

## 2022 South Dakota Legislature

**House Bill 1337****AMENDMENT 1337H FOR THE HOUSE EDUCATION  
ENGROSSED BILL**

1 An Act to ~~to protect~~prevent the promotion of divisive concepts in elementary and  
2 ~~secondary students from political indoctrination schools.~~

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

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

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

- 6 (1) That any race, color, religion, sex, ethnicity, or national origin is inherently superior  
7 or inferior;
- 8 (2) That individuals should be discriminated against or adversely treated on the basis  
9 of race, color, religion, sex, ethnicity, or national origin;
- 10 (3) That an individual's moral character is inherently determined on the basis of race,  
11 color, religion, sex, ethnicity, or national origin;
- 12 (4) That an individual, by virtue of the individual's race, color, religion, sex, ethnicity,  
13 or national origin, is inherently racist, sexist, or oppressive, whether consciously  
14 or subconsciously;
- 15 (5) That individuals, by virtue of race, color, religion, sex, ethnicity, or national origin,  
16 are inherently responsible for actions committed in the past by other members of  
17 the same race, color, religion, sex, ethnicity, or national origin;
- 18 (6) An individual should feel discomfort, guilt, anguish, or any other form of  
19 psychological distress on account of the individual's race, color, religion, ~~sex,~~  
20 ethnicity, or national origin;
- 21 (7) Meritocracy or traits such as a ~~hard~~ **strong** work ethic are racist or sexist, or were  
22 created by members of a particular race or sex to oppress members of another  
23 race or sex; or
- 24 (8) With respect to their relationship to American values, slavery and racism are  
25 anything other than deviations from, betrayals of, or failures to live up to America's

1 founding principles of liberty and equality, as stated in the Declaration of  
2 Independence.

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

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

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

- 8 (1) Discussing, as part of a larger course of academic instruction, a divisive concept in  
9 an objective manner and without endorsement; or  
10 (2) Permitting or presiding over student debate, regarding a divisive concept, in an  
11 objective manner and without endorsement.

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

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

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

16 Nothing in sections 2 and 3 of this Act applies to a nonpublic school or an employee  
17 of a nonpublic school.

18 For purposes of this Act, the term, state agency, does not include the Board of  
19 Regents, the South Dakota Board of Technical Education, or any institution under their  
20 control.