of the SDSU McFadden Biostress Preliminary Facility Statement can be found on pages _____ to ____ of the official minutes.

6-J BOR Policy 4:15 – Leave Revisions (First Reading)

Kayla Bastian, System Director of Human Resources, explained that revisions are being proposed to BOR Policy 4:15 to update it to align with the Family and Medical Leave Act (FMLA), SD Codified Law (SDCL), and SD Administrative Rules (ARSD) changes related to sick leave usage following the birth or placement of a child for adoption or foster care. Additional changes are also proposed to add clarification and remove unnecessary language.

IT WAS MOVED by Regent Roberts, seconded by Regent Lund, to approve the first reading of the proposed revisions to BOR Policy 4:15 as outlined in Attachment I of the agenda item. Motion passed.
A copy of the BOR Policy 4:15 – Leave Revisions (First Reading) can be found on pages _____ to ____ of the official minutes.

6-K 2020 Board Sponsored Legislation

Heather Forney, System Vice President of Finance and Administration, and Nathan Lukkes, Board of Regents General Counsel, provided an overview of the legislation that the Board of Regents is proposing with Board authorization, for the upcoming legislative session in 2020.

IT WAS MOVED by Regent Roberts, seconded by Regent Wink, to authorize the Executive Director to (1) submit the proposed bills and make such modifications or amendments to the bills as are necessary and appropriate, provided such modifications or amendments do not change the fundamental purpose of the legislation, and (2) submit such additional legislation as may be necessary and appropriate, upon concurrence of a majority of the executive committee. Motion passed.

A copy of the 2020 Board Sponsored Legislation can be found on pages _____ to ____ of the official minutes.

6-L SD Mines Devereaux Library Renovation Preliminary Facility Statement and Facility Program Plan

Jerilyn Roberts, SDSMT Director of Facilities and Risk Management, described the progress on the renovation of the Devereaux Library. She explained that major updates are necessary on the first and second floors to bring the building up to modern standards, meet ADA requirements, and complete needed maintenance and repair. The renovation will be an opportunity to better utilize space and provide student services to help improve retention and graduation rates along with continuance to support the 97% job placement rate of our graduates. The project is estimated to cost less than $5 million and a combination of general/HEFF M&R funds and private funds will be used to finance the project.

A building committee will need to be assigned to the project to allow the campus to proceed with current architect selection through a competitive solicitation. Since the main objective of the addition is to make the building ADA compliant, they would ask for the 2,500 maximum square foot to be sent to the legislature for approval during the upcoming session.

IT WAS MOVED by Regent Roberts, seconded by Regent Lund, to approve SD Mines’ Preliminary Facility Statement and Facility Program Plan for the renovation of the Devereaux Library which will result in an addition of no more than 2,500 square foot, at a cost not to exceed $5 million to be funded through a combination of general/HEFF M&R and private funds, to assign a building committee, and to submit this project for legislative approval. Motion passed.

A copy of the SD Mines Devereaux Library Renovation Preliminary Facility Statement and Facility Program Plan can be found on pages _____ to ____ of the official minutes.
THURSDAY, DECEMBER 12, 2019

The Board reconvened in executive session at 8:00 a.m.

The Board reconvened in public session at 9:37 a.m. to continue the regular order of business.

**5-E SDSBVI and SDSD Advisory Council By-Laws**

Superintendent Marje Kaiser explained that the South Dakota School for the Blind and Visually Impaired (SDSBVI) and the South Dakota School for the Deaf (SDSD) have benefitted from having advisory groups made up of parents, adults with vision or hearing loss, and other community partners. The By-Laws for these groups were originally adopted by the South Dakota Board of Regents in 1989. The By-Laws for the two councils have been updated to align with each other and are presented to the Board for approval.

Superintendent Kaiser acknowledged controversy around the SDSD By-Laws change. She said there are a few options: (1) approve By-Laws for both schools, (2) go ahead and approve changes for the SDSBVI only, or (3) approve neither in which case SDBSBI will function with its currently By-Laws until further action.

Upon invitation by Regent Schieffer, a member of the public spoke on behalf of the By-Laws changes. He explained that he is a strong supporter of setting up an advisory council between the school and community/parents; however, he is concerned with the recommended list of people who would compose the members of the advisory council. He feels more parents need to be included on the council.

Regent Schieffer noted that the agenda item sets out to approve By-Laws changes that establishes an advisory council only; it does not establish the members on the council.

Superintendent Kaiser said the composition of council members could be reconsidered with more representation of parents. She said generally the advisory council does not vote on many things, but it is a way to understand the consensus of the group.

Regent Bastian said he is uncomfortable with the notion of voting members and would be more comfortable with the By-Laws change if the reference to “voting” members was deleted.

**IT WAS MOVED** by Regent Wink, seconded by Regent Lund, to approve the revised Advisory Council By-Laws for the South Dakota School for the Blind and Visually Impaired and the South Dakota School for the Deaf as presented. Motion failed.

**SUBSTITUTE MOTION:**

**IT WAS MOVED** By Regent Bastian, seconded by Regent Morgan, to approve the revised Advisory Council By-Laws for the South Dakota School for the Blind and Visually Impaired and the South Dakota School for the Deaf as written with the deletion of the reference to members having voting rights. Motion passed.
A copy of the SDSBVI and SDSD Advisory Council By-Laws can be found on pages _____ to ____ of the official minutes.

**5-I. Inactive Status and Program Termination Requests - USD**

Dr. Jay Perry, System Vice President for Academic Affairs, and USD Dean Haifa Samra explained that USD is requesting to inactivate the Capital University Center (CUC) program delivery site for their Bachelor of Science in Nursing. The BS in Nursing Program in Pierre, SD has been unable to recruit enough students to sustain the program. Having a pool of qualified applicants continues to be a challenge. With Lake Area Technical Institute’s (LATI) proposal to start a Licensed Practical Nursing Program and an Associate Degree program at CUC, the already small applicant pool will become even smaller and it will be difficult to sustain the program.

In response to Regent Lund question about the teach-out for the currently enrolled students,

USD Nursing Dean Dr. Samra said the current cohorts would finish in Spring 2020 and Spring 2021 and these students would be able to finish their program in Pierre. She explained that there are also pre-nursing students who have to take prerequisites before their admittance into the nursing school. These students would not have the opportunity to undergo the USD nursing program in person in Pierre.

Regent Bastian asked if there is an agreement/collaboration that offers a path forward for students in Pierre who are interested in this field of study. Dr. Samra explained that those students could get their associates degree in Pierre from the Lake Area Technical Institute and finish their last two years of nursing school online.

IT WAS MOVED by Regent Wink, seconded by Regent Morgan, to approve USD’s request to inactivate their Bachelor of Science in Nursing program at the Capital University Center in Pierre. Motion passed.

A copy of the Inactive Status and Program Termination Requests – USD can be found on pages _____ to ____ of the official minutes.

IT WAS MOVED by Regent Morgan, seconded by Regent Stork, to amend the previous executive session motion that the Board reconvene in executive session at 10:07 a.m. on Thursday, December 12, to continue discussing the previously referenced matters, and that it rise from executive session at 11:15 a.m. and act in public session on any recommended action it deems prudent as a result of its executive session deliberations. Motion passed.

**Report and Actions of Executive Session**

Regent Morgan reported that the Board dissolved into executive session at 11:22 a.m. on Wednesday, December 11, 2019, to consult with legal counsel and discuss personnel matters, pending and prospective litigation, contractual matters, marketing or pricing strategies by a board of a business owned by the state when public discussion may be harmful to the competitive position of the business, before recessing at 2:30 p.m. to resume the regular order of business; reconvened
in executive session at 8:00 a.m. on Thursday, December 12 to discuss the earlier referenced matters before recessing at 9:30 a.m. to resume the regular order of business; and again reconvened in executive session again at 10:07 a.m. to continue discussing the earlier referenced matters, before rising at 11:15 a.m. to resume the regular order of business.

IT WAS MOVED by Regent Morgan, seconded by Regent Bastian, that the Board approve the recommended actions as set forth in the Secretary’s Report and that it publish said Report and official actions in the formal minutes of the meeting. Motion passed.

The Secretary’s Report can be found as Attachment I.

ADJOURNMENT

IT WAS MOVED by Regent Roberts, seconded by Regent Thares, to adjourn the meeting. Motion passed. The meeting adjourned at 11:30 a.m. Motion passed.

Workforce Development Luncheon

Leaders in business and industry, government, and higher education gathered to discuss how they can best work together to create the ultimate product of an educated workforce, individuals who are engaged in community, and future leaders of the state.
Secretary’s Executive Session Report

The Board convened in Executive Session pursuant to the vote of the majority of the Board present and voting at its public meeting on Wednesday, December 11, 2019, in accordance with SDCL 1-25-2 to discuss matters authorized therein. Following executive session, the Board will meet in open session to discuss and take official action on the matters set forth below, all other matters discussed were consistent with the requirements of SDCL 1-25-2, but no official action on them is being proposed at this time.

Recommended Actions:

2-H – Approve the recommended process for the search for superintendents for the SD School for the Blind and Visually Impaired and State School for the Deaf.

2-I.1 – Authorize settlement in the case referenced in Item 2-I.1 within the parameters discussed therein upon review of General Counsel and concurrence of the Executive Director.

2-K – Approve the request from SDSU to proceed with the naming request as presented, pending the approval of the associated agreement by the SDSU President, and final approval of the naming request by the Executive Director upon review of the finalized agreement.

2-L – Approve the change in the evaluation process for University Presidents.

2-M – Award an honorary Doctorate of Science to Mr. David Link (DSU).

2-N – Authorize the Executive Director to finalize and execute the Amended Master Ground Lease, as directed by Board, to extend the leased area to include the additional parcel and reset the ninety-nine year lease term.

2-O.1 – Approve the salary adjustments and appointments as outlined in Attachment I of the Secretary’s Report.

2-O.2 – Award two (2) years of prior service credit toward tenure for Pam Rowland (DSU); and one (1) year of prior service credit toward tenure and one (1) year of prior service credit toward promotion for Jonathan Allender-Zivic (USD).

2-O.3 – Award an honorary posthumous Elementary Education/Special Education, B.S.Ed. degree to Caitlyn Carman (USD), and an honorary posthumous Bachelor of Business Administration degree in management to Diedra Gatzke (USD).

2-O.4 – Approve the leave request for Dr. Jon Schaff (NSU).

2-O.6 – Approve USD’s request to waive the return-to-service and repayment obligations of the sabbatical leave policy for Dr. Paula Mabee and Dr. Kaius Helenurm.

2-P – Authorize the Executive Director to proceed with finalizing and executing the lease related to the SDSD within the parameters discussed.

2-Q – Approve the appointment of Laurie Nichols as President of BHSU, as discussed, with an annualized salary commensurate with her experience and the position, and further authorize the Executive Director to take any action(s) necessary and appropriate to effectuate the same.
### NORTHERN STATE UNIVERSITY

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### SD SCHOOL OF MINES & TECHNOLOGY

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### SOUTH DAKOTA STATE UNIVERSITY

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<td>Janet Peterson</td>
<td>Director - Shared Services</td>
<td>22-Aug-19</td>
<td>Permanent Additional Duties</td>
<td>$40.38</td>
<td>$84,000.00</td>
<td>$38.47</td>
<td>$80,012.00</td>
<td>5%</td>
</tr>
<tr>
<td>Lindsay Olson 00</td>
<td>Nurse Practitioner</td>
<td>22-Aug-19</td>
<td>Permanent Additional Duties</td>
<td>$43.06</td>
<td>$67,167.00</td>
<td>$40.09</td>
<td>$62,540.00</td>
<td>7%</td>
</tr>
</tbody>
</table>

### UNIVERSITY OF SOUTH DAKOTA

<table>
<thead>
<tr>
<th>Name</th>
<th>Job Desc.</th>
<th>Eff. date</th>
<th>Job Change Reason</th>
<th>Rate</th>
<th>Salary</th>
<th>Previous Rate</th>
<th>Previous Salary</th>
<th>% Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yanying Liu</td>
<td>BBS Research Staff Scientist</td>
<td>22-Sep-19</td>
<td>Reclassification</td>
<td>$25.00</td>
<td>$52,000.00</td>
<td>$23.71</td>
<td>$49,309.00</td>
<td>5%</td>
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<tr>
<td>Michael McKey</td>
<td>Senior Lecturer</td>
<td>22-Aug-19</td>
<td>FY Salary Increase</td>
<td>$42.98</td>
<td>$74,500.00</td>
<td>$39.14</td>
<td>$67,842.67</td>
<td>10%</td>
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</tbody>
</table>
The South Dakota Board of Regents adjourned its regular business meeting on December 12, 2019 and will meet again for its regular business meeting on April 1-2, 2020 in Aberdeen.

I, Dr. Paul Beran, Executive Director and CEO of the South Dakota Board of Regents, declare that the above is a true, complete and correct copy of the minutes of the Board of Regents meeting held on December 11-12, 2019.

Dr. Paul B. Beran
Executive Director & CEO
South Dakota Board of Regents

DRAFT