

## 2023 South Dakota Legislature

**Senate Bill 151****AMENDMENT 151A  
FOR THE INTRODUCED BILL**

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

1 **An Act to ~~establish the nonbeneficiary student scholarship program and make an~~**  
 2 **~~appropriation therefor~~ clarify information related to students that is not**  
 3 **subject to survey, analysis, or evaluation without consent.**

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

5 **Section 1. That § 13-3-51.2 be AMENDED:**

6 **~~13-3-51.2.~~ No elementary school or secondary school student shall be required to**  
 7 **~~submit to~~ may administer a survey, analysis, or evaluation ~~that reveals information~~**  
 8 **~~concerning without the prior written consent of the parent, or without the prior consent of~~**  
 9 **~~the student if the student is an adult or emancipated minor, if the survey, analysis, or~~**  
 10 **evaluation:**

11 (1) Reveals a student's identity; and

12 (2) Collects any information concerning:

13 (a) Political affiliations or beliefs of the student or the student's parent;

14 (2)(b) Mental or psychological problems or aspects of the student or the student's  
 15 family;

16 (3)(c) Sex behavior or attitudes of the student or the student's family;

17 (4)(d) Illegal, anti-social, self-incriminating, or demeaning behavior;

18 (5)(e) Critical appraisals of other individuals with whom respondents have close  
 19 family relationships;

20 (6)(f) Legally recognized privileged or analogous relationships, ~~such as those of~~  
 21 lawyers, physicians, and ministers;

22 (7)(g) Religious practices, affiliations, or beliefs of the student or student's parent;

23 (8)(h) Personal or family gun ownership; or

1           ~~(9)(i) Income~~~~(, other than that required by law to determine eligibility for~~  
2           ~~participation in a program or for receiving financial assistance under such~~  
3           ~~program);~~

4           ~~without the prior consent of the student (if the student is an adult or emancipated~~  
5           ~~minor), or in the case of an unemancipated minor, without the prior written consent of~~  
6           ~~the parent. The list of information in subdivisions (1) to (9), inclusive, is not an exclusive~~  
7           ~~list. The secretary of the Department of Education~~ department may add to the list of  
8           ~~information in subdivisions (1) to (9), inclusive, other data, facts, or information that is of~~  
9           ~~a similar nature that a student may~~ is not be required to disclose.

10           ~~The term, parent, for~~ For purposes of this section, the term, parent, includes a  
11           ~~legal guardian or other person standing in loco parentis.~~

12           ~~Nothing in this section is intended to supersede or modify any other state law or~~  
13           ~~any provision in 20 U.S.C. § 1232h or 34 C.F.R. Part 98, as amended to January 1, 2014.~~