2022 South Dakota Legislature

Senate Bill 167

HOUSE EDUCATION ENGROSSED

Introduced by: ***Senator*** *Wheeler*

An Act to clarify the certification process for teachers and school administrators.

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

Section 1. That § 13-42-9 be AMENDED:

13-42-9. The secretary may refuse to issue or renew, or may revoke~~,~~ or suspend, any certificate for:

(1) Incompetency;

(2) ~~Violation of the code of ethics, established pursuant to § 13-43-25 or 13-43-45, as determined~~ A determination by the Professional Teachers Practices and Standards Commission or the Professional Administrators Practices and Standards Commission that a violation of the code of ethics established pursuant to § 13-43-25 or 13-43-45 exists;

(3) Flagrant neglect of duty;

(4) Failure to fulfill any requirement for certification imposed pursuant to this chapter or chapter 13-43 and rules promulgated thereto;

(5) Moral turpitude, as defined in § 22-1-2; or

(6) Any other cause specifically allowed by law.

Section 2. That § 13-42-67 be AMENDED:

13-42-67. Unless there is cause to refuse to issue the certificate pursuant to §§ ~~13-42-7~~13-42-9 to 13-42-10, inclusive, the secretary shall, within thirty days of receiving a completed application, issue a teaching certificate to an applicant whose application has been deemed completed by the Department of Education and:

(1) Who holds in good standing a valid certificate issued by another state or the District of Columbia;

(2) Who is an active duty member of the armed forces of the United States or the spouse of an active duty member of the armed forces of the United States; and

(3) Who is the subject of a military transfer to South Dakota.

An application is considered complete once the department has received all required documentation necessary to process the application. No applicant for a certificate issued pursuant to this section is required to pay an application fee or any other fee payable to the department.

If the secretary denies the issuance of a certificate to an applicant pursuant to this section, the secretary shall report the denial and the reasons for the denial to the Department of Labor and Regulation.

Section 3. That § 13-42-7 be REPEALED:

~~The secretary may refuse to issue or renew a certificate at any time for any of the reasons referenced in § 13-42-9 or 13-42-10.~~