**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3728**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Felder, A.M. Morgan, Leber, Magnuson, Haddon, Harris, Taylor, S. Jones, Landing, McCravy, Lowe, Jordan, Bradley, Herbkersman, Bannister, W. Newton, Elliott, B.J. Cox, Willis, Hewitt, West, Long, Burns and T.A. Morgan

Companion/Similar bill(s): 3304

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Introduced in the House on January 18, 2023

Introduced in the Senate on February 9, 2023

Last Amended on May 10, 2023

Currently residing in the House

Summary: Transparency and Integrity in Education Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/18/2023 House Introduced and read first time (House Journal‑page 12)

 1/18/2023 House Referred to Committee on **Education and Public Works** (House Journal‑page 12)

 1/24/2023 House Member(s) request name added as sponsor: Taylor,
 S. Jones

 2/1/2023 House Member(s) request name added as sponsor: Landing

 2/1/2023 House Committee report: Favorable with amendment **Education and Public Works** (House Journal‑page 4)

 2/2/2023 Scrivener's error corrected

 2/7/2023 House Member(s) request name added as sponsor: McCravy,
 Lowe, Jordan, Bradley, Herbkersman,
 Bannister, W. Newton, Elliott, B.J. Cox,
 Willis, Hewitt, West

 2/7/2023 House Requests for debate-Rep(s). Hiott, B Newton, T Moore, Forrest, Taylor, Hixon, Carter, MM Smith, Lawson, Nutt, McCravy, Davis, BL Cox, Crawford, Brittain, West, JA Moore, Ott, King, Garvin, Rivers, Kirby, Clyburn, Hosey, Guest, Hewitt, Anderson, JL Johnson, Pope, Bamberg, Jefferson, Mitchell, Yow, Hadden, Leber, Dilliard, W Jones, May, Bradley, Wooten, Wetmore, Weeks, Alexander, Henegan, Magnuson, Williams, Bauer, Pendarvis (House Journal‑page 39)

 2/8/2023 House Member(s) request name added as sponsor: Long,
 Burns, T.A. Morgan

 2/8/2023 House Amended (House Journal‑page 19)

 2/8/2023 House Read second time (House Journal‑page 73)

 2/8/2023 House Roll call Yeas-83 Nays-34 (House Journal‑page 115)

 2/9/2023 House Read third time and sent to Senate (House Journal‑page 21)

 2/9/2023 Scrivener's error corrected

 2/9/2023 House Roll call Yeas-79 Nays-30 (House Journal‑page 21)

 2/9/2023 Senate Introduced and read first time (Senate Journal‑page 12)

 2/9/2023 Senate Referred to Committee on **Education** (Senate Journal‑page 12)

 4/19/2023 Senate Committee report: Favorable with amendment **Education** (Senate Journal‑page 9)

 4/21/2023 Scrivener's error corrected

 4/27/2023 Scrivener's error corrected

 5/2/2023 Senate Debate interrupted (Senate Journal‑page 339)

 5/4/2023 Senate Read second time (Senate Journal‑page 26)

 5/10/2023 Senate Committee Amendment Adopted (Senate Journal‑page 108)

 5/10/2023 Senate Amended (Senate Journal‑page 108)

 5/10/2023 Senate Read third time and returned to House with amendments (Senate Journal‑page 108)

 5/10/2023 Senate Roll call Ayes-27 Nays-10 (Senate Journal‑page 108)

 5/11/2023 Scrivener's error corrected

 5/16/2023 House Debate adjourned (House Journal‑page 31)

 5/17/2023 House Non-concurrence in Senate amendment (House Journal‑page 12)

 5/17/2023 House Roll call Yeas-3 Nays-111 (House Journal‑page 13)

 6/14/2023 Senate Senate insists upon amendment and conference committee appointed Jackson, Massey, Hembree (Senate Journal‑page 17)

 6/14/2023 House Conference committee appointed Erickson, AM Morgan, Alexander (House Journal‑page 73)

 6/26/2024 Senate Free Conference Powers Failed (Senate Journal‑page 133)

 6/26/2024 Senate Roll call Ayes-25 Nays-13 (Senate Journal‑page 133)

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**VERSIONS OF THIS BILL**

[01/18/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3728_20230118.docx)

[02/01/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3728_20230201.docx)

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[05/11/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3728_20230511.docx)

[05/11/2023-A](https://www.scstatehouse.gov/sess125_2023-2024/prever/3728_20230511a.docx)

Indicates Matter Stricken

Indicates New Matter

As Passed By The Senate

May 10, 2023

H. 3728

Introduced by Reps. Felder, A. M. Morgan, Leber, Magnuson, Haddon, Harris, Taylor, S. Jones, Landing, McCravy, Lowe, Jordan, Bradley, Herbkersman, Bannister, W. Newton, Elliott, B. J. Cox, Willis, Hewitt, West, Long, Burns and T. A. Morgan

S. Printed 05/10/23--S. [SEC 5/11/2023 2:38 PM]

Read the first time February 09, 2023

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A bill

to amend the South Carolina Code of Laws by enacting the “South Carolina Transparency and Integrity in Education Act”; BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE 59 SO AS TO EXPRESS RELATED INTENTIONS OF THE GENERAL ASSEMBLY, TO PROVIDE NECESSARY DEFINITIONS, TO PROHIBIT CERTAIN CONCEPTS FROM BEING INCLUDED IN PUBLIC SCHOOL INSTRUCTION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE MEANS FOR ADDRESSING VIOLATIONS, AND TO PROVIDE PROCEDURES FOR PUBLIC REVIEW OF PUBLIC SCHOOL CURRICULUM AND INSTRUCTIONAL MATERIALS; and by amending Section 59‑28‑180, relating to PARENTAL EXPECTATIONS IN THE PARENTAL INVOLVEMENT IN THEIR CHILDREN’S EDUCATION ACT, so as to PROVIDE PARENTS ARE EXPECTED TO BE THE PRIMARY SOURCE OF THE EDUCATION OF THEIR CHILDREN REGARDING MORALS, ETHICS, AND CIVIC RESPONSIBILITY, AND TO PROVIDE A PARENTAL PLEDGE OF EXPECTATIONS MUST BE PROVIDED TO PARENTS AS PART OF THE REGISTRATION AND ENROLLMENT PROCESS.

 Amend Title To Conform

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

SECTION 1. This act may be cited as the “South Carolina Transparency and Integrity in Education Act”.

SECTION 2. Chapter 29, Title 59 of the S.C. Code is amended by adding:

 Article 5

 Academic Transparency and Integrity

 Section 59‑29‑610. For purposes of this article:

 (1) “LEA” means a local education agency, to include the sponsor of a public charter school pursuant to Section 59‑40‑40, and the:

 (a) Governor’s School for the Arts and Humanities;

 (b) Governor’s School for Agriculture at John de la Howe;

 (c) Special School of Science and Mathematics, also referred to as the Governor’s School for Science and Mathematics;

 (d) Wil Lou Gray Opportunity School; and

 (e) South Carolina School for the Deaf and the Blind.

 (2) “Parent” means the biological parent, adoptive parent, stepparent, person with legal custody or other person with legal authority to act on behalf of a student, excluding an individual whose parental relationship to the child has been legally terminated.

 Section 59‑29‑620. (A) The following prohibited concepts may not be included or promoted in a course of instruction, curriculum, assignment, instructional program, instructional material (including primary or supplemental materials, whether in print, digital, or online), surveys or questionnaires, presentations, performances, school policies and protocols or professional educator development or training, nor may a student, employee, or volunteer be compelled to affirm, accept, adopt, or adhere to such prohibited concepts:

 (1) members of one race, sex, ethnicity, color, or national origin are inherently superior to members of another race, sex, ethnicity, color, or national origin;

 (2) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, inherently is privileged, racist, sexist, contributive to any oppression or oppressive, whether consciously or subconsciously;

 (3) an individual should be discriminated against or receive adverse or favorable treatment because of the race, sex, ethnicity, religion, color, or national origin of the individual;

 (4) the moral character of an individual is determined by the race, sex, ethnicity, religion, color, or national origin of the individual;

 (5) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, bears responsibility for actions committed in the past by other members of the same race, sex, ethnicity, religion, color, or national origin;

 (6) meritocracy or traits such as a hard work ethic:

 (a) are racist, sexist, belong to the principles of one religion; or

 (b) were created by members of a particular race, sex, or religion to oppress members of another race, sex, ethnicity, color, national origin or religion; and

 (7) fault, blame, or bias should be assigned to members of a race, sex, ethnicity, religion, color, or national origin because of their race, sex, ethnicity, religion, color, or national origin.

 (B) All materials made available to students including, but not limited to, primary and supplemental instructional material, reference material, extracurricular material, library and media center material, both printed and electronically accessible, must be age appropriate, grade appropriate, or appropriate to the academic grade level of the student.

 (C) A student, administrator, teacher, staff member, other school or district employee, or volunteer may not be required to engage in any gender or sexual diversity training or counseling unless it is prescribed as part of a corrective action plan pursuant to Section 59‑29‑630.

 (D) Nothing in this section prohibits concepts as part of a course of instruction, in a curriculum or instructional program, or through the use of supplemental instructional materials if these concepts involve:

 (1) the history of an ethnic group, as described in the South Carolina State Standards and instructional materials adopted pursuant to the South Carolina Code of Regulations;

 (2) the fact‑based discussion of controversial aspects of history or current events;

 (3) the fact‑based instruction on the historical oppression of a particular group of people based on race, sex, ethnicity, class, nationality, religion, or geographic region;

 (4) the fact-based and historically accurate discussion of the history of slavery; or

 (5) the fact-based and historically accurate discussion of Reconstruction, the Jim Crow era, and segregation with an emphasis on lynchings and other crimes committed based upon the race of the victim.

 (E) The department shall create and make accessible model lesson plans for LEAs to utilize in all grades and subject areas.

 (F) Nothing in this section prohibits an LEA from taking disciplinary action or corrective action for prohibited conduct as prescribed by state law, the department of education, or local school board.

 Section 59‑29‑630. The department shall create a complaint form, which LEAs shall prominently post on their website, for use when an individual files a complaint alleging violations of Section 59-29-620. At a minimum, the department must ensure the complaint form includes:

 (1) the name and contact information of the complainant;

 (2) the name of the school in which the alleged violation took place;

 (3) a brief description of the prohibited concept at issue and the context in which it was

 allegedly included or promoted that is in violation of Section 59-29-620;

 (4) a brief statement on why the concept at issue is a prohibited concept;

 (5) the name of the individual alleged to have included or promoted the prohibited concept;

 (6) the name of the individual who may have knowledge of the allegations;

 (7) a list of documentation or materials supporting the complainant’s allegations, including copies of such documentation where possible;

 (8) the approximate date on which the prohibited concept was included or promoted;

 (9) location, either physical or virtual, of the printed or electronically available material; and

 (10) a statement by the complainant verifying that he has made a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept and resolve the matter as required in Section 59-29-640(B)(3), including the date and time of the communication, the mode of communication, copies of any communications available, and a summary of the outcome of the communications and resolution efforts.

 Section 59‑29‑640. (A)(1) Each LEA shall:

 (a) provide a statement on its website announcing the rights of parents to review all curriculum;

 (b) provide annual notice of Section 59‑29‑620 to staff, students, and parents;

 (c) ensure compliance with the provisions of this Article by investigating suspected violations and complaints filed pursuant to this Article;

 (d) prohibit retaliation for filing a complaint or participating in an investigation;

 (e) obtain written consent from a parent prior to the participation of a minor student in the investigative process, including consent for the minor to be interviewed;

 (f) provide instructions to complainant or individual alleged to have violated for filing an appeal of the LEA determination with the department in a written determination to an eligible complainant; and

 (g) before July 1, 2025, and each year thereafter, provide a report to the department containing a summary of the:

 (i) number of complaints filed with a description of the nature of each complaint;

 (ii) number of complaints closed;

 (iii) number of complaints pending;

 (iv) number of resolution agreements successfully executed;

 (v) number of complaints substantiated; and

 (vi) number of complaints not substantiated.

 (2) Before the 2029‑2030 School Year, an LEA shall compile and provide records of item (1)(a) through (f) that encompass the previous five school years in the annual report required in item (1)(h). The department shall provide a report summarizing the information of each district to the General Assembly before July 1, 2025, and each year thereafter.

 (B) Before the 2024‑2025 School Year, the department shall create, and each LEA shall adopt, a policy for procedures used to report and investigate an alleged violation of Section 59‑29‑620 with the LEA, which must include:

 (1) instructions detailing how to file a complaint alleging a violation of Section 59‑29‑620 with the LEA;

 (2) a requirement that the complainant be:

 (a) a current student of the LEA in which the allegation arose;

 (b) the parent of a current student of the LEA in which the allegation arose; or

 (c) an employee or volunteer of the LEA in which the allegation arose.

 (3) a requirement that the complainant must have undertaken a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept to discuss the complainant’s concerns and attempt to resolve the matter and.

 (4) the following timelines for the investigation by a LEA:

 (a) complaint must be received within one year of the alleged violation;

 (b) response must be provided within thirty business days; and

 (c) decision must be rendered within thirty business days of the response being provided.

 (C) An LEA shall work collaboratively with parents, teachers, and other employees to resolve concerns and complaints. Within seven calendar days of receiving a complaint, the LEA must provide a redacted copy of the complaint to the principal of the school where the individual is alleged to have included or promoted the prohibited concept. Upon receipt, the principal shall provide a copy of the redacted complaint to the individual alleged to have included or promoted the prohibited concept. At any point after a complaint is filed but before the LEA has issued a final written determination, the parties may reach an early resolution of an allegation through a resolution agreement, which shall include any agreed upon terms of the early resolution. Once a complaint is submitted, it must be confidential and not accessible to the public until a decision has been rendered and administrative procedures provided in this Article have been exhausted. An LEA is not required to complete its investigation or issue a final written determination once it has entered a resolution agreement with the complainant.

 (D) The complainant or individual alleged to have violated Section 59‑29‑620 may file an appeal of the final written determination of an LEA with the State Board within fifteen calendar days after receiving the final written determination.

 (E) Within ten calendar days after the appeal is filed with the State Board, it shall send written notification acknowledging receipt to all parties involved.

 (F) The LEA may not take disciplinary or licensure action against an educator for a violation of Section 59‑29‑620 before the State Board sends a final written determination letter to all parties involved.

 (G) As part of an investigation, the State Board may:

 (1) request an investigative file from the LEA;

 (2) interview a complainant, the individual alleged to have included or promoted the prohibited concept, or another individual considered necessary by the State Board; and

 (3) request any new or additional relevant physical or electronic evidence from the LEA or any witness.

 (H) Within forty calendar days after receiving an appeal, the State Board shall determine whether:

 (1) allegations in the original complaint are substantiated; and

 (2) the LEA knowingly violated Section 59‑29‑620. An LEA must be deemed to have knowingly violated Section 59‑29‑620 if the LEA:

 (a) received a complaint alleging and became aware that a prohibited concept was included or promoted in a course of instruction, curriculum, instructional program, or supplemental instructional materials but failed to initiate an investigation or remedy a violation;

 (b) initiated an investigation but failed to make a timely determination about whether an allegation was substantiated; or

 (c) determined that the allegation was substantiated but failed to remedy the violation.

 (I) The State Board shall issue a written determination letter to the complainant, the individual alleged to have included or promoted the prohibited concept, and the LEA from which the allegation arose. This determination letter is subject to any Federal or State law that relates to the privacy of student information.

 (J) Pending the issuance of a final order by the State Board in a proceeding pursuant to this section, no preliminary information gathered by the department concerning misconduct reasonably believed to constitute grounds for disciplinary action, including the name and certificate number of the certified educator, may be disclosed.

 (K) If the State Board determines that the LEA knowingly violated Section 59‑29‑620, the:

 (1) LEA shall immediately take a corrective action plan that:

 (a) identifies specific acts or steps the LEA will take to resolve the noncompliance;

 (b) specifies deadlines for the completion of the required acts or steps; and

 (c) specifies dates for submission of reports and documentation to the State Board verifying implementation; and

 (d) meets the requirements of Section 59-29-640(C).

 (2) The State Board shall:

 (a) monitor the corrective action plan to ensure the LEA complies with the terms of the plan;

 (b) provide written notice to the LEA of any deficiencies in implementation and request immediate and appropriate action to address those deficiencies;

 (c) require additions to the corrective action plan to address the failure of the LEA to fully implement commitments in the original plan when necessary; and

 (d) conclude the monitoring of the corrective action plan when the State Board determines that the LEA fully has implemented the terms of the plan by providing written notification to the LEA.

 (L) If the State Board determines the LEA knowingly violated Section 59‑29‑620 or the LEA fails to adhere to the corrective action plans, the department may withhold up to five percent of a LEA’s funds appropriated as part of the State Aid Classrooms, and the board may initiate action to suspend or revoke the educator certificate of the responsible LEA staff pursuant to Section 59-25-160.

 (M) A parent must not be subject to retaliation or sanctions from the LEAs, the State Board of Education, and employees thereof for filing a complaint or appeal as outlined in this Article.

 (N) Nothing in any determination letter, final order, or any portion of a corrective action plan issued by the State Board shall be considered binding for purposes of any other investigation of a complaint or appeal filed with the Board or any other resolution process conducted by the Board, shall be considered binding on any other school district, and shall only apply to the underlying complaint.

 Section 59‑29‑650. (A) Beginning with the 2024‑2025 School Year, and each school year thereafter, each LEA prominently shall post information regarding their chosen curriculum and instructional materials on the school district website.The information must indicate the materials used by school, grade or course, and subject matter, and must include:

 (1) a listing of the approved textbooks by title and including author, brief summary and date of copyright for every course offered in the district;

 (2) a link to statewide academic standards;

 (3) relevant district policies concerning curriculum development and academic transparency; and

 (4) a process for which parents may review in person, at the school of their child’s attendance and contest instructional materials and library and media center materials being used.

 (B) At the start of each school year, an LEA shall communicate to parents how they may access the information and materials required in subsection (A).

 (C) A school shall ensure that every course offered provides students and parents with a course syllabus that includes:

 (1) an overview of instructional topics;

 (2) classroom expectations;

 (3) grading procedures;

 (4) a list of primary textbooks and instructional materials;

 (5) teacher contact information;

 (6) information on accessing the course Learning Management System;

 (7) reading and reference material, including the title, author and publisher; and

 (8) the link to state standards, if available.

 (D) Course syllabi must be distributed to students and families within the first five days of class and should remain accessible to families online throughout the school year.

 Section 59‑29‑660. (A) The State Superintendent of Education shall plan for a thirty‑day public review of materials recommended by the instructional materials review panels before taking those recommendations to the State Board of Education. The public review sites must be geographically distributed around the State at as many state-supported colleges and universities or, if necessary, other designated sites that agree to host the reviews. Public review sites must be advertised in each congressional district in the newspaper with the largest circulation figures for that district, on the website of the department, and on social media sites used by the department. All recommended materials shall be made available for review at each location and the public shall be given access during the review period without unreasonable restrictions or conditions.

 (B) The State Board shall hold a public hearing before adopting any textbook or instructional material for use in the schools of this State.

 Section 59‑29‑670. A school may not use, make available, or promote any curricula, presentations, performances, assignments, questionnaires, surveys or materials in any format, including making access available through school or class libraries, clubs, book fairs, book or media catalogs, or technology which contains an application, link, or other access to pornographic or other prohibited materials. A school district that receives or distributes such materials must receive disciplinary action as stated in the complaint process. Pornographic materials are those meeting the definitions provided in Section 16-15-375(1).

SECTION 3. Section 59‑28‑180 of the S.C. Code is amended to read:

 Section 59‑28‑180. (A) Parent involvement influences student learning and academic performance; therefore, parents are expected to:

 (1)(a) uphold high expectations for academic achievement;

 (2)(b) expect and communicate expectations for success;

 (3)(c) recognize that parental involvement in middle and high school is equally as critical as in elementary school;

 (4)(d) ensure attendance and punctuality;

 (5)(e) attend parent‑teacher conferences;

 (6)(f) monitor and check homework;

 (7)(g) communicate with the school and teachers;

 (8)(h) build partnerships with teachers to promote successful school experiences;

 (9)(i) attend, when possible, school events;

 (10)(j) model desirable behaviors;

 (11)(k) use encouraging words;

 (12)(l) stimulate thought and curiosity; and

 (13)(m) show support for school expectations and efforts to increase student learning; and

 (n) be the primary source of their student’s education regarding learning morals, ethics, and civic responsibility.

 (B) The intent of this section is to foster parental involvement and shall not be construed as a mandate on parents.

SECTION 4. Within six months of this act becoming law, the department shall review and update, as necessary, academic standards and model lesson plans; educator practices and professional conduct principles; school counseling frameworks and standards; and any other student services personnel guidelines, standards, or frameworks in accordance with the requirements of this act

SECTION 5. This act takes effect upon approval of the Governor and is applicable beginning with the 2024‑2025 School Year.

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