

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

736S0711

HOUSE ENGROSSED NO. **HB 1208** - 2/22/2011

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Gosch and Lust and Senators Olson (Russell) and Brown

1 FOR AN ACT ENTITLED, An Act to repeal certain education mandates to enable the public
2 school system to operate more economically, and to allow parents the option to receive
3 certain notices from public schools via electronic mail.

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

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

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



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

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

17 Section 2. That ARSD 24:06:08:01 be repealed.

18 ~~24:06:08:01. Training of school bus drivers and bus attendants. School bus operators must~~
19 ~~provide annual training for school bus drivers in accordance with the section entitled "Driver"~~
20 ~~pages 121 to 124 and the section entitled "Bus Attendant" pages 124 and 125, in the National~~
21 ~~School Transportation Specifications & Procedures, 2005 Revised Edition. In addition, the~~
22 ~~following provisions apply:~~

23 ~~— (1) The State approved pre-service training program shall include a minimum of two hours~~
24 ~~of classroom training, which will include knowledge of basic first aid procedures, and two hours~~

1 ~~of behind-the-wheel training to enable safe and efficient vehicle operation;~~
2 ~~— (2) The annual State approved in-service program shall include a minimum of four hours~~
3 ~~of classroom and/or behind-the-wheel training.~~

4 Section 3. That chapter 13-29 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Each school bus driver shall receive appropriate training at least once every five years, and
7 the school bus driver shall pay any fees charged for the training. The training shall include
8 classroom instruction in first aid, bus safety, and the management of passengers, and also
9 behind-the-wheel training to enable the safe and efficient operation of the bus.

10 Section 4. That chapter 13-1 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 It is the policy of the State of South Dakota that the parent or guardian of any student
13 enrolled in a public school may opt to receive any notifications or correspondence from that
14 school by electronic mail in lieu of regular mail if the parent or guardian provides to the school
15 an electronic mail address to which the notifications or correspondence may be sent.