



2026 South Dakota Legislature

House Bill 1003

HOUSE EDUCATION ENGROSSED

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~~ 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
21 background investigation as 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.