

Committee: Senate Education

Thursday, February 16, 2023 8:15 AM

Roll Call

Present: Sen. Bordeaux, Sen. Castleberry, Sen. Davis, Sen. Pischke, Sen. Reed, Sen. Steve Kolbeck, and Sen. Schoenfish

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Schoenfish

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 14TH

Moved by: Pischke
Second by: Reed
Action: Prevailed by voice vote

MOTION: RECONSIDER SB 151

Moved by: Steve Kolbeck
Second by: Castleberry
Action: Prevailed by Majority Members Elect (6-0-1-0)

Voting Yes: Bordeaux, Castleberry, Pischke, Reed, Steve Kolbeck, and Schoenfish

Excused: Davis

MOTION: AMEND SB 151

151A

On page 1, line 1, of the Introduced bill, delete "establish the nonbeneficiary student scholarship program and make an appropriation therefor" and insert " clarify information related to students that is not subject to survey, analysis, or evaluation without consent"

On the Introduced bill, delete everything after the enacting clause and insert:

"

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

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

- (1) Reveals a student's identity; and
- (2) Collects any information concerning:
 - (a) Political affiliations or beliefs of the student or the student's parent;
 - (2)(b) Mental or psychological problems or aspects of the student or the student's family;
 - (3)(c) Sex behavior or attitudes of the student or the student's family;
 - (4)(d) Illegal, anti-social, self-incriminating, or demeaning behavior;
 - (5)(e) Critical appraisals of other individuals with whom respondents have close family relationships;
 - (6)(f) Legally recognized privileged or analogous relationships, ~~such as those of lawyers, physicians, and ministers;~~

- ~~(7)(g)~~ Religious practices, affiliations, or beliefs of the student or student's parent;
- ~~(8)(h)~~ Personal or family gun ownership; or
- ~~(9)(i)~~ Income ~~(, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program);~~

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

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

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

"

Moved by: Steve Kolbeck
 Second by: Pischke
 Action: Prevailed by voice vote

THE CHAIR DEFERRED SB 151 UNTIL TUESDAY, FEBRUARY 21ST 2023

SB 168 : revise certain provisions regarding students with rape convictions.

Presented by: Senator Ryan Maher

Proponents: Jason Alan Glodt, South Dakotans Protecting Students, Mud Butte
 Dean Ronald Johnson, South Dakotans Protecting Students, Mud Butte
 Albert Keller, self, Bison
 Wade Pogany, Associated School Boards of South Dakota, Pierre
 Sandra Marie Waltman, South Dakota Education Association, Pierre

Opponents: Terra Larson, South Dakota Association of Criminal Defense Lawyers, Pierre

MOTION: AMEND SB 168

168A

On page 1, line 1, of the Introduced bill, delete "revise certain provisions" and insert " authorize a board of a school district to adopt policies"

On page 1, line 1, delete " with rape convictions" and insert " who are registered sex offenders, and to declare an emergency"

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. That chapter 13-28 be amended with a NEW SECTION:

A board of a school district may adopt a policy that requires a student who is registered as a sex offender, pursuant to § 22-24B-2, to receive instruction through remote or distance learning or an alternative educational program.

Section 2. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval."

Moved by: Reed
 Second by: Steve Kolbeck
 Action: Prevailed by voice vote

MOTION: DO PASS SB 168 AS AMENDED

Moved by: Reed
Second by: Davis
Action: Prevailed by Majority Members Elect (6-1-0-0)

Voting Yes: Bordeaux, Castleberry, Davis, Reed, Steve Kolbeck, and Schoenfish

Voting No: Pischke

SB 193 : establish provisions related to the review and selection of instructional materials in school districts.

Presented by: Senator Jessica Castleberry

Proponents: Representative Sue Peterson
Amy Bruner, Self, Sioux Falls
Michelle Klimek, Self, Sioux Falls
Meta Halvorson, self, Whitewood
Heather Devires, Madison, SD ,Self
Norman Woods, Family Heritage Alliance Action, Rapid City
Terrie Fischer, self, Olivet

Opponents: Dianna Miller, Large School Group (Aberdeen), Aberdeen
Wade Pogany, Associated School Boards of South Dakota, Pierre
Eric Erickson, South Dakota Library Association, Watertown
Samuel J. Nelson, Sioux Falls School District, Sioux Falls
Sandra Marie Waltman, South Dakota Education Association, Pierre

MOTION: DO PASS SB 193

Moved by: Pischke
Second by: Castleberry
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION: DEFER SB 193 TO THE 41ST LEGISLATIVE DAY

Moved by: Reed
Second by: Davis
Action: Prevailed by Majority Members Elect (5-2-0-0)

Voting Yes: Bordeaux, Davis, Reed, Steve Kolbeck, and Schoenfish

Voting No: Castleberry and Pischke

MOTION: ADJOURN

Moved by: Bordeaux
Second by: Steve Kolbeck
Action: Prevailed by voice vote

Jean Denton, Committee Secretary

/s/ KYLE SCHOENFISH
Kyle Schoenfish, Chair