



## 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.