**South Carolina General Assembly**

125th Session, 2023-2024

**S. 246**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Kimbrell, Adams, Rice and Verdin

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Introduced in the Senate on January 10, 2023

Currently residing in the Senate Committee on **Education**

Summary: Prohibited Subjects of Instruction ("Critical Race Theory")

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/30/2022 Senate Prefiled

11/30/2022 Senate Referred to Committee on **Education**

1/10/2023 Senate Introduced and read first time ([Senate Journal‑page 125](h:\sj\20230110.docx))

1/10/2023 Senate Referred to Committee on **Education** ([Senate Journal‑page 125](h:\sj\20230110.docx))

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**VERSIONS OF THIS BILL**

[12/01/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/246_20221201.docx)

A bill

to amend the South Carolina Code of Laws by adding Section 59-29-610 so as to PROVIDE THAT PUBLICLY FUNDED SCHOOLS MUST RESPECT THE INDIVIDUAL FREEDOM OF STUDENTS, TEACHERS, AND STAFF BY ADHERING TO CERTAIN INSTRUCTIONAL PRINCIPLES; by adding Section 59-29-620 so as to provide that this article may not be construed to violate the public school student's first amendment rights or prohibit the promotion of diversity and inclusiveness; by adding Section 59-101-440 so as to PROVIDE THAT COLLEGES AND UNIVERSITIES MUST RESPECT THE INDIVIDUAL FREEDOM OF STUDENTS, TEACHERS, AND STAFF BY ADHERING TO CERTAIN INSTRUCTIONAL PRINCIPLES; and by adding Section 59-101-450 so as to provide that this section may not be construed to violate the college or university student's first amendment rights or prohibit the promotion of diversity and inclusiveness.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 29, Title 59 of the S.C. Code is amended by adding:

Article 5

Intellectual Freedom

Section 59-29-610. (A) The board of trustees for each school district shall implement policies for every school in the district respecting the intellectual freedom and dignity of each student, teacher, and staff member. Accordingly, instruction and teaching materials on the topics enumerated in this section must be consistent with the following principles:

(1) no race is inherently superior to another race;

(2) no person is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of the individual’s race or gender;

(3) no person’s moral character is inherently determined by his race or gender;

(4) a person, by virtue of his race or gender, does not bear personal responsibility for actions committed in the past by other members of the same race or gender;

(5) a person should not be instructed that he must feel guilt, anguish, or other forms of psychological distress for actions, in which he played no part, committed in the past by other members of the same race or gender; and

(6) an individual should not be discriminated against or receive adverse treatment due solely to his race or gender.

(B) Instructional personnel may facilitate discussions and use curricula to address, in an age-appropriate manner, how the freedoms of persons have been infringed by sexism, slavery, racial oppression, racial segregation, and racial discrimination. Such discussions may include topics related to the enactment and enforcement of laws resulting in sexism, racial oppression, racial segregation, and racial discrimination, including how recognition of these freedoms have overturned these unjust laws. However, classroom instruction and curricula may not be used to indoctrinate or persuade students to any particular point of view inconsistent with the principles of this section or State academic standards.

(C) The State Department of Education shall assist the school districts in identifying the most appropriate means for integrating these requirements into their existing curriculums.

Section 59-29-620. This article may not be construed to:

(1) unduly burden or violate a person’s state and federal constitutional rights, including, but not limited to, the First amendment to the United States Constitution and Article I, Section 2 of the South Carolina Constitution; or

(2) prohibit the promotion of racial, cultural, ethnic, or intellectual diversity or inclusiveness, so long as such efforts do not conflict with the requirements of this article.

SECTION 2. Chapter 101, Title 59 of the S.C. Code is amended by adding:

Section 59-101-440. (A) The board of trustees for each college and university shall implement policies respecting the intellectual freedom and dignity of each student, teacher, and staff member. Accordingly, instruction and teaching materials on the topics enumerated in this section must be consistent with the following principles:

(1) no race is inherently superior to another race;

(2) no person is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of the individual’s race or gender;

(3) no person’s moral character is inherently determined by his race or gender;

(4) a person, by virtue of his race or gender, does not bear personal responsibility for actions committed in the past by other members of the same race or gender;

(5) a person should not be instructed that he must feel guilt, anguish, or other forms of psychological distress for actions, in which he played no part, committed in the past by other members of the same race or gender; and

(6) an individual should not be discriminated against or receive adverse treatment due solely to his race or gender.

(B) Instructional personnel may facilitate discussions and use curricula to address, in an age-appropriate manner, how the freedoms of persons have been infringed by sexism, slavery, racial oppression, racial segregation, and racial discrimination. Such discussions may include topics related to the enactment and enforcement of laws resulting in sexism, racial oppression, racial segregation, and racial discrimination, including how recognition of these freedoms have overturned these unjust laws. However, classroom instruction and curricula may not be used to indoctrinate or persuade students to any particular point of view inconsistent with the principles of this section or State academic standards.

(C) The Commission on Higher Education shall assist the colleges and universities in identifying the most appropriate means for integrating these requirements into their existing curriculums.

Section 59-101-450. This article may not be construed to:

(1) unduly burden or violate a person’s state and federal constitutional rights, including, but not limited to, the First amendment to the United States Constitution and Article I, Section 2 of the South Carolina Constitution; or

(2) prohibit the promotion of racial, cultural, ethnic, or intellectual diversity or inclusiveness, so long as such efforts do not conflict with the requirements of this article.

SECTION 3. This act takes effect upon approval by the Governor.

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