



2026 South Dakota Legislature
House Bill 1003
ENROLLED

AN ACT

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

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

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

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

The criminal investigation required by this section with respect to a student teacher completing requirements for teacher certification shall be conducted by the accredited school. A criminal background investigation, of a student teacher, conducted by an accredited school may be provided to any other accredited school in which the student

engages in student teaching. The accredited school conducting the criminal background investigation of a student teacher may rely upon the results of that investigation for employment of that person as an employee of the accredited school.

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

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

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

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

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

Nothing in this section prohibits an accredited school from considering any criminal conviction in making a hiring decision.

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

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

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

I certify that the attached Act originated in
the:
House as Bill No. 1003

Received at this Executive Office
this ____ day of _____,
2026 at _____ M.

Chief Clerk of the House

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this ____ day of
_____, A.D., 2026

Attest:

Chief Clerk of the House

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2026
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1003
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State