



South Dakota College CRT Ban Now Law

On July 1, South Dakota's HB 1012 becomes law and protects students and employees at institutions of higher education from divisive concepts such as Critical Race Theory (CRT). This law is in addition to April's Executive Order 2022-02 signed by Governor Kristi Noem, which restricts CRT and Department of Education policies at the K-12 level.

"College should be a place for freedom of thought, not indoctrination and political agendas," said Governor Noem. "Critical Race Theory should not be forced on our students, and this legislation will prevent that from happening."



AP Images
Kristi Noem

The new law enforces that an institution of higher education under the control of either the Board of Regents or the Board of Technical Education or a state-accredited school district may not direct or otherwise compel a student to personally affirm, adopt, or adhere to any of the following tenets:

- That any race, color, religion, sex, ethnicity, or national origin is inherently superior or inferior.
- That individuals should be adversely treated or feel discomfort, guilt, anguish, or any other form of psychological distress because of their race, color, religion, sex, ethnicity, or national origin;
- That individuals, by virtue of race, color, religion, sex, ethnicity, or national origin, are inherently responsible for actions committed in the past by other members of the same race, color, religion, sex, ethnicity, or national origin.

HB 1012 also does not allow any course introduction or study of the tenets listed above. Furthermore, no state funds shall be expended for the teaching of such subjects.

When signing the executive order this past April, Governor Noem said, "Political indoctrination has no place in our classrooms. Our children will not be taught that they are racists or that they are victims, and they will not be compelled to feel responsible for the mistakes of their ancestors. We will guarantee that our students learn America's true and honest history — that includes both our triumphs and our mistakes."

Executive Order 2022-02 restricts CRT in the following ways:

- The Department of Education (DOE) shall not compel employees, students, or teachers to personally affirm, adopt, or adhere to inherently divisive concepts;
- The Secretary of Education will review all policies within DOE to identify if any promote inherently divisive concepts;
- DOE will review other materials and trainings to identify if any promote or endorse inherently divisive concepts;
- If any policies, materials, or trainings promote inherently divisive concepts, they shall end or be removed no later than October 1; and



Written by [David Kelly](#) on July 1, 2022

- Directs the Board of Education Standards to ensure South Dakota Content Standards do not promote inherently divisive concepts.

The Executive Order states in section seven that “inherently divisive concepts” means advancing any ideas in violation of the Civil Rights Act of 1964.

In 2021, Governor Noem signed [Executive Order 2021-11](#), blocking federal civics and history grants due to concerns with ties to CRT. She also worked with the Board of Regents to ensure that CRT will not be the basis of education at South Dakota schools.

Executive Order 2021-11 goes deep to the heart of CRT and exposes the work of “antiracists” such as Ibram X. Kendi, and refutes the 1619 Project, which is infused with factual errors. Those include statements that “capitalism is essentially racist”, that “racism runs in the very DNA of the country” and that our nation is not a democracy but a “slavocracy”.

HB 1012 and the two executive orders will help protect South Dakota and end the hateful political and Marxist propaganda from finding its way into the minds of students at taxpayer expense. South Dakota is blessed to have a governor who understands governments’ role to protect the people and adhere to the Constitution.



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