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COMMITTEE REPORT

February 24, 2021

**S. 38**

Introduced by Senators Grooms, Rice, Hembree, Verdin and Kimbrell

S. Printed 2/24/21--S.

Read the first time January 12, 2021.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (S. 38) 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. 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~~ course that includes instruction in 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 2. A. Section 59‑29‑130 of the 1976 Code is amended to read:

“Section 59‑29‑130. (A)(1)(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.~~ A public institution of higher learning, as defined in Section 59‑103‑5 shall require each undergraduate student, except a student eligible for the exemption provided in item (2), to complete no fewer than three semester credit hours or their equivalent in American History, American Government, or another equivalent course of instruction that provides a comprehensive overview of the major events and turning points of American history and government which includes, at a minimum, reading:

(i) the United States Constitution in its entirety;

(ii) the Declaration of Independence in its entirety;

(iii) the Emancipation Proclamation in its entirety; and

(iv) a minimum of five essays in their entirety from the Federalist Papers as selected by an instructor.

(b) No public institution of higher learning may grant a certificate of graduation for a baccalaureate degree program to a student unless he successfully completes the requirements of this subsection.

(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, International Bacclaureate (IB), or dual‑credit course with a passing grade in the subject of American government or American history, provided the completed three semester credit hours, or their equivalent, in an Advanced Placement, International Bacclaureate, or dual‑credit course must satisfy the requirements of item (1).

(B) A public institution of higher learning shall ensure that the requirements of this section are incorporated into the degree requirements of all undergraduate degree programs in a manner that does not:

(1) add to the total number of credit hours for any degree; and

(2) conflict with any school accreditation process.

(C) The Commission on Higher Education shall ensure the compliance of each public institution of higher learning with all provisions of this section. The commission annually shall collect information necessary to ensure that a public institution of higher learning is in compliance with this section. This information annually must be reported to the Chairman of the House of Representatives Ways and Means Committee, the Chairman of the House of Representatives Education and Public Works Committee, the Chairman of the Senate Finance Committee, and the Chairman of the Senate Education Committee.”

B. Section 59‑29‑130, as amended by this act, 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 3. The Commission on Higher Education shall submit the provisions of Section 59‑29‑130, as amended by this act, to the Southern Association of Colleges and Schools Commission on Colleges and request an advisory opinion as to whether such provisions can be incorporated into degree requirements without infringing on the accreditation process, as required by Section 59‑29‑130(C)(2).

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. This act takes effect beginning with the 2021‑2022 School Year. /

Renumber sections to conform.

Amend title to conform.

GREG HEMBREE for Committee.

**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 must be 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. A. 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, the Emancipation Proclamation, the Federalist Papers, and the study of American institutions and history, including African-American history, 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 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 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 Commission on Higher Education must ensure each public institution of higher learning’s compliance with all provisions of this section. The Commission on Higher Education must annually collect the information necessary to ensure that a public institution of higher learning is in compliance with this section. Such information must be annually reported to the Chairman of the House of Representatives Ways and Means Committee, the Chairman of the House of Representatives Education and Public Works Committee, the Chairman of the Senate Finance Committee, and the Chairman of the Senate Education Committee.”

B. Section 59‑29‑130, as amended by this act, 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 4. A. The Commission on Higher Education shall submit the provisions of Section 59‑29‑130, as amended by this act, to the Southern Association of Colleges and Schools Commission on Colleges and request an advisory opinion as to whether such provisions can be incorporated into degree requirements without infringing on the accreditation process, as required by Section 59‑29‑130(C)(2).

B. This SECTION takes effect upon approval by the Governor.

SECTION 5. 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 6. 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 7. This act takes effect one year after approval by the Governor.

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