

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

742I0578

SENATE BILL NO. 157

Introduced by: Senators Vitter, Bogue, Koskan, McCracken, Olson (Ed), and Symens and
Representatives Cutler, Gillespie, Pederson (Gordon), Peterson (Bill),
Putnam, Sebert, Van Etten, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to clarify and revise certain provisions concerning criminal
2 background investigations of school district employees and student teachers.

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



1 the requirements of this section shall pay any fees charged for the criminal record check.
2 However, the school board or governing body may reimburse the person for the fees. Any person
3 hired to officiate, judge, adjudicate, or referee ~~an a public event conducted under the authority~~
4 ~~of the South Dakota High School Activities Association~~ sponsored by a school district is not
5 required to submit to a criminal background investigation as required in this section. In addition,
6 any person employed by a postsecondary technical institute is not required to submit to a criminal
7 background investigation as required in this section, unless the person is a teacher who teaches
8 an elementary or secondary level course in an elementary or secondary school facility, or unless
9 the person is an employee, other than a teacher, whose work assignment includes working in an
10 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.