**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3826**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Loftis, Burns and G.R. Smith

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Introduced in the House on January 31, 2019

Currently residing in the House Committee on **Education and Public Works**

Summary: Parental rights

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/31/2019 House Introduced and read first time ([House Journal‑page 56](file:///h:\hj\20190131.docx))

1/31/2019 House Referred to Committee on **Education and Public Works** ([House Journal‑page 56](file:///h:\hj\20190131.docx))

1/15/2020 House Member(s) request name added as sponsor: G.R.Smith

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**VERSIONS OF THIS BILL**

[1/31/2019](file:///p:\pprever\2019-20\3826_20190131.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑28‑115 SO AS TO ESTABLISH THAT PARENTS HAVE THE FUNDAMENTAL RIGHT OF LIBERTY TO DIRECT THE EDUCATION OF THEIR CHILDREN, AND TO PROVIDE PUBLIC SCHOOLS MAY NOT INFRINGE ON THIS RIGHT WITHOUT MEETING CERTAIN CRITERIA; BY ADDING SECTION 59‑29‑115 SO AS TO PROVIDE SCHOOL DISTRICTS MAY INCLUDE ELECTIVE COURSEWORK SURVEYING RELIGIONS OF THE WORLD IN HIGH SCHOOL CURRICULA, TO PROVIDE REQUIREMENTS FOR THE CONTENT OF THE COURSEWORK, TO PROVIDE DISTRICTS ALSO MAY REQUIRE TEACHING VARIOUS THEORIES CONCERNING THE ORIGIN OF LIFE; TO PROVIDE PUBLIC SCHOOL PRINCIPALS MAY ALLOW STUDENTS TO ATTEND CERTAIN SCHOOLS FOR RELIGIOUS INSTRUCTION, TO RECEIVE RELIGIOUS INSTRUCTION AT THE WRITTEN REQUEST OF A PARENT, TO PROVIDE REQUIREMENTS FOR SUCH SCHOOLS OF RELIGIOUS INSTRUCTION, TO PROVIDE TIME LIMITS AND ATTENDANCE REQUIREMENTS, TO PROVIDE PUBLIC SECONDARY SCHOOLS MAY AWARD ACADEMIC CREDIT IF THE DISTRICT ADOPTS CERTAIN RELATED POLICIES, AND TO PROVIDE STUDENTS MAY RECEIVE NO MORE THAN TWO ELECTIVE UNITS FOR COMPLETING THIS COURSEWORK; AND TO AMEND SECTION 59‑1‑320, RELATING TO THE REQUIRED DISPLAY OF THE UNITED STATES FLAG AND THE FLAG OF THIS STATE, SO AS TO ALSO REQUIRE DISPLAY OF THE MOTTO OF THE UNITED STATES, TO SPECIFY THE MANNER OF DISPLAYING THESE FLAGS AND THIS MOTTO, AND TO PROVIDE OPTIONS FOR THE ACQUISITION OF THESE DISPLAYS.

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

SECTION 1. Chapter 28, Title 59 of the 1976 Code is amended by adding:

“Section 59‑28‑115. The liberty of parents to direct the education of their child is a fundamental right. A school may not infringe on this right without demonstrating that the interest of the school as applied to the person is of the highest order and not otherwise served.”

SECTION 2. Article 1, Chapter 29, Title 59 of the 1976 Code is amended by adding:

“Section 59‑29‑115. (A)(1) A school district may include as an elective in the curriculum of the high schools in the district a course surveying religions of the world. The course must include as part of the its content curriculum:

(a) the historical study of religion;

(b) the cultural study of religion; and

(c) a literary study of writings, documents, or records relating to various religions, including the study of the Christian Bible.

(2) The curriculum described in item (1) must be neutral, objective, and balanced. It may not encourage or promote acceptance of any particular religion.

(3) In addition to the provisions of item (1), a school district may require the teaching of various theories concerning the origin of life, including creation science as part of the course content.

(B)(1) When the parent of a student who is enrolled in a public school makes a written request, the principal of the school in which the student is enrolled may allow the student to attend a school for religious instruction that is conducted by a church, an association of churches, or an association that is organized for religious instruction and incorporated under the laws of this State.

(2) If a principal grants permission under item (1), the principal shall specify a period or periods, not to exceed one hundred twenty minutes in total in any week, for the student to receive religious instruction. The permission is valid only for the year in which it is granted. Decisions made by a principal under this section may be reviewed by the district superintendent.

(C) A school for religious instruction that receives students under this section:

(1) shall maintain attendance records and allow inspection of these records by attendance officers; and

(2) may not be supported, in whole or in part, by public funds.

(D) A student who attends a school for religious instruction under this section must receive the same attendance credit that the student would receive for attendance in the public schools for the same length of time.

(E) A public secondary school may award academic credit to a student who attends religious instruction under this section if the school district adopts a policy that allows the awarding of credit. A policy adopted under this subsection must provide:

(1) classes in religious instruction are evaluated on the basis of purely secular criteria in substantially the same manner as similar classes taken by a student at a nonpublic secondary school who transfers to a public secondary school are evaluated to determine whether the student receives transfer credit for the classes. Secular criteria may include the following in addition to other secular criteria established by the district:

(a) the number of hours of classroom instructional time;

(b) a review of the course syllabus that reflects the course requirements and materials;

(c) methods of assessment used in the course; and

(d) whether the course is taught by a teacher licensed in this State.

(2) The decision of whether to award academic credit is neutral as to, and does not involve any test for, religious content or denominational affiliation. A student may be awarded a total of no more than two elective academic units under this subsection.”

SECTION 3. Section 59‑1‑320 of the 1976 Code is amended to read:

“Section 59‑1‑320. (A) The State Board of Education shall make such rules and regulations~~,~~:

(1) ~~not inconsistent with the National Flag Code,~~ for the display of the flag of the United States of America and for the display of the flag of the State at public schools~~. The person at the head of any public school in the State shall display the flag of the United States and the flag of the State at such times and at such places under such restrictions and rules as may be adopted by the State Board of Education~~, not inconsistent with the National Flag Code; and

(2) the motto of the United States, ‘In God We Trust’.

(B) Subject to subsection (C) and rules and regulations of the State Board of Education created pursuant to subsection (A), each school district and charter school shall place in each classroom and library durable posters or framed pictures representing the national motto and the flags of this State and the United States.

(C) The durable posters or framed pictures described in subsection (B) must be at least eleven inches in height by seventeen inches in width. The dimensions of the national motto, United States flag, and South Carolina state flag described in subsection (A) must be as follows:

(1) the national motto described in subsection (A)(1) must be at least four inches in height by fifteen inches in width and include print large enough to fill the dimensions established by this section; and

(2) each of the flags described in subsection (A)(2) must be at least five inches in height by five inches in width.

(D) The durable poster or framed picture described in subsection (A) may be acquired by:

(1) donation to the school district or charter school;

(2) purchase with funds made available to the school district or charter school through voluntary contributions; or

(3) purchase directly by the school district or charter school.”

SECTION 4. This act takes effect upon approval by the Governor.

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