



Joint Committee on Appropriations
SENATOR JEAN HUNHOFF, CO-CHAIR
REPRESENTATIVE CHRIS KARR, CO-CHAIR

May XX, 2021

Tiffany Sanderson, Secretary
Department of Education
800 Governors Dr.
Pierre, SD 57501

Letter of Intent Regarding Applications for Federal Grants in History and Civics

Dear Secretary Sanderson,

This Letter of Intent sets forth a particular view held by the Joint Committee on Appropriations (JCA) in approving your appropriation in the 2021 Legislative session. As such, this Letter of Intent seeks to supplement that legislation with specific policy guidance as approved on May XX, 2021.

While the guidance does not have the direct force of statutory law, it rests solidly on a long-standing tradition of Legislative-Executive relationships in South Dakota and it will be used by the Joint Committee as one basis for the fiscal oversight of your agency and its continued funding.

It is the intent of the JCA to have the South Dakota Department of Education, as well as other agencies and governmental divisions of South Dakota, delay any application for federal grants touching on the areas of education in American history or civics until after the South Dakota Legislature has had an opportunity to address and act upon legislative initiatives related to these topics in its 2022 Legislative session.

The intent of JCA is that no applications whatsoever for federal grants in American history or civics education ought to be made until such time as the South Dakota Legislature has disposed of legislative proposals pertaining to these topics during its 2022 Legislative session. In order to help clarify the concerns behind this intent, this letter will itemize several specific grant types within this broader category.

The JCA anticipates that legislation barring certain practices often collectively referred to as “action civics” or “project-based civics” from South Dakota’s education system. The anticipated legislation would also bar from South Dakota’s education system training in, or curricula infused with, certain concepts often characterized individually or collectively as “Critical Race Theory.” It is the intent of JCA that applications for grants that would violate any of the prohibitions contained in this anticipated

legislation should be eschewed until the South Dakota Legislature has had an opportunity to consider and dispose of legislative proposals pertaining to such topics during its 2022 session.

The JCA also notes that on April 19, 2021 the Biden administration issued a proposed rule that itemized priorities for grants in “American History and Civics Education.” It is the intent of the JCA that no grants whose priorities will be governed by the current version, or any future or finalized version, of this proposed rule shall be applied for until the South Dakota Legislature has had an opportunity to consider and dispose of legislative proposals pertaining to education in American history and civics during its 2022 session.

The JCA further notes that two bills currently pending in Congress, the Civics Secures Democracy Act and the Civics Learning Act, would fund numerous grants in American history and civics. It is the intent of the JCA that no grants funded under the Civics Secures Democracy Act or the Civics Learning Act, should they become law, shall be applied for until the South Dakota Legislature has had an opportunity to consider and dispose of legislative proposals pertaining to education in American history and civics during its 2022 session.

Please note that the specific examples cited above are offered in order to clarify, illuminate, and explicate the JCA’s intent. That intent reaches beyond those specific examples and includes an intent to bar any applications whatsoever by the South Dakota Department of Education, or any other agency or division of government in South Dakota, for federal grants in the areas of education in American history or civics.

Note as well that, in view of the complex and sensitive issues at play in current controversies and pending legislative proposals regarding the teaching of American history and civics, it is the intention of the JCA that, even after proposed legislation on these topics is acted upon in the 2022 South Dakota legislative session, the Department of Education should continue to consult with JCA before it applies for any federal grants in the areas of American history or civics education in the years ahead.

Thank you for your cooperation.

Senator Jean Hunhoff
Lead Co-Chair, Joint Committee on Appropriations

Representative Chris Karr
Co-Chair, Joint Committee on Appropriations

cc: Russell Olson, Auditor General
Liza Clark, Commissioner, Bureau of Finance and Management