

2022 South Dakota Legislature

House Bill 1337**AMENDMENT 1337J 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; or

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.