

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2021-11

Whereas, As Governor, I have become increasingly concerned about a growing movement throughout the country to reject patriotic education and downplay the positive revolution in human affairs set in motion by our Founders, a revolution re-affirmed during what historians call the “re-founding” of our nation with the Reconstruction amendments to the Constitution after the Civil War, in favor of divisive and false ideologies like critical race theory; and,

Whereas, Our children and grandchildren should understand the full picture of our nation's history—our fundamental values, our greatest achievements, and the long struggles to overcome injustice as well; and

Whereas, After listening to educator, legislator, and citizen concerns, I believe South Dakota must act before facing many of the same forces that have negatively impacted other states' education systems and left countless young people ill-prepared for the blessings and burdens of American citizenship; and,

Whereas, The United States Department of Education recently issued two grant proposals for civics education, found at 86 FR 38061 (July 19, 2021); and,

Whereas, These two federal grant proposals refer back to “proposed priorities” for civics grants, found at 86 FR 20348 (April 19, 2021), that include explicit reference to Ibram X. Kendi and the 1619 Project; the federal grant proposals change the label on these priorities from “*proposed* priorities” to “*invitational* priorities,” but do not otherwise disclaim Kendi or the 1619 Project; and,

Whereas, The work of Kendi and the 1619 Project are infused with factual errors, including the statement that “capitalism is essentially racist,” that “racism runs in the very DNA of this country,” that our nation is not a democracy but a “slavocracy,” that our nation was born not with the Declaration of Independence in 1776, which by its very terms made the elimination of slavery a prerequisite in the quest to live up to its ideals, but rather in 1619, when slavery was first introduced to the colonies, and many other inaccurate claims; and,

Whereas, These federal grant proposals also have very open-ended and vague requirements that will allow for the federal government to evaluate the success of any grant-receiving program based on a concept of the nation's history that is antithetical to the very principles that have made our nation a shining beacon of liberty for the rest of the world:

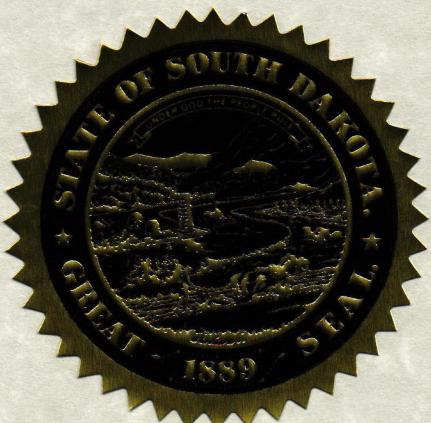
NOW, THEREFORE, I, KRISTI NOEM, Governor of the State of South Dakota, by the authority vested in me by the Constitution and the Laws of the State, do hereby Order and Direct the following:

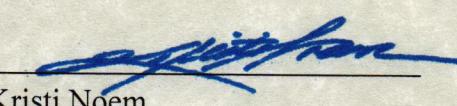
1. All state Department of Education officials will refrain from applying for *any* federal grants in history or civics until after the 2022 South Dakota legislative session.
2. During the 2022 legislative session, it is anticipated that the Legislative Branch and Executive Branch will cooperate on legislation that will at a minimum:
 - a) prohibit any curriculum that requires or encourages students to take positions against one another on the basis of race, sex, or the historical activity of members of a student's race or sex, *see West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943); and
 - b) prevent schools from politicizing education by prohibiting any curriculum that requires students to protest or lobby during or after school. *See id.*

Therefore, all state Department of Education work on civics-related education in the K-12 school system should be informed by and consistent with the above considerations.

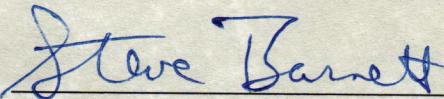
3. Nothing in this Executive Order shall be construed to restrict any expressive activities protected under the U.S. Constitution, including academic freedom, *compare Keyishian v. Bd. Of Regents*, 385 U.S. 589 (1967), or student political speech. *See Tinker v. Des Moines*, 393 U.S. 503 (1969); U.S. Dep't of Education, Office for Civil Rights, Dear Colleague Letter: First Amendment, July 28, 2003, found at <https://www2.ed.gov/about/offices/list/ocr/firstamend.html>.

Dated in Pierre, South Dakota this 29th day of July, 2021.




Kristi Noem
Governor of South Dakota

ATTEST:


Steve Barnett
Secretary of State