2021 South Dakota Legislature

House Bill 1157

Introduced by: ***Representative*** *Phil Jensen*

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. That a NEW SECTION be added:

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

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

Section 3. That § 13-33-1 be AMENDED.

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

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

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

(1) Promote the overthrow of the government of the United States;

(2) Promote division between, resentment of, or social justice for a race, gender, political affiliation, social class, or identifiable group of people;

(3) Are designed primarily for students of a particular ethnic group; or

(4) Advocate the solidarity of, or the isolation of, a group of students based on a characteristic such as ethnicity, race, religion, gender, or social class, instead of treating all students as individuals.

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