

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

400E0259

SENATE ENGROSSED NO. **HB 1067** - 01/29/2001

Introduced by: The Committee on Education at the request of the Department of
Education and Cultural Affairs

1 FOR AN ACT ENTITLED, An Act to prohibit school boards from employing any person whose
2 certificate has been revoked or suspended and to prohibit the suspension of a certificate
3 under certain circumstances.

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

5 Section 1. That chapter 13-43 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No school board may employ a person whose certificate is revoked pursuant to § 13-42-9
8 or 13-42-10 or during the term of a suspension pursuant to § 13-42-9.

9 Section 2. That § 13-42-9 be amended to read as follows:

10 13-42-9. The secretary of the Department of Education and Cultural Affairs may revoke or
11 suspend any certificate for any cause which would have prevented its issue, plain violation of
12 contract, gross immorality, incompetency, violation of the code of ethics in effect on January 1,
13 1999, as determined by the Professional Teachers Practices and Standards Commission or the
14 Professional Administrators Practices and Standards Commission, or flagrant neglect of duty,
15 and may suspend any certificate for a period not to exceed one year for breaking or jumping a

1 contract, if such suspension is requested by the school board. However, the secretary may not
2 suspend a certificate for breaking or jumping a contract if the school board collected liquidated
3 damages pursuant to the terms of the contract.