



2026 South Dakota Legislature

House Bill 1003

Introduced by: The Chair of the Committee on Education at the request of the Department of Education

1 **An Act to amend provisions pertaining to the required criminal background**
 2 **investigation of certain school employees.**

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

4 **Section 1. That § 13-10-12 be AMENDED:**

5 **13-10-12.** Each person over eighteen years of age hired by a school-~~district~~ shall
 6 submit to a criminal background investigation, by means of fingerprint checks by the
 7 Division of Criminal Investigation and the Federal Bureau of Investigation. The school
 8 ~~district~~ shall submit completed fingerprint cards to the Division of Criminal Investigation
 9 before the prospective new employee enters into service. If no disqualifying record is
 10 identified at the state level, the fingerprints shall be forwarded by the Division of Criminal
 11 Investigation to the Federal Bureau of Investigation for a national criminal history record
 12 check. Any person whose employment is subject to the requirements of this section may
 13 enter into service on a temporary basis pending receipt of results of the criminal
 14 background investigation. The employing school-~~district~~ may, without liability, withdraw
 15 its offer of employment or terminate the temporary employment without notice if the
 16 report reveals a disqualifying record. The employing school-~~district~~ may pay any fees
 17 charged for the cost of fingerprinting or the criminal background investigation for any
 18 person whose employment is subject to the requirements of this section. Any person hired
 19 to officiate, judge, adjudicate, or referee a public event sponsored by a school-~~district~~ is
 20 not required to submit to a criminal background investigation as required in this section.
 21 In addition, any instructor employed by a technical college is required to submit to a
 22 criminal background investigation as required in this section at the time of initial
 23 employment.

24 The criminal investigation required by this section with respect to a student teacher
 25 completing requirements for teacher certification shall be conducted by the school-~~district~~.
 26 A criminal background investigation, of a student teacher, conducted by a school-~~district~~

1 may be provided to any other school in which the student engages in student teaching.
2 The school~~-district~~ conducting the criminal background investigation of a student teacher
3 may rely upon the results of that investigation for employment of that person as an
4 employee of the ~~-district~~ school.

5 **Section 2. That § 13-10-12.1 be AMENDED:**

6 **13-10-12.1.** Any school~~-district~~ employee who is employed by more than one
7 school~~-district~~ is only required to obtain one criminal background investigation, if the
8 background investigation was conducted no more than five years before the person is first
9 employed by the additional school~~-district~~. The results of the background investigation
10 shall be transferred to any additional school~~-district~~ from the initial school~~-district~~ that
11 obtained the criminal background investigation if the additional school~~-district~~ or the school
12 ~~-district~~ employee requests in writing to the initial school~~-district~~ that the results be
13 transferred and the school~~-district~~ employee who was the subject of the criminal
14 background investigation signs a written release authorizing the transfer.

15 **Section 3. That § 13-10-13 be AMENDED:**

16 **13-10-13.** A school~~-district~~ may refuse to employ a person, either directly or by
17 contract, who has been convicted of a crime involving moral turpitude as defined in
18 subdivision 22-1-2(25).

19 No person may be employed by a school~~-district~~, either directly or by contract, if
20 the person has been convicted of a crime of violence as defined in subdivision 22-1-2(9),
21 a sex offense as defined in § 22-24B-1, or trafficking in narcotics.

22 Nothing in this section prohibits a school~~-district~~ from considering any criminal
23 conviction in making a hiring decision.

24 **Section 4. That § 13-10-14 be AMENDED:**

25 **13-10-14.** Any person employed by a ~~South Dakota~~ school~~-district~~ on July 1, 2000,
26 who remains continuously employed by the same ~~South Dakota~~ school~~-district~~ for
27 consecutive school years is not required to submit to a criminal background check as
28 provided in § 13-10-12.

29 **Section 5. That § 13-10-15 be AMENDED:**

1 **13-10-15.** If a school board or governing body of ~~any accredited~~a school suspends
2 an employee or an employee resigns or is terminated as a result of a criminal conviction,
3 the superintendent or chief administrator shall, within ten days of the date of the
4 suspension or the date the employment is severed, report the circumstances and the name
5 of the employee to the Department of Education. Any superintendent or chief
6 administrator who fails to report under this section is subject to sanctions found in § 13-
7 8-48.