2022 South Dakota Legislature

House Bill 1012

AMENDMENT 1012C FOR THE HOUSE EDUCATION ENGROSSED BILL

An Act to protect students and employees at institutions of higher education from ~~critical race theory training and orientation~~ divisive concepts.

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

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

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

(1) That any race, color, religion, sex, ethnicity, or national origin is inherently superior or inferior;

(2) That individuals should be discriminated against or adversely treated because of their race, color, religion, sex, ethnicity, or national origin;

(3) That an individual's moral character is inherently determined by their race, color, religion, sex, ethnicity, or national origin;

(4) That an individual, by virtue of their race, color, religion, sex, ethnicity, or national origin is inherently racist, sexist, or oppressive, whether consciously or subconsciously;

(5) That individuals, by virtue of race, color, religion, sex, ethnicity, or national origin, are inherently responsible for actions committed in the past by other members of the same race, color, religion, sex, ethnicity, or national origin;

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

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

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

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

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

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

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

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

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

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

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

Nothing in this Act:

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

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

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

AMENDMENT