**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3582**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Garvin, Henegan and Jefferson

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Summary: Dating Violence Prevention

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/15/2022 House Prefiled

 12/15/2022 House Referred to Committee on **Judiciary**

 1/10/2023 House Introduced and read first time (House Journal‑page 218)

 1/10/2023 House Referred to Committee on **Judiciary** (House Journal‑page 218)

 2/23/2023 House Member(s) request name added as sponsor: Jefferson

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**VERSIONS OF THIS BILL**

[12/15/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3582_20221215.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 59‑32‑10, relating to Definitions for purposes of the comprehensive health education act, so as to define “dating violence” and “dating” or “dating relationship”; BY AMENDING SECTIONS 59‑32‑20, 59‑32‑30, AND 59‑32‑50, ALL RELATING TO THE REQUIREMENTS OF THE COMPREHENSIVE HEALTH EDUCATION ACT, ALL SO AS TO REQUIRE THE INCLUSION OF DATING VIOLENCE EDUCATION IN THE COMPREHENSIVE HEALTH EDUCATION CURRICULUM AND MAKE CONFORMING CHANGES; by adding Section 59‑32‑35 so as to REQUIRE LOCAL SCHOOL BOARDS TO DEVELOP AND IMPLEMENT A POLICY ON THE TOPIC OF DATING VIOLENCE, AND TO ANNUALLY SUBMIT A REPORT TO THE STATE BOARD OF EDUCATION AND THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL IDENTIFYING THE INDIVIDUAL SCHOOLS OFFERING DATING VIOLENCE EDUCATION IN COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER, AND THE NUMBER OF INSTANCES OF DATING VIOLENCE REPORTED AND ADDRESSED BY each SCHOOL; and by adding Section 59‑101‑220 so as to require public institutions of higher learning to develop and implement a policy on the topic of dating violence, and to annually maintain a report detailing the institution“s compliance with this requirement and identifying the number of instances of dating violence reported and addressed by the institution.

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

SECTION 1. Section 59‑32‑10 of the S.C. Code is amended by adding items to read:

 (8) “Dating violence” means physical, sexual, psychological, or emotional violence between persons eighteen years of age or younger within a dating relationship.

 (9) “Dating” or “dating relationship” means an ongoing social relationship of a romantic or intimate nature between two persons. These terms do not include a casual relationship or ordinary fraternization between two persons in a business or social context.

SECTION 2. Section 59‑32‑20(A) of the S.C. Code is amended to read:

 (A) Before August 1, 1988, The board, through the department, shall select or develop an instructional unit with separate components addressing the subjects of reproductive health education, family life education, pregnancy prevention education, and sexually transmitted diseases, and dating violence education, and make the instructional unit available to local school districts. The board, through the department, also shall make available information about other programs developed by other states upon request of a local school district.

SECTION 3. Section 59‑32‑30(A) and (B) of the S.C. Code is amended to read:

 (A) Pursuant to guidelines developed by the board, each local school board shall implement the following program of instruction:

 (1) Beginning with the 1988‑89 school year, For grades kindergarten through five, instruction in comprehensive health education must include the following subjects: community health, consumer health, environmental health, growth and development, nutritional health, personal health, prevention and control of diseases and disorders, safety and accident prevention, substance use and abuse, dental health, and mental and emotional health. Sexually transmitted diseases as defined in the annual Department of Health and Environmental Control List of Reportable Diseases are to be excluded from instruction on the prevention and control of diseases and disorders. At the discretion of the local board, age‑appropriate instruction in reproductive health may be included.

 (2) Beginning with the 1988~~‑~~1989 school year, For grades six through eight, instruction in comprehensive health must include the following subjects: community health, consumer health, environmental health, growth and development, nutritional health, personal health, prevention and control of diseases and disorders, safety and accident prevention, substance use and abuse, dental health, mental and emotional health, and reproductive health education, and dating violence education. Sexually transmitted diseases are to be included as a part of instruction. At the discretion of the local board, instruction in family life education or pregnancy prevention education or both may be included, but instruction in these subjects may not include an explanation of the methods of contraception before the sixth grade. Beginning with the 2016‑2017 School Year, for grades six through eight, instruction in comprehensive health education also must include the subject of domestic violence.

 (3) Beginning with the 1989~~‑~~90 school year, At least one time during the four years of grades nine through twelve, each student shall receive instruction in comprehensive health education, including at least seven hundred fifty minutes of reproductive health education, and pregnancy prevention education, and dating violence education.

 (4) The South Carolina Educational Television Commission shall work with the department in developing instructional programs and materials that may be available to the school districts. Films and other materials may be designed for the purpose of explaining bodily functions or the human reproductive process. These materials may not contain actual or simulated portrayals of sexual activities or sexual intercourse.

 (5) The program of instruction provided for in this section may not include a discussion of alternate sexual lifestyles from heterosexual relationships including, but not limited to, homosexual relationships except in the context of instruction concerning sexually transmitted diseases or dating violence.

 (6) In grades nine through twelve, students must also be given appropriate instruction that adoption is a positive alternative.

 (7) At least one time during the entire four years of grades nine through twelve, each student shall receive instruction in cardiopulmonary resuscitation (CPR), which must include, but not be limited to, hands‑only CPR and must include awareness in the use of an automated external defibrillator (AED). Each school district shall use a program that incorporates the instruction of the psychomotor skills necessary to perform CPR developed by the American Heart Association, the American Red Cross, or an instructional program that is nationally recognized and based on the most current national evidence‑based emergency cardiovascular care guidelines for CPR and awareness in the use of an AED. Local and statewide school districts shall coordinate with entities that have the experience and necessary equipment for the instruction of CPR and awareness in the use of AEDs; provided, however, that virtual schools may administer the instruction virtually and are exempt from any in‑person instructional requirements. A school district must adopt a policy providing a waiver for this requirement for a student absent on the day the instruction occurred, a student with a disability whose individualized education program indicates such student is unable to complete all or a portion of the hands‑only CPR requirement, or a student whose parent or guardian completes, in writing, a form approved by the school district opting out of hands‑only CPR instruction and AED awareness. The State Board of Education shall incorporate CPR training and AED awareness into the South Carolina Health and Safety Education Curriculum Standards and promulgate regulations to implement this section.

 (B) Local school boards may use the instructional unit made available by the board pursuant to Section 59‑32‑20, or local boards may develop or select their own instructional materials addressing the subjects of reproductive health education, family life education, and pregnancy prevention education, and dating violence education. To assist in the selection of components and curriculum materials, each local school board shall appoint a thirteen‑member local advisory committee consisting of two parents, three clergy, two health professionals, two teachers, two students, one being the president of the student body of a high school, and two other persons not employed by the local school district.

SECTION 4. Section 59‑32‑50 of the S.C. Code is amended to read:

 Section 59‑32‑50. (A) Pursuant to policies and guidelines adopted by the local school board, public school principals shall develop a method of notifying parents of students in the relevant grades of the content of the instructional materials concerning reproductive health, family life, pregnancy prevention, dating violence, and of their option to exempt their child from this instruction, and sexually transmitted diseases if instruction in the diseases is presented as a separate component. Notice must be provided sufficiently in advance of a student’s enrollment in courses using these instructional materials to allow parents and legal guardians the opportunity to preview the materials and exempt their children.

 (B) A public school principal, upon receipt of a statement signed by a student’s parent or legal guardian stating that participation by the student in the health education program conflicts with the family’s beliefs, shall exempt that student from any portion or all of the units on reproductive health, family life, and pregnancy prevention, and dating violence where any conflicts occur. No student must be penalized as a result of an exemption. School districts shall use procedures to ensure that students exempted from the program by their parents or guardians are not embarrassed by the exemption.

SECTION 5. Chapter 32, Title 59 of the S.C. Code is amended by adding:

 Section 59‑32‑35. (A) Pursuant to guidelines developed by the board, each local school board shall develop and implement a policy on the topic of dating violence that provides, at a minimum, the following:

 (1) a statement that dating violence is unacceptable and prohibited, and that each student has the right to a safe learning environment;

 (2) procedures for the manner in which employees of a school are to respond to incidents of dating violence that take place at the school, on school grounds, at school‑sponsored activities, or in vehicles used for school‑provided transportation;

 (3) age‑appropriate education about dating violence;

 (4) the identities or job titles of the school officials who are responsible for receiving reports related to dating violence; and

 (5) notice to students and parents of the dating violence policies adopted by the local school board.

 (B) Each local school board shall annually submit a report to the board and the Department of Health and Environmental Control identifying the individual schools offering dating violence education in compliance with the provisions of this chapter, and the number of instances of dating violence reported and addressed by each school.

SECTION 6. Article 1, Chapter 101, Title 59 of the S.C. Code is amended by adding:

 Section 59‑101‑220. Each public institution of higher learning shall develop and implement a policy on the topic of dating violence as defined in Section 59‑32‑10 that meets the same minimum requirements applicable to local school boards as set forth in Section 59‑32‑35(A). Each institution shall annually maintain a report detailing its compliance with the requirements of this section and Section 59‑32‑35(A) and identifying the number of instances of dating violence reported and addressed by the institution. Each institution shall submit this report annually to the Commission on Higher Education and provide a copy of this report on its Internet website in a prominent location.

SECTION 7. This act takes effect upon approval by the Governor.

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