

2025 South Dakota Legislature

House Bill 1201**AMENDMENT 1201A
FOR THE INTRODUCED BILL**

1 **An Act to establish requirements for school counseling services.**

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

3 ~~Section 1. That a NEW SECTION be added to chapter 13-32:~~

4 ~~Before a school counselor provides a direct counseling service to a student for the first time,~~
5 ~~the school counselor, or another school staff member, must obtain the consent of the~~
6 ~~student's parent or guardian.~~

7 ~~For the purpose of sections 1 and 2 of this Act, "direct counseling service" means an~~
8 ~~interaction, between a school counselor and a student, pertaining to mental, medical, or~~
9 ~~emotional health and does not involve career planning or academic discussions.~~

10 **Section 1. That a NEW SECTION be added to chapter 13-32:**

11 A school counselor, or another school staff member, must notify a student's parent
12 or guardian:

13 (1) When a direct counseling service is provided to a student; and

14 (2) ~~If a subject is discussed during a direct counseling service that is substantially~~
15 ~~different from those discussed during previous counseling sessions; and~~

16 (3) ~~If questions regarding any of the following topics are discussed with a student~~
17 ~~during a direct counseling service:~~

18 (a) Gender;

19 (b) Gender confusion; or

20 (c) Gender dysphoria;

21 (d) ~~Homosexuality; or~~

22 (e) ~~Transsexuality.~~

1 For the purpose of this section, "direct counseling service" means an interaction,
2 between a school counselor and a student, pertaining to mental, medical, or emotional
3 health and does not involve career planning or academic discussions.

4 **Section 2. That a NEW SECTION be added to chapter 13-32:**

5 ~~School counselors may not promote the concept that a student is a sex contrary to~~
6 ~~the student's biological sex at birth.~~

7 A nurse, school counselor, teacher, principal, or other administrative official
8 employed by a school district or accredited nonpublic school may not:

9 (1) Promote the concept that a student is a sex contrary to the student's biological sex
10 at birth;

11 (2) Encourage or coerce a student to withhold from the student's parent, legal
12 guardian, or other custodian the fact that the student's perception of the student's
13 gender or sex is inconsistent with the student's sex; or

14 (3) Withhold from a student's parent, legal guardian, or other custodian information
15 related to a student's perception that the student's gender or sex is inconsistent
16 with the student's sex.

17 **Section 3. That a NEW SECTION be added to chapter 13-32:**

18 Nothing in section 1 or 2 of this Act may be construed to limit or prevent
19 psychologists, psychological technicians, and licensed mental health professionals from
20 rendering the services for which they are qualified by training or experience involving the
21 application of recognized principles, methods, and procedures of the science and
22 profession of psychology and counseling.