



## 2021 South Dakota Legislature

# House Bill 1157

Introduced by: **Representative Phil Jensen**

1 **An Act to establish restrictions governing instructional standards and curricular**  
 2 **materials.**

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

4 **Section 1.** That § 13-1-12.1 be AMENDED.

5 **13-1-12.1. Promulgation of rules on classification and accreditation of**  
 6 **schools, preparation of certified personnel, eligibility for state aid, career and**  
 7 **technical education, and curriculum requirements.**

8 The South Dakota Board of Education Standards shall promulgate rules, pursuant  
 9 to chapter 1-26, to establish:

10 (1) Establish standards for the classification and accreditation of schools ~~within this~~  
 11 ~~state, to establish;~~

12 (2) Establish standards for the preparation of certified personnel, ~~to set forth;~~

13 (3) Establish procedures for determining the eligibility of school districts to receive  
 14 state aid to education funding, ~~to adopt;~~

15 (4) Adopt policies and rules necessary to establish standards and procedures for career  
 16 and technical education, ~~and to establish~~

17 (5) Establish curriculum requirements for a recommended high school program for all  
 18 public and nonpublic schools within the state.

19 The recommended high school program shall include a rigorous high school  
 20 curriculum in both academic and career and technical courses. The requirements of the  
 21 recommended program ~~shall~~ must be aligned to the academic content standards  
 22 developed pursuant to § 13-3-48, must abide by the restrictions and limitations set forth  
 23 in § 13-33-1, and ~~shall~~ must, at a minimum, include the content standards tested pursuant  
 24 to § 13-3-55.

25 Nothing in this section authorizes the board to require the use of a specifically  
 26 designated curriculum or methods of instruction.

1 **Section 2.** That a NEW SECTION be added:

2 **13-1-12.2. Development of curriculum requirements--Restrictions.**

3 In developing the curriculum requirements, as provided for in § 13-1-12.1, the  
4 South Dakota Board of Education Standards shall ensure that the standards do not  
5 encourage the use of materials or the provision of instruction in a manner contrary to §  
6 13-33-1.

7 **Section 3.** That § 13-33-1 be AMENDED.

8 **13-33-1. Conformity to standards adopted by state board--Restrictions.**

9 All the public schools in the state shall provide instruction in substantial conformity  
10 to the accreditation standards adopted by the South Dakota Board of Education Standards.

11 The instruction provided in the public schools may not include any materials or  
12 encourage any activities that:

- 13 (1) Promote the overthrow of the government of the United States;  
14 (2) Promote division between, resentment of, or social justice for a race, gender,  
15 political affiliation, social class, or identifiable group of people;  
16 (3) Are designed primarily for students of a particular ethnic group; or  
17 (4) Advocate the solidarity of, or the isolation of, a group of students based on a  
18 characteristic such as ethnicity, race, religion, gender, or social class, instead of  
19 treating all students as individuals.

20 If a person notifies the board of a school district that a violation of this section may  
21 have occurred, the board shall provide an opportunity for the person to offer testimony  
22 and evidence at the next meeting of the board, and shall either dismiss the matter or take  
23 appropriate action to address the matter.