



2022 South Dakota Legislature

House Bill 1310

Introduced by: **Representative** Sue Peterson

1 **An Act to authorize parental review of instructional and curricular materials.**

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

3 **Section 1. That chapter 13-33 be amended with a NEW SECTION:**

4 Terms used in this Act mean:

5 (1) "Activities":

6 (a) Action-oriented civics learning assignments or projects, including the actual
 7 or simulated contacting of government officials or any requirement to
 8 advocate for or comment on a contemporary political or social issue or
 9 participate in organized political activity, social demonstrations, or other
 10 field trips or projects, service-learning, internships, or other forms of
 11 collaboration with outside organizations after regular school hours for
 12 course credit or as a class project or assignment;

13 (b) Assemblies;

14 (c) Guest lectures; and

15 (d) Other educational events facilitated by the school or school district,
 16 including those conducted by outside individuals or organizations but
 17 excluding student presentations; and

18 (2) "Learning materials," audio recordings, digital materials, videos, syllabi, reading
 19 materials, textbooks, workbooks, visual presentations, instructional handouts and
 20 worksheets, online computer applications and websites, applications for phones,
 21 tablets, and computers, created for public or nonpublic use, including original
 22 material created by a school district employee.

23 **Section 2. That chapter 13-33 be amended with a NEW SECTION:**

24 Each school district shall display on the district's website:

1 (1) All instructional and training materials, and descriptions of activities, used in any
2 orientation, professional development, and training provided to school district
3 employees;

4 (2) All instructional and curricular materials, and descriptions of activities, used in the
5 provision of any orientation, training, or classroom instruction to students, created
6 for public or nonpublic use, or created by school district employees, provided that
7 if material is created by school district employees, the full text, copy, or recording
8 must be made available;

9 (3) The entire text of any surveys presented to students;

10 (4) School district policies and procedures for the review and approval of any
11 instructional and training materials and activities referenced in this section; and

12 (5) A catalogue of all books and resources available to students in the library of each
13 public school in the district.

14 The display required by this section must include the title, author, organization,
15 and any website associated with the materials; links to any material that is publicly
16 available and if not publicly available, a brief description of the material and information
17 on how to request a copy for review; and if the material was created for non-public use,
18 the identity or title of the person who created it.

19 The display required by this section must, in describing activities, indicate whether
20 the activities involve service-learning, internships, or collaboration with outside
21 organizations after regular school hours for course credit, and if so, the display must
22 provide the name of each organization and the number of participating students from the
23 school district.

24 Nothing in this section requires the posting of academic assessments or tests.

25 Each building principal shall annually provide to parents written communication
26 regarding the manner in which the displays required by this section may be accessed.

27 **Section 3. That chapter 13-33 be amended with a NEW SECTION:**

28 Nothing in section 2 of this Act requires the digital reproduction or posting of
29 learning materials, if doing so would result in a copyright infringement. If the learning
30 materials are available free of charge, the school district shall make the materials
31 available, upon written request, at any school in which the learning materials are used for
32 student instruction, and no later than five days after the date of the request.

1 A person reviewing copyrighted digital materials may not be required, as a
2 condition of reviewing the materials, to enter into terms of a nondisclosure agreement or
3 waive any rights beyond complying with federal copyright law.

4 **Section 4. That chapter 13-33 be amended with a NEW SECTION:**

5 Any information required to be displayed on the school district's website must be:

- 6 (1) Readily searchable and sortable;
7 (2) Organized by school and, in the case of student instructional materials, also by
8 grade, subject, and teacher;
9 (3) Posted prior to or within ten days after being used or implemented in any
10 orientation, training, or classroom instruction; and
11 (4) Remain online for at least two years.

12 **Section 5. That chapter 13-33 be amended with a NEW SECTION:**

13 If any material utilized for student instruction within a school district is access-
14 controlled by individualized login credentials, that material must be made available to the
15 parent of a student for review within two school days of a written request. For purposes
16 of this section, the term, made available, means:

- 17 (1) Providing access to the parent at the student's school; or
18 (2) Providing temporary remote access or login credentials to the parent.

19 A parent may not, as a condition of reviewing material under this section, be
20 required to enter into a nondisclosure agreement or waive any rights, except as otherwise
21 required to comply with federal copyright laws.

22 **Section 6. That chapter 13-33 be amended with a NEW SECTION:**

23 Any person has a private cause of action against a school district if the school
24 district is in violation of sections 2 to 5, inclusive, of this Act. An action under this section
25 must be commenced within two years from the date of the violation. Any person who
26 prevails in an action under this section is entitled to recover economic and noneconomic
27 damages, together with costs and reasonable attorney's fees.