

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

871T0531

HOUSE BILL NO. 1118

Introduced by: Representatives Solum, Brunner, Conzet, Deelstra, Elliott, Kirkeby, Moser,
and Willadsen and Senators Holien and Peters

1 FOR AN ACT ENTITLED, An Act to permit school boards to reimburse employment
2 applicants for the expenses of their criminal background investigations.

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
8 completed fingerprint cards to the Division of Criminal Investigation before the prospective new
9 employee enters into service. If no disqualifying record is identified at the state level, the
10 fingerprints shall be forwarded by the Division of Criminal Investigation to the Federal Bureau
11 of Investigation for a national criminal history record check. Any person whose employment is
12 subject to the requirements of this section may enter into service on a temporary basis pending
13 receipt of results of the criminal background investigation. The employing school district may,
14 without liability, withdraw its offer of employment or terminate the temporary employment
15 without notice if the report reveals a disqualifying record. Any person whose employment is



1 subject to the requirements of this section shall pay any fees charged for the criminal record
2 check. However, the school board or governing body may, at their discretion, reimburse the
3 person for the fees. Any person hired to officiate, judge, adjudicate, or referee a public event
4 sponsored by a school district is not required to submit to a criminal background investigation
5 as required in this section. In addition, any person employed by a postsecondary technical
6 institute is not required to submit to a criminal background investigation as required in this
7 section, unless the person is a teacher who teaches an elementary or secondary level course in
8 an elementary or secondary school facility, or unless the person is an employee, other than a
9 teacher, whose work assignment includes working in an elementary or secondary school facility.

10 The criminal investigation required by this section with respect to a student teacher
11 completing requirements for teacher certification shall be conducted by the school district. A
12 criminal background investigation, of a student teacher, conducted by a school district may be
13 provided to any other school in which the student engages in student teaching. The school
14 district conducting the criminal background investigation of a student teacher may rely upon the
15 results of that investigation for employment of that person as an employee of the district.