

2025 South Dakota Legislature

House Bill 1177**AMENDMENT 1177A
FOR THE INTRODUCED BILL**

1 **An Act to ~~require an employee of a school district, the Board of Regents, or the South~~**
2 **~~Dakota Board of Technical Education to receive permission of a parent or~~**
3 **~~guardian of an unemancipated minor student before addressing the student~~**
4 **~~with a name other than the student's legal name and to prohibit the~~**
5 **~~compulsory use of gendered language inconsistent with sex~~prohibit**
6 **disciplinary action against certain individuals who refuse to use or provide**
7 **preferred names, titles, or pronouns.**

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

9 **~~Section 1. That a NEW SECTION be added to chapter 13-1:~~**

10 ~~No employee of a school district or an institution under the control of the Board of~~
11 ~~Regents or the South Dakota Board of Technical Education, regardless of the scope of the~~
12 ~~employee's official duties, may without the written permission of the student's parent or~~
13 ~~guardian knowingly and intentionally address an unemancipated minor student by:~~
14 ~~(1) A name other than the student's legal name or a derivative thereof; or~~
15 ~~(2) A student's preferred personal title or pronoun that is inconsistent with the~~
16 ~~student's sex.~~

17 ~~For the purposes of this section and sections 2 and 3 of this Act, the term "sex"~~
18 ~~means the classification of a person as either female or male based on the organization of~~
19 ~~the body for a specific reproductive role, as indicated by an individual's sex chromosomes,~~
20 ~~naturally occurring sex hormones, and internal and external genitalia present at birth.~~

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

22 No employee of a school district or an institution under the control of the Board of
23 Regents or the South Dakota Board of Technical Education may be subject to adverse
24 employment action for declining, while acting within the employee's scope of employment,
25 to address an individual using:

- 1 (1) A name other than the individual's legal name or a derivative thereof; or
2 (2) A student's preferred personal title or pronoun that is inconsistent with the
3 individual's sex.

4 An employee who is subject to adverse employment action, by a school district or
5 an institution under the control of the Board of Regents or the South Dakota Board of
6 Technical Education, in violation of this section, may bring a civil action for injunctive
7 relief, monetary damages, reasonable attorney's fees and costs, and any other appropriate
8 relief. Any civil action brought pursuant to this section must be initiated within two years
9 from the date that the violation occurs.

10 **Section 2. That a NEW SECTION be added to chapter 13-1:**

11 No student enrolled in a school district or institution under the control of the Board
12 of Regents or the South Dakota Board of Technical Education may be subject to
13 disciplinary action for declining to:

- 14 (1) Identify the student's pronouns; or
15 (2) Address any individual by:
16 (a) A name other than the individual's legal name or a derivative thereof; or
17 (b) A preferred personal title or pronoun that is inconsistent with the
18 classification of the individual's sex.

19 Any student who is subject to disciplinary action by a school district or an institution
20 under the control of the Board of Regents or the South Dakota Board of Technical
21 Education, in violation of this section, may bring a civil action for injunctive relief,
22 monetary damages, reasonable attorney's fees and costs, and any other appropriate relief.
23 Any civil action brought pursuant to this section must be initiated within two years from
24 the date that the violation occurs.