

**SECTION R**  
**EMPLOYEE CRIMINAL BACKGROUND CHECK**

It is the policy of the board to only employ individuals who do not have a "disqualifying record." Each offer of employment is subject to the provisions of SDCL 13-10-12, et seq., relating to criminal background investigations. This policy shall apply to all individuals employed by the district. An employee is any person the district lists on its payroll and makes payroll deductions pursuant to state or federal law.

*(NOTE: It is recommended that the district require in its contracts that all service providers having contact with children conduct criminal background checks meeting the requirements of this policy and to certify compliance in writing to the district.)*

Each person considered a final applicant for employment shall be provided with a memo to and certification form for completion by the law enforcement agency as provided, together with fingerprint identification cards approved by the South Dakota Division of Criminal Investigation, and an envelope addressed to the South Dakota Division of Criminal Investigation, 500 East Capitol Avenue, Pierre, South Dakota 57501. The final applicant shall take the fingerprint cards, the memo, and the addressed envelope to a law enforcement agency and submit to the fingerprinting process. The final applicant must include a check or money order made out to the South Dakota Division of Criminal Investigation in the amount of \$43.25.

Any person granted employment subject to this policy is employed on a temporary basis conditioned upon no disqualifying report being received from the criminal background investigation. Any disqualifying record will result in immediate termination of employment without further notice or hearing. A "disqualifying record" means any conviction of a crime of violence as defined in SDCL 22-1-2(9), a sex offense as defined in SDCL 22-24B-1, or trafficking in narcotics or other violation deemed disqualifying by the Sioux Valley Administration.

Conviction of any crime of moral turpitude as defined by SDCL 22-1-2(25) may constitute a disqualifying record as determined by the board on a case-by-case basis.

Any criminal conviction not disclosed by an applicant may be treated as a disqualifying record.

Any criminal conviction may be considered in making a hiring decision.

This policy shall not apply to persons performing services for the district under the authority of the South Dakota High School Activities Association.

This policy applies to all other employment agreements, whether written or oral.