

**STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2021-05**

Whereas, Title IX of the Higher Education Amendments of 1972 was passed in part to establish and preserve fairness in women's athletics; and,

Whereas, In the decades since the passage of Title IX, opportunities for women have expanded to participate in athletics and to earn the benefits of such participation; and,

Whereas, Current policies that allow males to participate in women's athletics threaten to diminish opportunities for women, due to the inherent physical differences between men and women; and,


Whereas, Article VIII, § 1 of the Constitution of South Dakota requires the state to "adopt all suitable means to secure to the people the advantages and opportunities of education," and equal access to athletics consistent with Title IX and the Equal Protection Clause of the Fourteenth Amendment is one opportunity afforded throughout the education system; and,

Whereas, It is fitting and proper to ensure continued fairness in women's sports in South Dakota:

NOW, THEREFORE, I, KRISTI NOEM, Governor of the State of South Dakota, by virtue of the authority vested in me by the Constitution and the laws of the State of South Dakota in my capacity as the duly elected Governor of South Dakota, by this Executive Order, do hereby order that:

1. In South Dakota, only females, based on their biological sex, as reflected on their birth certificate or affidavit provided upon initial enrollment in accordance with SDCL § 13-27-3.1, shall participate in any girls' or women's athletic event sanctioned by a public school, a school district, or an association meeting the requirements of SDCL § 13-36-4, and;
2. The South Dakota Department of Education shall establish a policy consistent with this Executive Order and distribute the policy to all public school districts in this State.

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


Kristi Noem
Governor of South Dakota

ATTEST:

Steve Barnett
Secretary of State