**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑1‑500 SO AS TO PROVIDE THAT THE GOVERNING BODY OF A PUBLIC SCHOOL SHALL PROVIDE CERTAIN TRAINING AND INSTRUCTIONAL MATERIAL ON ITS WEBSITE, AND TO PROVIDE THAT A SCHOOL DISTRICT OR PUBLIC SCHOOL MAY NOT MANDATE THAT STUDENTS, TEACHERS, OR STAFF PARTICIPATE IN CERTAIN POLITICAL EVENTS.

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

SECTION 1. Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59‑1‑500. (A) The purposes of this section are to:

(1) ensure that schools provide transparency in the training and instructional materials used to promote diversity, equity, and inclusion and to give parents and students reasonable access to review such materials;

(2) ensure that students, teachers, administrators, and other school employees recognize the equality, dignity, and rights of all persons and to discourage public schools from teaching ideas and concepts that are contrary to this aim;

(3) ensure that public schools do not compel students to engage in political or social activism or advocacy;

(4) prevent governmental entities and actors from compelling students, teachers, administrators, and other public school employees to affirm prescribed speech or beliefs.

(B)(1) The governing body of a public school, including public charter schools, shall ensure that the following information is displayed on the school website in an easily accessible location:

(a) all training materials used for staff and faculty training on all matters of nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, or bias, or any combination of these concepts with other concepts;

(b) all instructional or curricular materials principally concerning nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, or bias, or any combination of these concepts with other concepts, and the instructional materials must identify, at a minimum:

(i) the title, author, organization, and any website associated with each material and activity;

(ii) a brief description of the instructional material;

(iii) a link to the instructional material, if publicly available on the Internet, or information on how to request review of a copy of the instructional material; and

(iv) the identity of the teacher, if the instructional material was created by the teacher;

(c) any procedures for the documentation, review, or approval of the training, instructional, or curricular materials used for staff and faculty training or student instruction at the school, including by the principal, curriculum administrators, or other teachers.

(2) Nothing in this subsection may be construed to require the digital reproduction or posting of copies of the instructional materials themselves, where reproduction would infringe upon copyrighted material; but in those cases, original materials must be linked, if possible, or provided upon request, as required pursuant to item (1)(b)(iii).

(3) The information required pursuant to item (1) must be displayed online before the first instance of training or instruction, or, at the latest, seven days after the training or instruction. The information must remain displayed on the school website for at least two years.

(4) A school whose governing board is responsible for the operation of schools with fewer than one hundred students cumulatively is not required to post a list of learning materials and activities pursuant to this section.

(5) The Attorney General or the district or county attorney for the district or county in which an alleged violation of this section occurs may initiate a suit in the district or county court in the jurisdiction in which the school district, public school, public charter school, or other governmental entity responsible for the oversight of public secondary or elementary schools is located for the purpose of complying with this section.

(6) An attorney acting on behalf of a school district, public school, public charter school, or governmental entity responsible for the oversight of public secondary or elementary schools may request a legal opinion of the county or district attorney or the Attorney General as to whether a particular piece of training, instructional, or curricular material fits pursuant to this item.

(C)(1) A school district, public school, or governmental entity responsible for the oversight of public secondary or elementary schools, including public charter schools only with respect to subitem (b), may not:

(a) permit teachers or administrators to require or make part of a course or award a grade or course credit, including extra credit, for:

(i) a student’s political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or

(ii) participation in any internship, practicum, or similar activity involving social or public‑policy advocacy;

(b) direct or otherwise compel a teacher, administrator, or student personally to affirm, adopt, or adhere to any belief or concept that:

(i) the United States or the State of South Carolina is fundamentally or irredeemably racist or sexist;

(ii) an individual, by virtue of sex, race, ethnicity, religion, color, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

(iii) an individual, by virtue of sex, race, ethnicity, religion, color, or national origin, should be blamed for actions committed in the past by other members of the same sex, race, ethnicity, religion, color, or national origin; or

(iv) an individual’s moral character is necessarily determined, in whole or in part, by his sex, race, ethnicity, religion, color, or national origin;

(c) use public funds to contract with, hire, or otherwise engage speakers, consultants, diversity trainers, and other persons to:

(i) engage students, teachers, administrators, and other employees in activism or advocacy as described in item (1)(a);

(ii) direct or otherwise compel a teacher, administrator, or student personally to affirm, adopt, or adhere to any belief or concept described in item (1)(b); or

(iii) advocate concepts described in item (1)(b), unless the school:

(a) expressly makes clear that it does not sponsor, approve, or endorse such concepts or materials; and

(b) affords students, teachers, administrators, and other employees the opportunity to opt out of any speeches by or sessions with such outside contractors, as specified pursuant to item (2).

(2) A school district, public school, or governmental entity responsible for the oversight of public secondary or elementary schools may not require a student, teacher, administrator, or other employee of a school district, or public school to attend or participate in a training, seminar, continuing education, orientation, or therapy that promotes any concept described in item (1)(b) or any combination of these concepts. Public charter schools are excluded from this subsection, except as otherwise constrained by item (1)(b).

(3) Nothing in this section may be construed as prohibiting:

(a) speech protected by the First Amendment of the United States Constitution;

(b) voluntary attendance in a training session, seminar, continuing education, orientation, or therapy, provided that no inducement or coercion for attendance exists;

(c) access to sources on an individual basis that advocate concepts described in item (1)(b) for the purpose of research or independent study; or

(d) discussion of concepts described in item (1)(b) or the assignment of materials that incorporate such concepts for educational purposes, provided that the public school expressly makes clear that it does not sponsor, approve, or endorse the concepts or materials.

(4) The Attorney General or the district or county attorney for the district or county in which an alleged violation of this section occurs may initiate a suit in the district or county court in the jurisdiction in which the school district, public school, public charter school, or governmental entity responsible for the oversight of public secondary or elementary schools is located for the purpose of complying with this section.

(5) An attorney acting on behalf of a school district, public school, public charter school, or governmental entity responsible for the oversight of public secondary or elementary schools may request a legal opinion of the county or district attorney or the Attorney General as to whether a proposed use of school resources would violate this section.”

SECTION 2. 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 3. This act takes effect upon approval by the Governor.

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