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COMMITTEE REPORT

January 24, 2019

**S. 35**

Introduced by Senators Grooms and Campsen

S. Printed 1/24/19--S.

Read the first time January 8, 2019.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (S. 35) to enact the “Reinforcing College Education on America’s Constitutional Heritage Act” or the “Reach Act,” to amend Section 59‑29‑120(A), 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, by striking all after the enacting words and inserting:

/ SECTION 1. This act is known and may be cited as the “Reinforcing College Education on America’s Constitutional Heritage Act” or the “REACH Act”.

SECTION 2. Section 59‑29‑120(A) of the 1976 Code is amended to read:

“Section 59‑29‑120. (A)(1) All public high schools~~, colleges, and universities in this State that are sustained or in any manner supported by public funds shall~~ must give instruction in the essentials of the United States Constitution, the Declaration of Independence, the Emancipation Proclamation, and the Federalist Papers, including the study of ~~and devotion to~~ American institutions and ideals~~, and no~~. No student in any such school~~, college, or university~~ may receive a certificate of graduation without previously passing a satisfactory examination upon the provisions and principles of the United States Constitution, the Declaration of Independence, the Emancipation Proclamation, and the Federalist Papers~~, and, if a citizen of the United States, satisfying the examining power of his loyalty thereto~~.”

SECTION 3. Section 59‑29‑130 of the 1976 Code is amended to read:

“Section 59‑29‑130. (A) ~~The instruction provided for in Section 59‑29‑120 shall be given for at least one year of the high school, college and university grades, respectively.~~ All public institutions of higher learning, as defined in Section 59‑103‑5, and private institutions of higher learning must provide instruction in the essentials of the United States Constitution, the Declaration of Independence, the Emancipation Proclamation, and the Federalist Papers, including the study of American institutions and ideals. No public or private institution of higher learning may grant a certificate of graduation for any baccalaureate degree program to any student unless he successfully completes the requirements described in subsection (B).

(B)(1) Each public and private institution of higher learning must require each undergraduate student, except a student eligible for the exemption provided in subsection (B)(2), to complete no fewer than three semester credit hours, or their equivalent, in the subject of American government. Each undergraduate student must be required to:

(a) read the United States Constitution in its entirety;

(b) read the Declaration of Independence in its entirety;

(c) read the Emancipation Proclamation in its entirety;

(d) read a minimum of five essays in their entirety from the Federalist Papers as selected by an instructor; and

(e) pass a comprehensive examination, testing for student proficiency in the provisions and principles of the United States Constitution, the Declaration of Independence, the Emancipation Proclamation, and the Federalist Papers.

(2) A public or private institution of higher learning may exempt a student who has completed three semester credit hours, or their equivalent, in an Advanced Placement or dual‑credit course with a passing grade in the subject of American government, provided that the completed three semester credit hours, or their equivalent, in an Advanced Placement or dual‑credit course satisfy the requirements of subsection (B)(1).

(C) Public or private institutions of higher learning must ensure that the requirements of this section are incorporated into the degree requirements of all undergraduate degree programs in a manner that:

(1) does not add to the total number of credit hours for any degree; and

(2) does not conflict with any school accreditation process.

(D) The board of trustees of a public or private institution of higher learning must ensure the public or private institution of higher learning’s compliance with all provisions of this section. The board must annually collect the information necessary to ensure that the public or private institution of higher learning is in compliance with this section. Such information must be reported annually to the chairman of the House Ways and Means Committee, the chairman of the House Education and Public Works Committee, the chairman of the Senate Finance Committee, the chairman of the Senate Education Committee, and the chairman of the Commission on Higher Education.”

SECTION 4. Section 59‑29‑140 of the 1976 Code, relating to the enforcement of the program of study of the United States Constitution by the State Superintendent, is repealed.

SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. Section 59‑29‑130 applies to the first incoming undergraduate freshman class entering a public institution of higher learning after the effective date of this act and each subsequent undergraduate class thereafter. Nothing contained in Section 59‑29‑130 may be construed to prevent an undergraduate student enrolled in a public institution of higher learning on the effective date of this act from receiving a certificate of graduation.

SECTION 7. This act takes effect one year after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

GREG HEMBREE for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on January 8, 2019**

**State Expenditure**

This bill requires each public high school student to receive at least one year of instruction in the essentials of the U.S. Constitution, the Declaration of Independence, and the Federalist Papers, including the study of American institutions and ideals. The bill also requires undergraduate students in all public institutions of higher learning to successfully complete at least three semester credit hours of instruction in the aforementioned subject areas prior to receiving a certificate of graduation for any baccalaureate degree. A public institution of higher learning may exempt a student who has completed three semester credit hours in an Advanced Placement or dual-credit course with a passing grade in the subject of American government, provided that the course satisfies the requirements of the provisions of this bill. The board of trustees of public institutions of higher learning must annually collect information necessary to ensure that the public institution is in compliance with the provisions of this bill. The information must be reported annually to the chairman of the House Ways and Means Committee, the chairman of the House Education and Public Works Committee, the chairman of the Senate Finance Committee, the chairman of the Senate Education Committee, and the chairman of the Commission on Higher Education. Additionally, the bill repeals Section 59-29-140, which requires the State Superintendent of Education to prescribe suitable texts adapted to the needs of high schools, universities, and colleges for the instruction of the aforementioned studies.

**State Department of Education.** SDE indicates that this bill will have no expenditure impact on the agency. The referenced instruction is currently covered in the high school standards, tested with an end of course exam, and is a graduation requirement.

**Commission on Higher Education.** This bill creates no new requirements for CHE. Therefore, this bill will have no expenditure impact on the agency.

This bill creates additional curriculum requirements for students pursuing a baccalaureate degree. CHE surveyed the public institutions of higher education. The Medical University of South Carolina, Francis Marion University, Lander, and Coastal Carolina University anticipate the expenditure impact of this bill will be minimal and can be managed within existing appropriations.

The University of South Carolina (USC) estimates the bill will require additional sections of their current course offerings. The increase in general fund expenditures will depend on what model is used to provide the additional course sections. The most expensive model is the Live Instruction. This would increase expenditures by a minimum of $2,830,000 in FY 2019-20 for the addition of 21.75 new faculty FTEs and 87 graduate assistants. The On-Line instruction model would increase expenditures by a minimum of $1,523,000 in FY 2019-20 for the addition of 7.25 new faculty FTEs and 87 graduate assistants. The least expensive option would be a non-credit module USC is currently developing. This option would increase expenditures by $80,000 in FY 2019-20 for technology and compliance updates, technology resources, and the addition of 2 graduate students.

USC Aiken reported increased expenditures of $61,000 and 1 new FTE. USC Beaufort reported $75,000 in increased expenditures. USC Upstate expects $175,500 in additional expenditures for 3 new faculty FTEs. USC Palmetto College anticipates increasing expenditures by $117,000 for 2 new faculty FTEs.

The College of Charleston anticipates a non-recurring general fund expenditure of $25,000 for course development. South Carolina State University anticipates $115,000 in general fund expenditures for 1 new faculty FTE.

In summary, the increase in expenditures as a result of this bill would range from $648,500 to $3,398,500 in FY 2019-20, and from $623,500 to $3,373,500 each year thereafter, for course development and additional FTEs required to deliver instruction.

**State Board of Technical and Comprehensive Education.** This bill applies to undergraduate baccalaureate degree programs. South Carolina technical colleges do not currently offer baccalaureate programs. Therefore, this bill will have no expenditure impact on the board or the technical colleges. However, if a technical college becomes approved to offer an Applied Baccalaureate in Advanced Manufacturing Technology pursuant to Act 260 of 2018, they would become subject to the requirements of this bill.

**Local Expenditure**

This bill requires each public high school student to receive at least one year of instruction in the essentials of the U.S. Constitution, the Declaration of Independence, and the Federalist Papers, including the study of American institutions and ideals.

Sections 59-29-120 and 59-29-130 currently require high school students to receive at least one year of instruction in the aforementioned studies. Therefore, this bill will have no expenditure impact on local school districts.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO ENACT THE “REINFORCING COLLEGE EDUCATION ON AMERICA’S CONSTITUTIONAL HERITAGE ACT” OR THE “REACH ACT,” TO AMEND SECTION 59‑29‑120(A), RELATING TO THE STUDY OF THE UNITED STATES CONSTITUTION REQUISITE FOR GRADUATION, TO PROVIDE THAT EACH PUBLIC HIGH SCHOOL MUST PROVIDE INSTRUCTION CONCERNING THE UNITED STATES CONSTITUTION, THE FEDERALIST PAPERS, AND THE DECLARATION OF INDEPENDENCE TO EACH STUDENT FOR AT LEAST ONE YEAR; TO AMEND SECTION 59-29-130, RELATING TO THE DURATION OF INSTRUCTION IN THE ESSENTIALS OF THE UNITED STATES CONSTITUTION, TO PROVIDE THAT EACH INSTITUTION OF HIGHER LEARNING MUST PROVIDE INSTRUCTION CONCERNING THE UNITED STATES CONSTITUTION, THE FEDERALIST PAPERS, AND THE DECLARATION OF INDEPENDENCE TO EACH UNDERGRADUATE STUDENT FOR THREE SEMESTER CREDIT HOURS; AND TO REPEAL SECTION 59‑29‑140, RELATING TO THE ENFORCEMENT OF THE PROGRAM OF STUDY OF THE UNITED STATES CONSTITUTION BY THE STATE SUPERINTENDENT OF EDUCATION.

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 “Reinforcing College Education on America’s Constitutional Heritage Act” or the “REACH Act.”

SECTION 2. Section 59‑29‑120(A) of the 1976 Code is amended to read:

“Section 59‑29‑120. (A)(1) All public high schools~~, colleges, and universities in this State that are sustained or in any manner supported by public funds shall~~ must give instruction in the essentials of the United States Constitution, the Declaration of Independence, and the Federalist Papers, including the study of ~~and devotion to~~ American institutions and ideals~~, and no~~. No student in any such school~~, college, or university~~ may receive a certificate of graduation without previously passing a satisfactory examination upon the provisions and principles of the United States Constitution, the Declaration of Independence, and the Federalist Papers~~, and, if a citizen of the United States, satisfying the examining power of his loyalty thereto~~.

(2) Each public high school must provide the instruction required in subsection (A)(1) to each student for at least one year, or its equivalent, during high school.”

SECTION 3. Section 59‑29‑130 of the 1976 Code is amended to read:

“Section 59‑29‑130. (A) ~~The instruction provided for in Section 59‑29‑120 shall be given for at least one year of the high school, college and university grades, respectively.~~ All public institutions of higher learning, as defined in Section 59‑103‑5, must provide instruction in the essentials of the United States Constitution, the Declaration of Independence, and the Federalist Papers, including the study of American institutions and ideals. No public institution of higher learning may grant a certificate of graduation for any baccalaureate degree program to any student unless he successfully completes the requirements described in subsection (B).

(B)(1) Each public institution of higher learning must require each undergraduate student, except a student eligible for the exemption provided in subsection (B)(2), to complete no fewer than three semester credit hours, or their equivalent, in the subject of American government. Each undergraduate student must be required to:

(a) read the United States Constitution in its entirety;

(b) read the Declaration of Independence in its entirety;

(c) read a minimum of five essays in their entirety from the Federalist Papers as selected by an instructor; and

(d) pass a comprehensive examination, testing for student proficiency in the provisions and principles of the United States Constitution, the Declaration of Independence, and the Federalist Papers.

(2) A public institution of higher learning may exempt a student who has completed three semester credit hours, or their equivalent, in an Advanced Placement or dual‑credit course with a passing grade in the subject of American government, provided that the completed three semester credit hours, or their equivalent, in an Advanced Placement or dual‑credit course satisfy the requirements of subsection (B)(1).

(C) Public institutions of higher learning must ensure that the requirements of this section are incorporated into the degree requirements of all undergraduate degree programs in a manner that:

(1) does not add to the total number of credit hours for any degree; and

(2) does not conflict with any school accreditation process.

(D) The board of trustees of a public institution of higher learning must ensure the public institution of higher learning’s compliance with all provisions of this section. The board must annually collect the information necessary to ensure that the public institution of higher learning is in compliance with this section. Such information must be reported annually to the chairman of the House Ways and Means Committee, the chairman of the House Education and Public Works Committee, the chairman of the Senate Finance Committee, the chairman of the Senate Education Committee, and the chairman of the Commission on Higher Education.”

SECTION 4. Section 59‑29‑140 of the 1976 Code, relating to the enforcement of the program of study of the United States Constitution by the State Superintendent, is repealed.

SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. Section 59‑29‑130 applies to the first incoming undergraduate freshman class entering a public institution of higher learning after the effective date of this act and each subsequent undergraduate class thereafter. Nothing contained in Section 59‑29‑130 may be construed to prevent an undergraduate student enrolled in a public institution of higher learning on the effective date of this act from receiving a certificate of graduation.

SECTION 7. This act takes effect one year after approval by the Governor.

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