

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

736S0711

CONFERENCE COMMITTEE

ENGROSSED NO. **HB 1208** - 3/11/2011

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Gosch and Lust and Senators Olson (Russell) and Brown

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to public schools to
2 allow school districts to operate more economically.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-10-12 be amended to read as follows:

5 13-10-12. Each person over eighteen years of age hired by a school district shall submit to
6 a criminal background investigation, by means of fingerprint checks by the Division of Criminal
7 Investigation and the Federal Bureau of Investigation. The school district shall submit
8 completed fingerprint cards to the Division of Criminal Investigation before the prospective new
9 employee enters into service. If no disqualifying record is identified at the state level, the
10 fingerprints shall be forwarded by the Division of Criminal Investigation to the Federal Bureau
11 of Investigation for a national criminal history record check. Any person whose employment is
12 subject to the requirements of this section may enter into service on a temporary basis pending
13 receipt of results of the criminal background investigation. The employing school district may,
14 without liability, withdraw its offer of employment or terminate the temporary employment



1 without notice if the report reveals a disqualifying record. Any person whose employment is
2 subject to the requirements of this section shall pay any fees charged for the criminal record
3 check. ~~However, the school board or governing body may reimburse the person for the fees.~~ Any
4 person hired to officiate, judge, adjudicate, or referee a public event sponsored by a school
5 district is not required to submit to a criminal background investigation as required in this
6 section. In addition, any person employed by a postsecondary technical institute is not required
7 to submit to a criminal background investigation as required in this section, unless the person
8 is a teacher who teaches an elementary or secondary level course in an elementary or secondary
9 school facility, or unless the person is an employee, other than a teacher, whose work
10 assignment includes working in an elementary or secondary school facility.

11 The criminal investigation required by this section with respect to a student teacher
12 completing requirements for teacher certification shall be conducted by the school district. A
13 criminal background investigation, of a student teacher, conducted by a school district may be
14 provided to any other school in which the student engages in student teaching. The school
15 district conducting the criminal background investigation of a student teacher may rely upon the
16 results of that investigation for employment of that person as an employee of the district.

17 Section 2. That ARSD 24:06:08:01 be repealed.

18 ~~Training of school bus drivers and bus attendants. School bus operators must provide annual~~
19 ~~training for school bus drivers in accordance with the section entitled "Driver" pages 121 to 124~~
20 ~~and the section entitled "Bus Attendant" pages 124 and 125, in the National School~~
21 ~~Transportation Specifications & Procedures, 2005 Revised Edition. In addition, the following~~
22 ~~provisions apply:~~

23 ~~— (1) The State approved pre-service training program shall include a minimum of two hours~~
24 ~~of classroom training, which will include knowledge of basic first aid procedures, and two hours~~

1 ~~of behind-the-wheel training to enable safe and efficient vehicle operation;~~
2 ~~— (2) The annual State approved in-service program shall include a minimum of four hours~~
3 ~~of classroom and/or behind-the-wheel training.~~

4 Section 3. That chapter 13-29 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Each school bus driver shall receive appropriate training at least once every five years, and
7 the school bus driver shall pay any fees charged for the training. The training shall include
8 classroom instruction in first aid, bus safety, and the management of passengers, and also
9 behind-the-wheel training to enable the safe and efficient operation of the bus.

10 Section 4. That § 13-43-7.1 be repealed.

11 ~~— 13-43-7.1. If a teacher desires to attend an annual professional association meeting, the~~
12 ~~school board may authorize attendance at such meeting without loss of pay from regular salary.~~
13 ~~However, such attendance may not take the teacher away from regular duties for more than two~~
14 ~~consecutive days preceding any school term.~~

15 Section 5. That chapter 13-1 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 It is the policy of the State of South Dakota that the parent or guardian of any student
18 enrolled in a public school may opt to receive any notifications or correspondence from that
19 school by electronic mail in lieu of regular mail if the parent or guardian provides to the school
20 an electronic mail address to which the notifications or correspondence may be sent.

21 Section 6. That § 13-13-78 be amended to read as follows:

22 13-13-78. Terms used in § 13-13-79 mean:

23 (1) "Sparse school district," a school district that meets each of the following criteria:

24 (a) Has a fall enrollment per square mile of 0.50 or less;

- 1 (b) Has a fall enrollment of five hundred or less;
- 2 (c) Has an area of four hundred square miles or more;
- 3 (d) Has at least fifteen miles between its secondary attendance center or centers
- 4 and that of an adjoining district;
- 5 (e) Operates a secondary attendance center; and
- 6 (f) Levies ad valorem taxes at the maximum rates allowed pursuant to § 10-12-42
- 7 or more; and
- 8 ~~(g) Has a general fund balance percentage of thirty percent or less excluding~~
- 9 ~~revenue received from opting out of property tax limitations pursuant to~~
- 10 ~~chapter 10-12;~~
- 11 (2) "Sparsity fall enrollment," for sparse school districts with a fall enrollment as defined
- 12 in § 13-13-10.1 of less than eighty-three or greater than two hundred thirty-two, is
- 13 calculated as follows:
- 14 (a) Divide the fall enrollment as defined in § 13-13-10.1 by the area of the school
- 15 district in square miles;
- 16 (b) Multiply the quotient obtained in subsection (a) times negative 0.125;
- 17 (c) Add 0.0625 to the product obtained in subsection (b); and
- 18 (d) Multiply the sum obtained in subsection (c) times the fall enrollment;
- 19 (3) "Sparsity adjusted fall enrollment," for sparse school districts with a fall enrollment
- 20 as defined in § 13-13-10.1 of at least eighty-three, but no more than two hundred
- 21 thirty-two, subtract the fall enrollment from two hundred thirty-two.