



2023 South Dakota Legislature

Senate Bill 151

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: **Senator Bordeaux**

1 **An Act to clarify information related to students that is not subject to survey,**
2 **analysis, or evaluation without consent.**

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

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

5 **13-3-51.2.** No elementary school or secondary school-student shall be required to
6 submit to may administer a survey, analysis, or evaluation ~~that reveals information~~
7 concerning without the prior written consent of the parent, or without the prior consent of
8 the student if the student is an adult or emancipated minor, if the survey, analysis, or
9 evaluation:

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

11 (2) Collects any information concerning:

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

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

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

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

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

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

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

22 ~~(8)(h)~~ Personal or family gun ownership; or

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

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

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

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