

2026 South Dakota Legislature

House Bill 1003

AMENDMENT 1003B FOR THE INTRODUCED BILL

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

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

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

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

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

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

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

24 Nothing in this section prohibits~~a~~an accredited school-district from considering
25 any criminal conviction in making a hiring decision.

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

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

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

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

ANNUAL STATEMENT