

Chapter 24:43:14

Academic Content Standards

Chapter

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24:43:14:02 Prohibition on use of inherently divisive concepts.

24:43:14:01. Establishment and revision of academic content standards.

- a) The South Dakota Board of Education Standards, the Department of Education, and other state government agencies shall work together to establish and revise the academic content standards for children in the K-12 education system.
- b) The South Dakota Board of Education Standards shall adopt academic content standards for students in kindergarten through grade 12.
- c) The academic content standards shall specify the content and expected level of performance.
- d) All school districts, accredited nonpublic schools, and approved programs, pursuant to chapter 24:43, shall develop curriculum and methods of instruction in conformity to the academic content standards as adopted by the South Dakota Board of Education Standards for each course of study offered. Failure to comply with this section may result in accreditation or disciplinary proceedings.
- e) The South Dakota Board of Education Standards shall not mandate curriculum or instructional materials.

Source:

General Authority: SDCL 1-45-13, 13-1-12.1.

Law Implemented: SDCL 13-3-48.

24:43:14:02. Prohibition on use of inherently divisive concepts. The South Dakota Board of Education Standards shall not adopt academic content standards that promote “inherently divisive concepts” meaning concepts that advance ideas in violation of the Civil Rights Act of 1964, including, but not limited to:

- (i) that one race, color, religion, sex, ethnicity, or national origin is inherently superior to another race, color, religion, sex, ethnicity, or national origin;
- (ii) that an individual should be discriminated against or adversely treated solely or partly on the basis of his or her race, color, religion, sex, ethnicity, or national origin;
- (iii) that an individual’s moral character is inherently determined by his or her race, color, religion, sex, ethnicity, or national origin;
- (iv) that an individual, by virtue of the individual’s race, color, religion, sex, ethnicity, or national origin, is inherently racist, sexist, or oppressive, whether consciously or subconsciously;
- (v) that an individual, by virtue of the individual’s race, color, religion, sex, ethnicity, or national origin, is responsible for actions committed in the past by other members of the same race, color, religion, sex, ethnicity, or national origin; or
- (vi) that meritocracy or traits, such as strong work ethic, are racist or sexist, or were created by a particular race or sex to oppress members of another race or sex.

The South Dakota Board of Education Standards shall not adopt academic content standards that direct or compel students or educators to personally affirm, adopt, or adhere to inherently divisive concepts, as defined in this section.

Source:

General Authority: SDCL 1-45-13, 13-1-12.1.

Law Implemented: SDCL 13-3-48.

CHAPTER 24:43:08

WAIVER OF CERTAIN ADMINISTRATIVE RULES AND DEPARTMENT OF EDUCATION POLICIES

24:43:08:02. Eligibility for waiver. The school board of an accredited school district may seek a waiver of one or more administrative rules or policies on behalf of a school within its jurisdiction to ~~better meet local learning goals, enhance educational opportunity, promote equity, or increase accountability~~ stimulate innovation or improve student performance or when the district can address the intent of the administrative rule or policy in a more effective, efficient, or economical manner. The governing body of an approved nonpublic school or specialized nonpublic educational program may seek a waiver of one or more administrative rules or policies on behalf of the approved school or program.

Source: 31 SDR 178, adopted May 4, 2005, effective July 1, 2005.

General Authority: SDCL 1-45-13, 13-3-47, 13-5-34.

Law Implemented: SDCL 13-5-34.

24:43:08:06. Approval of waiver. The secretary of education may approve the requested waiver if the plan will ~~better meet local learning goals, enhance educational opportunity, promote equity, or increase accountability~~ stimulate innovation or improve student performance or when the district can address the intent of the administrative rule or policy in a more effective, efficient, or economical manner. The secretary shall reject the waiver if analysis indicates that the plan and requested waiver will not ~~better meet local learning goals, enhance educational opportunity, promote equity, or increase accountability~~ stimulate innovation or improve student performance or when the district can address the intent of the administrative rule or policy in a more effective, efficient, or economical manner. The secretary will make a final determination on the district's request for a waiver within 60 days of its receipt by the department. The district will be informed in writing of the approval or disapproval of its request for a waiver; the letter will state the reason for disapproval.

Source: 31 SDR 178, adopted May 4, 2005, effective July 1, 2005.

General Authority: SDCL 13-3-1.4, 13-5-34.

Law Implemented: SDCL 13-5-34.