

2022 South Dakota Legislature

Senate Bill 167**AMENDMENT 167D FOR THE SENATE EDUCATION
ENGROSSED BILL**

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

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

3 **Section 1. That § 13-42-9 be AMENDED:**

4 **13-42-9.** The secretary may refuse to issue or renew, ~~or may revoke,~~ or suspend,
5 any certificate for:

- 6 (1) Incompetency;
- 7 (2) ~~Violation of the code of ethics, established pursuant to § 13-43-25 or 13-43-45, as~~
8 ~~determined~~ A determination by the Professional Teachers Practices and Standards
9 Commission or the Professional Administrators Practices and Standards
10 Commission that a violation of the code of ethics established pursuant to § 13-43-
11 25 or 13-43-45 exists;
- 12 (3) Flagrant neglect of duty;
- 13 (4) Failure to fulfill any requirement for certification imposed pursuant to this chapter
14 or chapter 13-43 and rules promulgated thereto;
- 15 (5) Moral turpitude, as defined in § 22-1-2; or
- 16 (6) Any other cause specifically allowed by law.

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

18 **13-42-67.** Unless there is cause to refuse to issue the certificate pursuant to
19 ~~§§ 13-42-7~~ 13-42-9 to 13-42-10, inclusive, the secretary shall, within thirty days of
20 receiving a completed application, issue a teaching certificate to an applicant whose
21 application has been deemed completed by the Department of Education and:

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

- 1 (2) Who is an active duty member of the armed forces of the United States or the
2 spouse of an active duty member of the armed forces of the United States; and
3 (3) Who is the subject of a military transfer to South Dakota.

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

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

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 That § 13-42-7 be REPEALED:**

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