2023 South Dakota Legislature

Senate Bill 193

Introduced by: **Senator** Castleberry

1 **An Act to establish provisions related to the review and selection of instructional**
2 **materials in school districts.**

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

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

5   Terms used in this Act mean:
6 (1)   "Harmful to minors," the quality of any description or representation, in whatever
7   form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse,
8   when it:
9   (a)   Predominantly appeals to the prurient, shameful, or morbid interest of
10   minors;
11   (b)   Is patently offensive to prevailing standards in the adult community as a
12   whole with respect to what is suitable material for minors; and
13   (c)   Is without serious literary, artistic, political, or scientific value;
14 (2)   "Instructional material," textbooks and any other material, regardless of format,
15   used to support a student's learning in the school setting; and
16 (3)   "School setting," a classroom, a school library, or any other property of a school
17   district.

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

19   On or before January 1, 2024, the board of a school district shall, by policy, provide
20 a procedure for the review and selection of instructional material before the material is
21 purchased or made available in a school setting. The procedure must:
22 (1)   Address instructional material received through grant programs; and
23 (2)   Allow for input from parents of students enrolled in the district.

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

1   On or before January 1, 2024, the board of a school district shall, by policy, provide

2 for the manner in which a parent of a student enrolled in the district may request

3 administrative or board review of instructional material that has been purchased or made

4 available in the school setting, if the parent believes that the material is:

5 (1) Harmful to minors; or

6 (2) Not age- or grade level-appropriate.