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**H. 3758**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Mitchell and Yow

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Summary: Student expression of religious viewpoints

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/15/2025 House Introduced and read first time (House Journal‑page 56)

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**VERSIONS OF THIS BILL**

[01/15/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3758_20250115.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-1-435, RELATING TO THE RELIGIOUS VIEWPOINTS ANTIDISCRIMINATION ACT, SO AS TO PROVIDE SCHOOL DISTRICTS SHALL ADOPT AND IMPLEMENT CERTAIN POLICIES CONCERNING LIMITED PUBLIC FORUMS AND VOLUNTARY STUDENT EXPRESSION OF RELIGIOUS VIEWPOINTS before the 2026-2027 school year, AND TO PROVIDE A MODEL POLICY THAT SCHOOLS MAY ADOPT AND IMPLEMENT TO ENSURE COMPLIANCE WITH THESE POLICY REQUIREMENTS.

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

SECTION 1. Section 59-1-435 of the S.C. Code is amended to read:

 Section 59-1-435. (A) This section may be cited as the “Religious Viewpoints Antidiscrimination Act.”

 (B) As used in this section, “discriminate” means to make a distinction in favor of or against a person on the basis of the group, class, or category to which the person belongs, rather than according to actual merit.

 (C)(B) A school district shall treat a student’s voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student’s voluntary expression of a secular or other viewpoint on an otherwise permissible subject and must not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

 (C)(1) To ensure that the school district does not discriminate against a student’s publicly stated voluntary expression of a religious viewpoint, if any, and to eliminate any actual or perceived affirmative school sponsorship or attribution to the district of a student’s expression of a religious viewpoint, if any, a school district shall adopt a policy which must include the establishment of a limited public forum for student speakers at all school events at which a student is to publicly speak. This policy must be adopted and implemented before the beginning of the 2026-2027 School Year. The policy regarding the limited public forum must also require the school district to:

 (a) provide the forum in a manner that does not discriminate against a student’s voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject;

 (b) provide a method, based on neutral criteria, for the selection of student speakers at school events and graduation ceremonies;

 (c) ensure that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech; and

 (d) state, in writing, orally, or both, that the student’s speech does not reflect the endorsement, sponsorship, position, or expression of the district.

 (2) The school district disclaimer required by subsection (G)(7) must be provided at all graduation ceremonies. The school district must also continue to provide the disclaimer at any other event in which a student speaks publicly for as long as a need exists to dispel confusion over the district’s nonsponsorship of the student’s speech.

 (3) Student expression on an otherwise permissible subject may not be excluded from the limited public forum because the subject is expressed from a religious viewpoint.

 (D) A student may express his beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of his submission. Homework and classroom assignments must be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school district. A student may not be penalized or rewarded based on the religious content of his work.

 (E) Students may organize prayer groups, religious clubs, “see you at the pole” gatherings, or other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups must be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the religious content of the students' expression. If student groups that meet for nonreligious activities are permitted to advertise or announce meetings of the groups, the school district must not discriminate against groups that meet for prayer or other religious speech. A school district may disclaim school sponsorship of noncurricular groups and events in a manner that neither favors nor disfavors groups that meet to engage in prayer or religious speech.

 (F) Before the start of the 2026-2027 School Year, each school district shall adopt and implement a local policy regarding a limited public forum and voluntary student expression of religious viewpoints. If a school district voluntarily adopts and follows the model policy governing voluntary religious expression in public schools as provided in subsection (G), the district is in compliance with the provisions of this subchapter covered by the model policy.

 (G) As used in this section:

 (1) “discriminate” means to make a distinction in favor of or against a person on the basis of the group, class, or category to which the person belongs, rather than according to actual merit.

 (2) “model policy” means a local policy adopted by the school district that is substantially identical to the following:

 (a) The school district shall treat a student’s voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student’s voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

 (b) The school district hereby creates a limited public forum for student speakers at all school events at which a student is to publicly speak. For each speaker, the district shall set a maximum time limit reasonable and appropriate to the occasion. Student speakers shall introduce:

 (i) football games;

 (ii) any other athletic events designated by the district;

 (iii) opening announcements and greetings for the school day; and

 (iv) any additional events designated by the district, which may include, without limitation, assemblies and pep rallies.

 (3) The forum shall be limited in the manner provided by this article.

 (4) Only those students in the highest two grade levels of the school and who hold one of the following positions of honor based on neutral criteria are eligible to use the limited public forum: student council officers, class officers of the highest grade level in the school, captains of the football team, and other students holding positions of honor as the school district may designate.

 (5) An eligible student shall be notified of the student’s eligibility, and a student who wishes to participate as an introducing speaker shall submit the student’s name to the student council or other designated body during an announced period of not less than three days. The announced period may be at the beginning of the school year, at the end of the preceding school year so student speakers are in place for the new year, or, if the selection process will be repeated each semester, at the beginning of each semester or at the end of the preceding semester so speakers are in place for the next semester. The names of the volunteering student speakers shall be randomly drawn until all names have been selected, and the names shall be listed in the order drawn. Each selected student will be matched chronologically to the event for which the student will be giving the introduction. Each student may speak for one week at a time for all introductions of events that week, or rotate after each speaking event, or otherwise as determined by the district. The list of student speakers shall be chronologically repeated as needed, in the same order. The district may repeat the selection process each semester rather than once a year.

 (6) The subject of the student introductions must be related to the purpose of the event and to the purpose of marking the opening of the event, honoring the occasion, the participants, and those in attendance, bringing the audience to order, and focusing the audience on the purpose of the event. The subject must be designated, a student must stay on the subject, and the student may not engage in obscene, vulgar, offensively lewd, or indecent speech. The school district shall treat a student’s voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student’s voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

 (7) For as long as there is a need to dispel confusion over the nonsponsorship of the student’s speech, at each event in which a student will deliver an introduction, a disclaimer shall be stated in written or oral form, or both, such as, “The student giving the introduction for this event is a volunteering student selected on neutral criteria to introduce the event. The content of the introduction is the private expression of the student and does not reflect the endorsement, sponsorship, position, or expression of the school district.”

 (8) Certain students who have attained special positions of honor in the school have traditionally addressed school audiences from time to time as a tangential component of their achieved positions of honor, such as the captains of various sports teams, student council officers, class officers, homecoming kings and queens, prom kings and queens, and the like, and have attained their positions based on neutral criteria. Nothing in this policy eliminates the continuation of the practice of having these students, irrespective of grade level, address school audiences in the normal course of their respective positions. The school district shall create a limited public forum for the speakers and shall treat a student’s voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student’s voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

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

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