

2022 South Dakota Legislature

House Bill 1337**AMENDMENT 1337B FOR THE INTRODUCED BILL**

1 **An Act to to protect elementary and secondary students from political**
2 **indoctrination.**

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

4 **Section 1.** Politicizing elementary and secondary instruction by promoting politically divisive
5 concepts or pressuring students into political activism inappropriately injects politics into the
6 classroom and should not serve as a basis for instruction in South Dakota.

7 **Section 2. That chapter 13-1 be amended with a NEW SECTION:**

8 For the purposes of this Act, a divisive concept is any of the following:

- 9 (1) That any race, color, religion, sex, ethnicity, or national origin is inherently superior
10 or inferior;
- 11 (2) That individuals should be discriminated against or adversely treated on the basis
12 of race, color, religion, sex, ethnicity, or national origin;
- 13 (3) That an individual's moral character is inherently determined on the basis of race,
14 color, religion, sex, ethnicity, or national origin;
- 15 (4) That an individual, by virtue of the individual's race, color, religion, sex, ethnicity,
16 or national origin, is inherently racist, sexist, or oppressive, whether consciously
17 or subconsciously;
- 18 (5) That individuals, by virtue of race, color, religion, sex, ethnicity, or national origin,
19 are inherently responsible for actions committed in the past by other members of
20 the same race, color, religion, sex, ethnicity, or national origin;
- 21 (6) An individual should feel discomfort, guilt, anguish, or any other form of
22 psychological distress on account of the individual's race, color, religion, ethnicity
23 or national origin;

1 (7) Meritocracy or traits such as a hard work ethic are racist or sexist, or were created
2 by members of a particular race or sex to oppress members of another race or sex;
3 or

4 (8) With respect to their relationship to American values, slavery and racism are
5 anything other than deviations from, betrayals of, or failures to live up to America's
6 founding principles of liberty and equality, as stated in the Declaration of
7 Independence.

8 **Section 3. That chapter 13-1 be amended with a NEW SECTION:**

9 A state agency or public school district may not allow any curricula, instruction,
10 standards, or training that promotes a divisive concept, or which directs or compels
11 students or employees to personally affirm, adopt, or adhere to a divisive concept.

12 Nothing in this section prohibits a school district employee from:

13 (1) Discussing, as part of a larger course of academic instruction, a divisive concept in
14 an objective manner and without endorsement; or

15 (2) Permitting or presiding over student debate, regarding a divisive concept, in an
16 objective manner and without endorsement.

17 **Section 4. That chapter 13-1 be amended with a NEW SECTION:**

18 For purposes of this Act, the term, lobbying, means:

19 (1) To promote, oppose, or influence the passage or defeat of, or the sponsorship or
20 introduction of, any ballot measure as defined in § 2-1-1.3, ballot question as
21 defined in § 12-27-1, law, rule or emergency rule as defined in § 1-26-1, or
22 resolution or ordinance as defined by §§ 7-18A-1 and 9-19-1;

23 (2) To attempt to influence an individual to vote for or against a particular candidate
24 for any public office; or

25 (3) To attempt to influence any public officer in the performance of the officer's duties.

26 This term does not include educational activities or assignments that simulate
27 protest or lobbying in a school setting.

28 **Section 5. That chapter 13-1 be amended with a NEW SECTION:**

29 A public school district or district employee may not require, make part of a course,
30 or award a grade or course credit, including extra credit, for a student's:

1 (1) Political activism, lobbying, or efforts to persuade members of the legislative or
2 executive branch at the federal, state, or local level to take specific actions by
3 direct communication; or

4 (2) Participation in any service learning, internship, practicum, or action project
5 involving social or public policy activism or lobbying.

6 **Section 6. That chapter 13-1 be amended with a NEW SECTION:**

7 State agencies or public school districts may not accept or expend any private
8 funding for curriculum development, purchase or choice of curricular materials, teacher
9 training, professional development, or continuing teacher education pertaining to courses
10 on history, civics, United States government and politics, social studies, or similar subject
11 areas, whether for regular credit or advanced placement credit.

12 **Section 7. That chapter 13-1 be amended with a NEW SECTION:**

13 A public school district may not permit a course of instruction or unit of study that
14 results in a student being distinguished or classified on account of race or color.

15 Nothing in this section may be construed to prohibit the required collection or
16 reporting of demographic data by institutions of higher education or public school districts.

17 **Section 8. That chapter 13-1 be amended with a NEW SECTION:**

18 A state agency, school board, school district, or public school may not authorize or
19 expend any money for any purpose prohibited in this Act.

20 **Section 9. That chapter 13-1 be amended with a NEW SECTION:**

21 Nothing in ~~sections 2 to 8, inclusive, of~~ this Act applies to a nonpublic school or an
22 employee of a nonpublic school.

23 For purposes of sections 2 to 8, inclusive, of this Act, the term, state agency, does
24 not include the Board of Regents, the South Dakota Board of Technical Education, or any
25 institution under their control.

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