**South Carolina General Assembly**

121st Session, 2015-2016

**S. 1318**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senators Fair and Bright

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Introduced in the Senate on May 18, 2016

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

Summary: Gender identity in public schools

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/18/2016 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\SJ%20Archive\2016\05-18-16.docx))

5/18/2016 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](file:///h:\SJ%20Archive\2016\05-18-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=1318&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[5/18/2016](file:///p:\pprever\2015-16\1318_20160518.docx)

**A** **JOINT RESOLUTION**

TO PROVIDE THAT AN EXECUTIVE ORDER OF THE UNITED STATES FEDERAL GOVERNMENT THAT DIRECTS OR HAS THE PRACTICAL EFFECT OF FORCING PUBLIC SCHOOLS IN THIS STATE TO ENGAGE IN CONDUCT CONCERNING THE PERSONHOOD OR GENDER IDENTITY OF ITS STUDENTS OR FACE SANCTIONS CONSTITUTES A VIOLATION OF THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION AND, ACCORDINGLY, HAS NO LEGAL EFFECT, MUST BE DISREGARDED BY PUBLIC OFFICIALS IN THIS STATE, AND MAY NOT BE ADHERED TO OR IMPLEMENTED BY THE PUBLIC SCHOOLS IN THIS STATE; AND TO MAKE THE PROVISIONS EXPIRE JULY 1, 2021.

Whereas, the tenth amendment to the United States Constitution guarantees and reserves for the states all powers not granted to the federal government in the Constitution; and

Whereas, education is not an enumerated power delegated to the federal government by the United States Constitution, so under the tenth amendment, powers concerning public education are reserved for the states; and

Whereas, as public officials in this State, the members of the General Assembly, State Superintendent of Education, and board of education members take an oath to preserve, protect, and defend the Constitution of this State and of the United States; and

Whereas, to honor this commitment, the members of the General Assembly, the State Superintendent of Education, and county school boards must reject actions that violate the United States Constitution, such as recent federal executive actions that seek to circumvent the spirit of the tenth amendment by urging public schools to take certain actions or be deprived of federal funding. Now, therefore,

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

SECTION 1. The United States Constitution enumerates no rights of the federal government concerning public education, thereby reserving such rights to the states pursuant to the tenth amendment. Therefore, an executive order of the United States federal government that directs or has the practical effect of forcing public schools in this State to engage in any particular conduct concerning the personhood or gender identity of its students or face sanctions constitutes a violation of the tenth amendment of the United States Constitution and, accordingly, has no legal effect, must be disregarded by public officials in this State, and may not be adhered to or implemented by the public schools in this State. Recognizing that actions by the State of South Carolina to defend the Constitution of this State and the United States against such infringements may take years to resolve, the purpose of this joint resolution is to clarify on a temporary basis that no public school may adhere to or implement any directive or coercive actions by the executive branch of the United States government concerning the personhood or gender identity of its students.

SECTION 2. This joint resolution takes effect upon approval of the Governor and expires on July 1, 2021.

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