



Joint Committee on Appropriations
SENATOR JEAN HUNHOFF, CO-CHAIR
REPRESENTATIVE CHRIS KARR, CO-CHAIR

July 21, 2021

Dr. Brian Maher, Executive Director
Board of Regents
306 E Capitol Ave, Suite 200
Pierre, SD 57501

Nick Wendell, Executive Director
Board of Technical Education
925 East Sioux Avenue
Pierre, SD 57501

Letter of Intent Regarding Federal Grants in History and Civics

Dear Dr. Maher and Mr. Wendell,

This letter of intent sets forth a particular view held by the Joint Committee on Appropriations (JCA) regarding any potential forthcoming applications for federal education grants in the areas of American history or civics.

While the guidance does not have the direct force of statutory law, it rests solidly on a longstanding tradition of Legislative-Executive relationships in South Dakota and it will be used by the Joint Committee as one basis for the fiscal oversight of your agency and its continued funding.

It is the intent of the JCA to have the South Dakota Board of Regents, all South Dakota Universities, Community Colleges, and related entities, in addition to South Dakota Technical Colleges, as well as other agencies and governmental divisions of South Dakota, delay any application for federal grants touching on the areas of education in American history or civics, and/or developing history or civics curriculum for K-12 or higher ed and/or training for history and/or civics teachers, or related topics, such as social studies, until after the South Dakota Legislature has had an opportunity to address and act upon legislative initiatives related to these topics in its 2022 Legislative session.

The intent of JCA is that no applications whatsoever for federal grants in American history or civics education, and/or developing history or civics curriculum for K-12 or higher ed and/or training for history and/or civics teachers, or related topics, such as social studies, ought to be made until such time as the South Dakota Legislature has disposed of legislative proposals pertaining to these topics during its 2022 Legislative session. In order to help clarify the concerns behind this intent, this letter will itemize several specific grant types within this broader category.

The JCA anticipates legislation barring certain practices often collectively referred to as “action civics” or “project-based civics” from South Dakota’s education system. The anticipated legislation would also bar from South Dakota’s education system, training in, or promotion of, certain concepts

often characterized individually or collectively as “Wokism”, otherwise known as “Critical Social Justice”, neo-Marxism, Cultural “Marxism”, among other names. This ideological umbrella includes sub-ideologies such as Critical Race Theory, Whiteness Studies, Decolonization Studies, Postcolonial Studies, Fat Studies, Intersectionalism, and other radical ideologies rooted in the Conflict Theory perspective. These concepts are often ushered into universities using ill-defined, unproven, tendentious concepts labeled “implicit bias”, “systemic racism” and the like. It is the intent of JCA that applications for grants that would violate any of the prohibitions contained in this anticipated legislation should be eschewed until the South Dakota Legislature has had an opportunity to consider and dispose of legislative proposals pertaining to such topics during its 2022 session.

The JCA also notes that on April 19, 2021 the Biden administration issued a proposed rule that itemized priorities for grants in “American History and Civics Education.” It is the intent of the JCA that no grants whose priorities will be governed by the current version, or any future or finalized version, of this proposed rule shall be applied for until the South Dakota Legislature has had an opportunity to consider and dispose of legislative proposals pertaining to education in American history and civics during its 2022 session.

The JCA further notes that certain bills currently pending in Congress, the Civics Secures Democracy Act, the Civics Learning Act, the Inspire to Serve Act, and the Promoting Programming, Research, Education, and Preservation (PREP) Civics and Government Act, would fund numerous grants in American history and civics. It is the intent of the JCA that no grants funded under the Civics Secures Democracy Act, the Civics Learning Act, the Inspire to Serve Act, the Promoting Programming, Research, Education, and Preservation (PREP) Civics and Government Act or any other federal act or rule should they become law or approved rule, shall be applied for until the South Dakota Legislature has had an opportunity to consider and dispose of legislative proposals pertaining to education in American history and civics during its 2022 session.

Please note that the specific examples cited above are offered in order to clarify, illuminate, and explicate the JCA’s intent. That intent reaches beyond those specific examples and includes an intent to bar any applications whatsoever by the South Dakota Board of Regents, all South Dakota Universities, Community Colleges, and related entities, in addition to South Dakota Technical Colleges, any other agency or division of government in South Dakota, for federal grants in the areas of education in American history or civics, developing history or civics curriculum for K-12 or higher ed and/or training for history and/or civics teachers, or related topics, such as social studies.

Note as well that, in view of the complex and sensitive issues at play in current controversies and pending legislative proposals regarding the teaching of American history and civics, it is the intention of the JCA that, even after proposed legislation on these topics is acted upon in the 2022 South Dakota legislative session, the Board of Regents, all South Dakota Universities, Community Colleges, and related entities, in addition to South Dakota Technical Colleges, should continue to consult with JCA before they apply for any federal grants in the areas of American history or civics education, and/or developing history or civics curriculum for K-12 or higher ed and/or training for history and/or civics teachers, or related topics, such as social studies, in the years ahead. Please

note this includes grants related to all departments of the Board of Regents and all departments within the universities related to or associated with the above topics.

Thank you for your cooperation.

Senator Jean Hunhoff
Lead Co-Chair, Joint Committee on Appropriations

Representative Chris Karr
Co-Chair, Joint Committee on Appropriations

cc: Russell Olson, Auditor General
 Liza Clark, Commissioner, Bureau of Finance and Management