**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4707**

**STATUS INFORMATION**

General Bill

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

Summary: School board review of curriculum

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/14/2023 House Prefiled

 12/14/2023 House Referred to Committee on **Education and Public Works**

 1/9/2024 House Introduced and read first time (House Journal‑page 129)

 1/9/2024 House Referred to Committee on **Education and Public Works** (House Journal‑page 129)

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**VERSIONS OF THIS BILL**

[12/14/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4707_20231214.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-1-430 SO AS TO ESTABLISH STATEWIDE POLICIES CONCERNING SEX IDENTIFICATION AND PERSONAL PRONOUN USAGES IN K-12 PUBLIC SCHOOLS, TO PROVIDE RELATED RIGHTS OF SCHOOL EMPLOYEES, CONTRACTORS, AND STUDENTS CONCERNING PERSONAL PRONOUN USE THAT DOES NOT CORRESPOND TO THE SEX OF A PERSON, AND TO PROVIDE DEFINITIONS; BY AMENDING SECTION 59-32-30, RELATING TO IMPLEMENTATION OF THE COMPREHENSIVE HEALTH EDUCATION PROGRAM, SO AS TO impose related REQUIREMENTS FOR THE CLASSIFICATION OF MALES AND FEMALES IN THE COMPREHENSIVE HEALTH EDUCATION PROGRAM, AMONG OTHER THINGS; AND BY AMENDING SECTION 59-31-610, RELATING TO PUBLIC REVIEW AND HEARINGS CONCERNING INSTRUCTIONAL MATERIALS PENDING ADOPTION BY THE STATE BOARD OF EDUCATION, SO AS TO IMPOSE RELATED REQUIREMENTS ON SCHOOL DISTRICTS, TO PROVIDE PUBLIC COMMENT MUST BE ALLOWED in PUBLIC MEETINGS, TO PROVIDE MATERIAL ADOPTED IN VIOLATION OF THESE PROVISIONS IS VOID AND PROHIBITED FOR USE IN PUBLIC SCHOOLS, AND TO PROVIDE POLICIES AND PROCEDURES CONCERNING OBJECTIONS TO PROPOSED MATERIALS.

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

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

 Section 59-1-430. (A) It must be the policy of every public K-12 educational institution that is provided in this State that the sex of a person is an immutable biological trait and that it is false to ascribe to a person a pronoun that does not correspond to such person’s sex. This section does not apply to individuals born with a genetically or biochemically verifiable disorder of sex development, including, but not limited to:

 (1) 46, XX disorder of sex development;

 (2) 46, XY disorder of sex development;

 (3) sex chromosome disorder of sex development;

 (4) XX or XY sex reversal; and

 (5) ovotesticular disorder.

 (B) An employee, contractor, or student of a public K-12 educational institution may not be required, as a condition of employment or enrollment or participation in any program, to refer to another person using that person’s preferred personal title or pronouns if the personal title or pronouns do not correspond to that person’s sex.

 (C) An employee or contractor of a public K-12 educational institution may not provide to a student his or her preferred personal title or pronouns if such preferred personal title or pronouns do not correspond to his or her sex.

 (D) A student may not be asked by an employee or contractor of a public K-12 educational institution to provide his or her preferred personal title or pronouns or be penalized or subjected to adverse or discriminatory treatment for not providing his or her preferred personal title or pronouns.

 (E) For purposes of this section “sex” means the classification of a person as either female or male based on the organization of the body of the person for a specific reproductive role, as indicated by the person’s sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth.

 (F) The State Board of Education may adopt rules to administer this section.

SECTION 2. Section 59-32-30 of the S.C. Code is amended by adding:

 (H) The program of instruction provided in this section:

 (1) must classify males and females as provided in Section 59-1-430(E) and teach that:

 (a) biological males impregnate biological females by fertilizing the female egg with male sperm;

 (b) the female then gestates the offspring; and

 (c) these reproductive roles are binary, stable, and unchangeable.

SECTION 3. Section 59-31-610 of the S.C. Code is amended to read:

 Section 59-31-610. (A) The State Superintendent of Education and each school district shall make arrangements for a thirty-day public review of materials recommended by the instructional materials review panels or library committee prior to 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 as may agree to host the reviews. Public review sites shall be advertised in each congressional district in the newspaper with the largest circulation figures for that district. School districts likewise shall adopt a similar thirty-day public review of materials that the districts seek to select of instructional or library use.

 (B) The State Board shall hold a public hearing before adopting any textbook, library book, or instructional material for use in the schools of this State. Public comment must be allowed at this meeting. Failure to comply with the provisions of this subsection renders the adoption void and the improperly adopted material is prohibited for use in public schools.

 (C) The State Board of Education and each school district or charter school shall adopt a policy and related procedures regarding an objection by a parent or a resident of the county to the use of a specific textbook, curriculum, or library material. The policy clearly must describe a process to handle all objections and provide for resolution, and include an appeals process from decisions made by the State Board or a district. The objection form, which the State Board of Education shall establish by rule, and the district school board’s process must be easy to read and understand and be easily accessible on the homepage of the school district’s website. The objection form must also identify the school district point of contact and contact information for the submission of an objection. The process must provide the parent or resident the opportunity to proffer evidence to the district school board that:

 (1) an instructional material does not meet the criteria of this chapter if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures the provisions of this section or another provision of this title; and

 (2) any material used in a classroom, made available in a school or classroom library, or included on a reading list contains content that:

 (a) is pornographic or prohibited;

 (b) depicts or describes sexual conduct; or

 (c) violates another provision of this title.

 (D) Any material that is subject to an objection on the basis of this section must be removed within five school days of receipt of the objection and remain unavailable to students at that school until the objection is resolved. Parents have the right to read any passages from any material that is subject to an objection. The school district shall discontinue the use of the material if the district board:

 (1) denies a parent the right to read passages due to content that meets the requirements under subsection (C)(2)(a);

 (2) finds that any material which does not meet the requirements of the public notice, review, and comment provisions of this section; and

 (3) finds that any other material contains prohibited content under subsection (C).

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

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