

2022 South Dakota Legislature

House Bill 1012**AMENDMENT 1012B FOR THE INTRODUCED BILL**

1 **An Act to ~~protect students from critical race theory~~ protect students and employees**
2 **at institutions of higher education from critical race theory training and**
3 **orientation.**

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

5 ~~Section 1. The inherently divisive concepts underlying Critical Race Theory are contrary to~~
6 ~~our values, do not reflect the truth that all men and women are created equal, and should not~~
7 ~~be promoted or imposed by student or employee training or orientation in South Dakota's~~
8 ~~public institutions of higher education.~~

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

10 For the purposes of this Act, the term, divisive concepts, means:

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

1 (6) An individual should feel discomfort, guilt, anguish, or any other form of
2 psychological distress on account of the individual's race, color, religion, ethnicity,
3 or national origin; or

4 (7) Meritocracy or traits such as hard work ethic are racist or sexist or were created
5 by members of a particular race or sex to oppress members of another race or sex.

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

7 The Board of Regents, or the Board of Technical Education, or any institution under
8 their control, may not direct or compel a student to personally affirm, adopt, or adhere to
9 divisive concepts.

10 The Board of Regents, or the Board of Technical Education, or any institution under
11 their control may not require their students or employees to attend or participate in any
12 training or orientation that teaches, advocates, acts upon, or promotes divisive concepts.

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

14 The Board of Regents, or the Board of Technical Education, or any institution under
15 their control, may not use or introduce a course of instruction or unit of study that results
16 in a student being distinguished or classified on the account of race or color.

17 Nothing in this section should be construed to prohibit the required collection or
18 reporting of demographic data by institutions of higher education.

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

20 The Board of Regents, or the Board of Technical Education, or any institution under
21 their control, may not authorize or expend funding for any purpose prohibited in this Act.

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

23 Nothing in this Act:

24 (1) Prevents an employee or a contractor who provides mandatory orientation or
25 training from responding to questions that are raised by participants in the
26 orientation or training and which pertain to the divisive concepts;

27 (2) Pertains to the content or conduct of any course of academic instruction or unit of
28 study at an institution of higher education under the control of the Board of Regents
29 or the Board of Technical Education; or

- 1 (3) May be construed to inhibit or violate the First Amendment rights of any student
2 or employee, or to undermine the duty of an institution under the control of the
3 Board of Regents or the Board of Technical Education to protect, to the greatest
4 degree, academic freedom, intellectual diversity, and free expression.

AMENDMENT