



— STATE OF SOUTH DAKOTA —
OFFICE OF THE GOVERNOR
KRISTI NOEM | GOVERNOR

February 1, 2022

REQUEST FORM FOR INTRODUCTION OF COMMITTEE BILL

As governor of the state of South Dakota, I do hereby request the House Education Committee to introduce the affixed bill or resolution, the title of which is as follows:

An Act to protect elementary and secondary students from political indoctrination.


Kristi Noem

NOTE: In compliance with SDCL 2-7-6.1, this request shall be retained for reference in the files of the Standing Committee to which this request is directed, and a copy of this request must be submitted to the Bill Clerk for filing at the time of filing the Bill or Resolution.

2022 South Dakota Legislature

Draft 862

Requested by: at the request of the Office of the Governor

1 **An Act to to protect elementary and secondary students from political**
2 **indoctrination.**

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

4 **Section 1.** Politicizing elementary and secondary instruction by promoting politically divisive
5 concepts or pressuring students into political activism inappropriately injects politics into the
6 classroom and should not serve as a basis for instruction in South Dakota.

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

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

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

8 For purposes of this Act, the term, lobbying, means:

9 (1) To promote, oppose, or influence the passage or defeat of, or the sponsorship or
10 introduction of, any ballot measure as defined in § 2-1-1.3, ballot question as
11 defined in § 12-27-1, law, rule or emergency rule as defined in § 1-26-1, or
12 resolution or ordinance as defined by §§ 7-18A-1 and 9-19-1;

13 (2) To attempt to influence an individual to vote for or against a particular candidate
14 for any public office; or

15 (3) To attempt to influence any public officer in the performance of the officer's duties.

16 This term does not include educational activities or assignments that simulate
17 protest or lobbying in a school setting.

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

19 A public school district or district employee may not require, make part of a course,
20 or award a grade or course credit, including extra credit, for a student's:

21 (1) Political activism, lobbying, or efforts to persuade members of the legislative or
22 executive branch at the federal, state, or local level to take specific actions by
23 direct communication; or

24 (2) Participation in any service learning, internship, practicum, or action project
25 involving social or public policy activism or lobbying.

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

27 State agencies or public school districts may not accept or expend any private
28 funding for curriculum development, purchase or choice of curricular materials, teacher
29 training, professional development, or continuing teacher education pertaining to courses

1 on history, civics, United States government and politics, social studies, or similar subject
2 areas, whether for regular credit or advanced placement credit.

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

4 A public school district may not permit a course of instruction or unit of study that
5 results in a student being distinguished or classified on account of race or color.

6 Nothing in this section may be construed to prohibit the required collection or
7 reporting of demographic data by institutions of higher education or public school districts.

8 **Section 8. That chapter 13-1 be amended with a NEW SECTION:**

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

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

12 Nothing in this Act applies to a nonpublic school or an employee of a nonpublic
13 school.