

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

172E0173 **SENATE EDUCATION COMMITTEE ENGROSSED NO.**
SB 91 - 01/25/2001

Introduced by: Senators Albers, Dennert, Diedrich (Larry), Hutmacher, Koetzle, McCracken, McIntyre, Moore, Munson, Olson (Ed), and Symens and Representatives Michels, Broderick, Brown (Richard), Davis, Duniphan, Elliott, Flowers, Hennies (Thomas), Holbeck, Jaspers, Juhnke, Kooistra, Madsen, McCaulley, Murschel, Olson (Mel), Richter, and Smidt

1 FOR AN ACT ENTITLED, An Act to exempt certain school district employees from the
2 requirement for certain background checks.

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

4 Section 1. That § 13-10-12 be amended to read as follows:

5 13-10-12. Each person over eighteen years of age hired by a school district shall submit to
6 a criminal background investigation, by means of fingerprint checks by the Division of Criminal
7 Investigation and the Federal Bureau of Investigation. The school district shall submit completed
8 fingerprint cards to the Division of Criminal Investigation before the prospective new employee
9 enters into service. If no disqualifying record is identified at the state level, the fingerprints shall
10 be forwarded by the Division of Criminal Investigation to the Federal Bureau of Investigation
11 for a national criminal history record check. Any person whose employment is subject to the
12 requirements of this section may enter into service on a temporary basis pending receipt of
13 results of the criminal background investigation. The employing school district may, without

1 liability, withdraw its offer of employment or terminate the temporary employment without
2 notice if the report reveals a disqualifying record. Any person whose employment is subject to
3 the requirements of this section shall pay any fees charged for the criminal record check.
4 However, the school board or governing body may reimburse the person for the fees. Any person
5 hired to officiate, judge, adjudicate, or referee an event conducted under the authority of the
6 South Dakota High School Activities Association is not required to submit to a criminal
7 background investigation as required in this section. In addition, any person employed by a
8 postsecondary technical institute is not required to submit to a criminal background investigation
9 as required in this section, unless the person is a teacher who teaches an elementary or secondary
10 level course in an elementary or secondary school facility, or unless the person is an employee,
11 other than a teacher, whose work assignment includes working in an elementary or secondary
12 school facility.