COMMITTEE REPORT

March 10, 2016

**H. 3848**

Introduced by Reps. Huggins, J.E. Smith, McKnight, Jefferson, Hosey, Atwater, Toole, Burns, Herbkersman, Ridgeway, Simrill, Kennedy and Ballentine

S. Printed 3/10/16--H.

Read the first time March 17, 2015.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3848) to amend the Code of Laws of South Carolina, 1976, so as to enact the “South Carolina Founding Principles Act” by adding Section 59‑29‑155 so, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, Section 59-29-155, as contained in SECTION 2, by deleing the SECTION in its entirety and inserting:

/ SECTION 2. Article 1, Chapter 29, Title 59 of the 1976 Code is amended by adding:

“Section 59‑29‑155. (A) The State Board of Education and Education Oversight Committee shall incorporate instruction on the founding principles that shaped the United States into the required study of the United States Constitution as provided in Section 59-29-120 and the South Carolina Social Studies Standards upon the next cyclical review. The board and committee shall include, at a minimum, the Federalist Papers and instruction on the structure of government and the role of the separation of powers and the freedoms guaranteed by the Bill of Rights to the United States Constitution.

(B) The State Department of Education biennially shall submit a report by October fifteenth of each odd-numbered year, commencing in 2017, to the Senate Education Committee and the House Education and Public Works Committee documenting the implementation of this section.

(C) The State Department of Education shall make available professional development opportunities to teachers regarding subsection (A) by physical or electronic means”. /

Amend the bill further, by deleting SECTION 3 in its entirety and inserting:

/ SECTION 3. This act takes effect upon approval by the Governor and applies at the beginning of the 2016‑2017 school year./

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have no expenditure impact to the general fund, federal funds, and other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

The bill would enact the South Carolina Founding Principles Act which would require the local school districts to teach a full semester course in high school on the Founding Principles of the United States of America. The bill requires the State Department of Education to include questions related to the philosophical foundations of our form of government and the principles underlying the Declaration of Independence, the United States Constitution, and the Federalist Papers on high school level curriculum-based tests.

The State Department of Education indicates the Education Associates for Social Studies will provide professional learning opportunities to teachers and district leaders. The training would be a minimal expenditure impact to the agency which can be absorbed within existing appropriations. This bill would have no expenditure impact to the general fund, federal funds, and other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA FOUNDING PRINCIPLES ACT” BY ADDING SECTION 59‑29‑155 SO AS TO REQUIRE THE COMPLETION OF A SEPARATE, FULL SEMESTER COURSE CONSISTING ONLY OF INSTRUCTION IN CERTAIN FOUNDING PRINCIPLES OF THE UNITED STATES OF AMERICA, TO REQUIRE A PASSING GRADE IN THE COURSE AND ON THE NATURALIZATION TEST FOR UNITED STATES CITIZENSHIP AS A CONDITION FOR GRADUATION FROM HIGH SCHOOL, AND TO PROVIDE RELATED REQUIREMENTS OF THE STATE BOARD OF EDUCATION AND THE LOCAL SCHOOL DISTRICTS.

Whereas, the United States of America is currently celebrating the 239th year of its independence and the 228th year of its people living free under the United States Constitution, the greatest governing principles ever written; and

Whereas, it is the obligation and responsibility of every United States citizen to understand the importance of the Declaration of Independence, the Constitution, the Federalist Papers, and other documents that set forth and explain the principles of federalism, a governing system whereby the states and the federal government share responsibility for governing, and understand the rights of the people to private property, due process, and other inalienable rights; and

Whereas, the Tenth Amendment to the United States Constitution provides that “[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the State respectively, or to the people”; and

Whereas, the preservation of our great nation depends on strict adherence to the Tenth Amendment and other principles that protect the states and the people from overzealous acts of all branches of the federal government; and

Whereas, many preeminent legal scholars and jurists, including Justice Sandra Day O’Connor, have observed that “Congress will nibble away at state sovereignty, bit by bit, until someday essentially nothing is left but a gutted shell”; and

Whereas, understanding the proper role and the limitations of government have been a recurring issue for our courts throughout the history of our nation; and

Whereas, every state has constitutional requirements for the education of the children of the state; and

Whereas, many states recognize the importance of complying with its constitutional mandate of education by enacting laws that require graduating students to have a working knowledge of this county’s Founding Principles; and

Whereas, as stated by Patrick Henry, “No free government, or the blessings of liberty, can be preserved to any people [but] by a frequent recurrence to fundamental principles”; and

Whereas, educating our children on the Founding Principles of our nation is crucial to the continuance of our free Republic. Now, therefore,

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

SECTION 1. This act is known and may be cited as the “South Carolina Founding Principles Act”.

SECTION 2. Article 1, Chapter 29, Title 59 of the 1976 Code is amended by adding:

“Section 59‑29‑155. (A) Local school districts shall require during the high school years the teaching of a separate, full semester course, consisting only of instruction in at least the following Founding Principles of the United States of America:

(1) America’s Founding Philosophy, to at least include the concepts of:

(a) a creator‑endowed inalienable rights of the people;

(b) the government having the purpose of protecting the unalienable rights of the people and to protect people from violence and fraud;

(c) the structure of government and the role of the separation of powers with checks and balances; and

(d) the rule of law, with frequent and free elections in a representative government governed by majority vote within a constitutional framework; and

(2) America’s Founding Principles, to include at least:

(a) federalism, meaning to have the government as close to the people as possible, limited federal government, and strong state and local government;

(b) the freedoms of speech, press, religion, peaceful assembly, and redress of grievances guaranteed by the Bill of Rights to the United States Constitution;

(c) the rights to private property and freedom of individual enterprise;

(d) the presumption of innocence of any crime until proven guilty, with the right to habeas corpus and the right to protection against unreasonable searches, seizures, or cruel and unusual punishment;

(e) the right to a speedy trial by a jury of peers, and grand jury indictment of capital crimes before a person can be held accountable;

(f) having a virtuous and moral people, educated in the philosophy and principles of government, to freedom and democracy;

(g) exercising economy in spending, constitutional limitations on governmental power to tax and spend, and prompt payment of public debt;

(h) having money with intrinsic value;

(i) the right of people to keep and bear arms, strong defense capability, and supremacy of civil authority over military;

(j) peace, commerce, and honest friendship with all nations, entangling alliances with none; and

(k) eternal vigilance by ‘We the People’.

(B) A passing grade in the course and in the naturalization test for United States citizenship are required for graduation from high school.

(C) The Department of Education shall require that any high school level curriculum‑based tests which include the constitutional principles of our country developed and administered statewide beginning with the 2015‑2016 school year include questions related to the philosophical foundations of our form of government and the principles underlying the Declaration of Independence, the United States Constitution and its amendments, and the most important of the Federalist Papers.

(D) The Department of Education and the local school districts, as appropriate, shall provide or cause to be provided curriculum content for the instruction required in subsection (A) and the teacher training to ensure that the intent and provisions of this section are carried out.

(E) The Department of Education shall submit a biennial report by October fifteenth of each odd‑numbered year to the House Education and Public Works Committee and the Senate Education Committee covering the implementation of this section.”

SECTION 3. This act takes effect upon approval by the Governor and applies beginning with the 2015‑2016 school year.

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