

# SOUTH DAKOTA STATE PROFILE

Prepared with an interest in protecting the health and innocence of children, this profile provides an overview of sex education in South Dakota, including:

- I. Chart showing [legal requirements for sex education](#) in this state
- II. [Profile of federal funding](#) the state has been awarded for sex education
- III. Chart of federally funded [programs/curricula used in state schools](#)
- IV. Overview of the state's [sex education legislation/guidelines](#)
- V. List of [how parental rights are being undermined](#) in this state
- VI. [News articles](#) regarding sex education in the state
- VII. [Opt-out form](#) to protect your child from comprehensive sexuality education (CSE)
- VIII. Suggestions for how you can [help protect child health and stop CSE](#)
- IX. [Resources](#) for up-to-date information about sex education in this state
- X. Contact information to [connect with others](#) who are concerned about this issue.



## I. LEGAL REQUIREMENTS FOR SEX EDUCATION IN SOUTH DAKOTA

LEGISLATIVE REQUIREMENTS	YES	NO	N/A	Code
Sex Education Required		X		13-1-12.1, 13-1-43
Sex Education Optional	X			13-3-48
<b>If Provided, Sexual Education Must:</b>				
Be Medically Accurate*			X	
Be Age Appropriate			X	
Be Culturally Appropriate and Unbiased			X	
Reference/Stress Abstinence**	X			13-33.6.1
Include HIV Education			X	
Be Inclusive of LGBTQ Students			X	
Include Safeguards Against Sexual Abuse			X	
<b>Parental Role in Sexual Education</b>				
Parents Must be Notified			X	
Parents Opt-In			X	
Parents Can Opt-Out			X	

\*See each state's definition of "medically accurate."

\*\*While requirement may say "abstinence-based" or to "stress abstinence" as the standard, many CSE programs only mention abstinence in passing; they don't establish abstinence as the expected standard and fail to emphasize abstinence as the only sure way to protect against pregnancy and sexually transmitted diseases, including AIDS.

**Note:** This state profile has been prepared by Family Watch International and the Protect Child Health Coalition. While the information provided is as accurate as possible and is updated annually, **check the Resources listed below for any updates.** Also, **please alert us** if you are aware of any changes, proposed legislation or issues regarding CSE that may be occurring in your state by completing the contact form at [StopCSE.org/south-dakota](http://StopCSE.org/south-dakota) or by emailing [StopCSE@FamilyWatch.org](mailto:StopCSE@FamilyWatch.org).



## II. SOUTH DAKOTA SEX EDUCATION FEDERAL FUNDING PROFILE

### Federal Government Programs and Grants Awarded for South Dakota

**WARNING:** While grant requirements may state that curricula/programs are to be “evidence based” or “medically accurate” in order to receive funding, research shows that, often, funds go to curricula/programs that are ineffective (See [SexEdReport.org](http://SexEdReport.org)). In addition, content analyses show that many programs (Link to harmful CSE elements chart) normalize teen sex, encourage sexual pleasure-seeking, condone early sexual debut and promote high-risk sexual behaviors. **It is important to look at the actual content of every curricula rather than relying on labels assigned to them.**

**DASH—Division of Adolescent and School Health**, a division of the Centers for Disease Prevention (CDC), works with community partners to provide training and resource development for so-called “HIV, STD, and pregnancy prevention” programs in school-based and community settings.

- South Dakota received DASH funds totaling \$60,000 in fiscal year 2016.

**PREP—The Personal Responsibility Education Programs**, under the Family and Youth Services Bureau (FYSB), provides grants for sex education programs that are sometimes called “abstinence plus” programs and that focus on “both abstinence and contraception.”

- South Dakota received PREP funds totaling \$250,000 in fiscal year 2017.<sup>i</sup>

**SRAE—Sexual Risk Avoidance Education** grants go to curricula/programs that emphasize risk avoidance and teach youth to voluntarily refrain from non-marital sexual activity and other risky behaviors. Note: See warning above.

- South Dakota received NO SRAE program funds in 2016.

**Title V—The TITLE V State Abstinence Education Grant Program** funds abstinence education and mentoring to promote abstinence. However, note that at least one Title V program promotes promiscuity as healthy and normal. As noted above, **it is important to look at the actual content of the curricula.**

- South Dakota received a Title V award totaling \$159,943 in fiscal year 2017.<sup>ii</sup>

**TPP**—The **Teen Pregnancy Prevention** program, through the Office of Adolescent Health (OAH), funds comprehensive sex education programs for children aged 10 to 19. Note: Research shows that most TPP programs are ineffective at reducing pregnancy rates and some even increase risk. (See [SexEdReport.org](http://SexEdReport.org))

- South Dakota received \$749,999 in funding for years 2015-2019.<sup>iii</sup>



### III. FEDERALLY FUNDED SEX EDUCATION PROGRAMS IN SOUTH DAKOTA

**Note:** Programs in **red** text have been analyzed and found to contain harmful content for children. Programs not in red may or may not have harmful content.

See examples exposing harmful content in various CSE curricula and materials at [www.stopcse.org/cse-materials-index/](http://www.stopcse.org/cse-materials-index/). For example, the analysis of [Making a Difference](#), shows CSE programs sexualize children and encourage promiscuity and risky sexual behavior, typically without providing medically accurate information about the long-term risks associated with early sexual debut and experimentation.

#### Federally Funded Sex Education Programs / Curricula in South Dakota

Funding Source	Program or Curriculum	Funding Recipient
TPPP	Project AIM	RURAL AMERICA INITIATIVES (RAI)
TPPP	<b>Making Proud Choices!</b>	RURAL AMERICA INITIATIVES (RAI)
PREP	Families Talking Together	South Dakota Department of Public Health
PREP	<b>Reducing the Risk</b>	South Dakota Department of Public Health
PREP	<b>Be Proud! Be Responsible!</b>	South Dakota Department of Public Health
PREP	<b>Draw the Line/Respect the Line</b>	THE GREAT PLAINS TRIBAL CHAIRMEN'S HEALTH BOARD (GPTCHB)
TITLE V	Smart Moves	South Dakota Department of Public Health

See [stopcse.org/cse-materials-index/](http://stopcse.org/cse-materials-index/) for a menu of examples and analyses exposing the harmful elements to children of specific curricula and other CSE materials.



## **IV. OVERVIEW OF SOUTH DAKOTA SEX EDUCATION LEGISLATION & GUIDELINES**

**The following laws and guidelines apply to sex education and how sex education is taught in South Dakota.**

### **According to (2018) South Dakota Education Code Title 13**

13-3-48. Standards revision cycle--Content standards. The secretary of the Department of Education shall prepare and submit for approval of the South Dakota Board of Education Standards a standards revision cycle and content standards for kindergarten through grade twelve.

13-33-6.1. Character development instruction. Unless the governing body elects, by resolution, effective for not less than one or more than four school terms, to do otherwise, character development instruction shall be given in all public and nonpublic elementary and secondary schools in the state to impress upon the minds of the students the importance of citizenship, patriotism, honesty, self discipline, self respect, sexual abstinence, respect for the contributions of minority and ethnic groups to the heritage of South Dakota, regard for the elderly, and respect for authority.

13-1-12.1. Promulgation of rules on classification and accreditation of schools, preparation of certified personnel, eligibility for state aid, career and technical education, and curriculum requirements. The South Dakota Board of Education Standards shall promulgate rules pursuant to chapter 1-26 to establish standards for the classification and accreditation of schools within this state, to establish standards for preparation of certified personnel, to set forth procedures for determining the eligibility of school districts to receive state aid to education funding, to adopt policies and rules necessary to establish standards and procedures for career and technical education, and to establish curriculum requirements for a recommended high school program for all public and nonpublic schools within the state. The recommended high school program shall include a rigorous high school curriculum in both academic and career and technical courses. The requirements of the recommended program shall be aligned to the academic content standards developed pursuant to § 13-3-48 and shall, at a minimum, include the content standards tested pursuant to § 13-3-55.

Nothing in this section authorizes the board to require the use of specifically designated curriculum or methods of instruction.

13-33A-1. School health services--Coordination by registered nurse. A public school system shall provide school health services coordinated by a registered nurse, whose services may be shared by one or more school systems. The services shall include assessment and implementation of services for students with special needs, administration of medications, and performance of specialized health care procedures.

13-1-43. Board and department to develop standards and practices for students. The South Dakota Board of Education Standards and the Department of Education shall work jointly with other state government agencies to ensure that children enter the K-12 education system ready to learn. The board and the department shall jointly work to develop standards and practices that ensure that, by the third grade, all children, to the best of their abilities, have

learned fundamental reading, mathematics, language, science, and technology skills that form the foundation for further learning. The board and the department shall work together to develop standards and practices that ensure that, by completion of the twelfth grade, all students, to the best of their abilities, have learned the educational and personal skills that will allow them to enter adulthood as responsible members of society.

*The first South Dakota Health Education Standards (SDHES) were developed in 1995 using the newly developed National Health Education Standards (NHES) as a model. The SDHES do not address specific health education content areas; instead, they provide a framework from which curricula can be developed independently. The selection of specific health content is left to state and local education agencies. This approach allows the SDHES to remain relevant over time, and it enables state and local education agencies to determine the curriculum content that best addresses the needs of their students. (1st and 2nd paragraph, pg. 3)*

*South Dakota uses the “Whole School, Whole Community, Whole Child Model”*

#### **Age of Majority<sup>iv</sup> =**

Based on South Dakota law, anyone under the age of 18 is considered a minor, while those 18 years old and older are considered adults.

#### **Age of Consent<sup>v</sup> =**

In South Dakota, the age when children can legally consent or agree to sex is 16.



## **V. PARENTAL RIGHTS AT RISK IN SOUTH DAKOTA**

Warning! Most CSE programs put parental rights at risk by either encouraging or requiring that parents not be notified and/or by instructing children how to access such things as abortion, contraception and other so-called health services **without parental notification or consent**.

It is particularly dangerous to encourage students in this way, particularly considering the fact the laws often support what is being taught in CSE programs. For example:

Without notifying or receiving consent from their parents, minor children in South Dakota may consent to and receive:

- Some contraceptive services
- All STI (sexually transmitted infection) services

In South Dakota, parental notice is required for:

- Abortion services



## VI. NEWS HEADLINES FROM SOUTH DAKOTA

**June 6, 2018 – “South Dakota losing fight against resurgent sex diseases”**

[https://www.capijournal.com/news/south-dakota-losing-fight-against-resurgent-sex-diseases/article\\_edfc6e1a-6a06-11e8-8c86-7b03cb489d27.html](https://www.capijournal.com/news/south-dakota-losing-fight-against-resurgent-sex-diseases/article_edfc6e1a-6a06-11e8-8c86-7b03cb489d27.html)

**August 30, 2017 – “Earlier drinking by teens linked to earlier sex”**

<https://www.reuters.com/article/us-health-teens-drinking/earlier-drinking-by-teens-linked-to-earlier-sex-idUSKCN1BA2MK>

**March 28, 2016 - “South Dakota Sex Ed and Rape and Consent”**

<https://www.dailykos.com/stories/2016/3/27/1506854/-South-Dakota-Sex-Ed-and-Rape-and-Consent>

**February 3, 2016- “Today’s Bad Idea: Require Parental Opt-In for Sex Ed”**

<https://dakotafreepress.com/2016/02/03/todays-bad-idea-require-parental-opt-in-for-sex-ed/>



## VII. OPT-OUT FORM

By signing a parental non-consent form, also known as an opt-out form, parents can protect their children from being subjected to harmful CSE programs. Download and print the provided form and modify it as needed (see included instructions). Sign it and take it to your child’s school, and ask that it be put on file as part of your child’s permanent record and that all teachers and instructors be notified.

A sample opt-out form, provided by Liberty Counsel, along with instructions for use, can be found at: [stopcse.org/south-dakota](http://stopcse.org/south-dakota)



## VIII. GET INVOLVED TO STOP CSE

**You can get involved to stop CSE and protect the health and innocence of children across the U.S. and in countries around the world:**

1. Sign the Stop CSE petition at [stopcse.org/petition/](http://stopcse.org/petition/)
2. Watch the “War Against Children” documentary and share this link to the documentary with your friends and neighbors at [stopcse.org/film/](http://stopcse.org/film/)
3. Connect with others in your state who are working to Stop CSE in your schools to see how you can get involved. Go to [stopcse.org/south-dakota](http://stopcse.org/south-dakota) to connect.



## IX. RESOURCES

- South Dakota Title 13 Education - [http://sdlegislature.gov/Statutes/Codified\\_Laws/DisplayStatute.aspx?Type=Statute&Statute=13](http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=13)
- South Dakota Statutes - [http://sdlegislature.gov/Statutes/Codified\\_Laws/](http://sdlegislature.gov/Statutes/Codified_Laws/)
- South Dakota Department of Education Health Standards - [http://doe.sd.gov/schoolhealth/documents/HealthEd\\_Standards.pdf](http://doe.sd.gov/schoolhealth/documents/HealthEd_Standards.pdf)
- South Dakota Legislation - <http://sdlegislature.gov/>
- U.S. Legislation websites by state - <https://www.congress.gov/state-legislature-websites>
- U.S. Department of Health and Human Resource TPPP page - <https://www.hhs.gov/ash/oah/grant-programs/teen-pregnancy-prevention-program-tpp/current-grantees/index.html>
- U.S. Department of Health and Human Resource other state funding - <https://www.acf.hhs.gov/fysb/resource-library/search/?area%5B1981%5D=1981&type%5B5168%5D=5168&sort=recent&ajax=1>
- TPPP Funding - <https://www.hhs.gov/ash/oah/grant-programs/teen-pregnancy-prevention-program-tpp/about/index.html>
- Abstinence Education Grant Program Medical Accuracy Guide - [https://www.acf.hhs.gov/sites/default/files/fysb/medical\\_accuracy\\_aegp.pdf](https://www.acf.hhs.gov/sites/default/files/fysb/medical_accuracy_aegp.pdf)

### Additional Resources:

- DOCUMENTARY: *The War on Children: The Comprehensive Sexuality Education Agenda* (FWI Documentary) – <https://stopcse.org>
- STUDY: *Re-Examining the Evidence: School-based Comprehensive Sex Education in the United States* (IRE Study) – [www.sexedreport.org](http://www.sexedreport.org)
- REPORT: *An Evidence-Based Response to a Critique of Abstinence Education* (IRE Report) - [https://www.comprehensivesexualityeducation.org/wp-content/uploads/IRE\\_Response\\_To\\_Santelli\\_Article\\_4-20-18.pdf](https://www.comprehensivesexualityeducation.org/wp-content/uploads/IRE_Response_To_Santelli_Article_4-20-18.pdf)





## X. CONNECT WITH OTHERS

Let us put you in contact with other people and organizations who are actively involved in helping to protect the health and innocence of children.

Fill out the contact form on [www.stopcse.org/south-dakota](http://www.stopcse.org/south-dakota) or email us your name, city, state, school district, and any questions or concerns you may have and we will put you in contact with people from your state or one of our national representatives.

Email Address: [StopCSE@familywatch.org](mailto:StopCSE@familywatch.org)

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<sup>i</sup> U.S. Department of Health and Human Services <https://www.acf.hhs.gov/fysb/resource-library/search#?area%5B1981%5D=1981&type%5B5168%5D=5168&sort=recent&ajax=1>

<sup>ii</sup> U.S. Department of Health and Human Services <https://www.acf.hhs.gov/fysb/resource-library/search#?area%5B1981%5D=1981&type%5B5168%5D=5168&sort=recent&ajax=1>

<sup>iii</sup> <https://www.hhs.gov/ash/oah/grant-programs/teen-pregnancy-prevention-program-tpp/about/index.html>

<sup>iv</sup> <http://statelaws.findlaw.com/family-laws/legal-ages.html>

<sup>v</sup> <https://www.legalmatch.com/law-library/article/age-of-consent-by-state.html?intakeredesigned=1>