2022 South Dakota Legislature

House Bill 1012

SENATE EDUCATION ENGROSSED

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on Education at the request of the Office of the Governor

1 **An Act to protect students and employees at institutions of higher education from**
2 **divisive concepts.**

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, the term, divisive concepts, means:
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 because of
9   their race, color, religion, sex, ethnicity, or national origin;
10 (3)   That an individual's moral character is inherently determined by their race, color,
11   religion, sex, ethnicity, or national origin;
12 (4)   That an individual, by virtue of their race, color, religion, sex, ethnicity, or national
13   origin is inherently racist, sexist, or oppressive, whether consciously or
14   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, ethnicity,
20   or national origin; or
21 (7)   Meritocracy or traits such as a strong work ethic are racist or sexist or were created
22   by members of a particular race or sex to oppress members of another race or sex.

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

1   The Board of Regents, or the Board of Technical Education, or any institution under

2   their control, may not direct or compel a student to personally affirm, adopt, or adhere to

3   divisive concepts.

4   The Board of Regents, or the Board of Technical Education, or any institution under

5   their control may not require their students or employees to attend or participate in any

6   training or orientation that teaches, advocates, acts upon, or promotes divisive concepts.

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

8   The Board of Regents, or the Board of Technical Education, or any institution under

9   their control, may not condition enrollment or attendance in a class, training, or orientation

10 on the basis of race or color.

11   Nothing in this section should be construed to prohibit the required collection or

12 reporting of demographic data by institutions of higher education.

13 **Section 4. 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 authorize or expend funding for any purpose prohibited in this Act.

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

17   Nothing in this Act:

18 (1)   Prevents an employee or a contractor who provides mandatory orientation or

19   training from responding to questions that are raised by participants in the

20   orientation or training and which pertain to the divisive concepts;

21 (2)   Pertains to the content or conduct of any course of academic instruction or unit of

22   study at an institution of higher education under the control of the Board of Regents

23   or the Board of Technical Education; or

24 (3)   May be construed to inhibit or violate the First Amendment rights of any student

25   or employee, or to undermine the duty of an institution under the control of the

26   Board of Regents or the Board of Technical Education to protect, to the greatest

27   degree, academic freedom, intellectual diversity, and free expression.