

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

400X0253

SENATE EDUCATION ENGROSSED NO. **SB 8** - 01/26/2016

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding background
2 investigations for prospective employees of the postsecondary technical institutes and to
3 transfer certain funds regarding postsecondary technical credentialing.

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

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

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. The employing school district may
2 pay any fees charged for the cost of fingerprinting or the criminal background investigation for
3 any person whose employment is subject to the requirements of this section. Any person hired
4 to officiate, judge, adjudicate, or referee a public event sponsored by a school district is not
5 required to submit to a criminal background investigation as required in this section. In addition,
6 any ~~person~~ instructor employed by a postsecondary technical institute is ~~not~~ required to submit
7 to a criminal background investigation as required in this section, ~~unless the person is a teacher~~
8 ~~who teaches an elementary or secondary level course in an elementary or secondary school~~
9 ~~facility, or unless the person is an employee, other than a teacher, whose work assignment~~
10 ~~includes working in an elementary or secondary school facility~~ at the time of initial employment.

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 § 13-39-17.1 be amended to read:

18 13-39-17.1. ~~The department may collect fees for credentialing postsecondary technical~~
19 ~~teachers. The department shall credit all funds generated by these fees to a fund known as the~~
20 ~~postsecondary technical credentialing fund to be administered by the state treasurer. A payment~~
21 ~~from this fund is by voucher submitted to the state treasurer and is limited to promulgation of~~
22 ~~rules, forms, and incidental administrative costs associated with the credentialing of~~
23 ~~postsecondary technical teachers. Any funds in the postsecondary technical credentialing fund~~
24 shall be transferred to the state institute fund established pursuant to § 13-42-5.1.