COMMITTEE REPORT

April 14, 2016

**H. 3848**

Introduced by Reps. Huggins, J.E. Smith, McKnight, Jefferson, Hosey, Atwater, Toole, Burns, Herbkersman, Ridgeway, Simrill, Kennedy, Ballentine and Henegan

S. Printed 4/14/16--S.

Read the first time March 16, 2016.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (H. 3848) to amend the Code of Laws of South Carolina, 1976, so as to enact the “South Carolina Founding Principles Act” by adding Section 59‑29‑155 so, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, SECTION 3, by deleting the SECTION in its entirety and inserting:

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

Renumber sections to conform.

Amend title to conform.

JOHN E. COURSON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill, as amended, would have no expenditure impact to the general fund, federal funds, and other funds.

**Explanation of Fiscal Impact**

**Explanation of Bill as Amended by the House of Representatives on March 15, 2016**

**State Expenditure**

The bill, as amended, would require the State Board of Education and the Education Oversight Committee to incorporate instruction of the founding principles into the required study of the United States Constitution and the South Carolina Social Studies standards upon the next cyclical review. The bill also requires the Department of Education to submit biennial reports on the implementation of this section to the Senate Education Committee and House Education and Public Works Committee.

The State Department of Education indicates the bill, as amended, would have no expenditure impact on the general fund, federal funds, and other funds.

**Explanation of Bill as Filed on March 17, 2015**

**State Expenditure**

The bill would enact the South Carolina Founding Principles Act which would require the local school districts to teach a full semester course in high school on the Founding Principles of the United States of America. The bill requires the State Department of Education to include questions related to the philosophical foundations of our form of government and the principles underlying the Declaration of Independence, the United States Constitution, and the Federalist Papers on high school level curriculum-based tests.

The State Department of Education indicates the Education Associates for Social Studies will provide professional learning opportunities to teachers and district leaders. The training would be a minimal expenditure impact to the agency which can be absorbed within existing appropriations. This bill would have no expenditure impact to the general fund, federal funds, and other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA FOUNDING PRINCIPLES ACT” BY ADDING SECTION 59‑29‑155 SO AS TO REQUIRE THE COMPLETION OF A SEPARATE, FULL SEMESTER COURSE CONSISTING ONLY OF INSTRUCTION IN CERTAIN FOUNDING PRINCIPLES OF THE UNITED STATES OF AMERICA, TO REQUIRE A PASSING GRADE IN THE COURSE AND ON THE NATURALIZATION TEST FOR UNITED STATES CITIZENSHIP AS A CONDITION FOR GRADUATION FROM HIGH SCHOOL, AND TO PROVIDE RELATED REQUIREMENTS OF THE STATE BOARD OF EDUCATION AND THE LOCAL SCHOOL DISTRICTS.

Whereas, the United States of America is currently celebrating the 239th year of its independence and the 228th year of its people living free under the United States Constitution, the greatest governing principles ever written; and

Whereas, it is the obligation and responsibility of every United States citizen to understand the importance of the Declaration of Independence, the Constitution, the Federalist Papers, and other documents that set forth and explain the principles of federalism, a governing system whereby the states and the federal government share responsibility for governing, and understand the rights of the people to private property, due process, and other inalienable rights; and

Whereas, the Tenth Amendment to the United States Constitution provides that “[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the State respectively, or to the people”; and

Whereas, the preservation of our great nation depends on strict adherence to the Tenth Amendment and other principles that protect the states and the people from overzealous acts of all branches of the federal government; and

Whereas, many preeminent legal scholars and jurists, including Justice Sandra Day O’Connor, have observed that “Congress will nibble away at state sovereignty, bit by bit, until someday essentially nothing is left but a gutted shell”; and

Whereas, understanding the proper role and the limitations of government have been a recurring issue for our courts throughout the history of our nation; and

Whereas, every state has constitutional requirements for the education of the children of the state; and

Whereas, many states recognize the importance of complying with its constitutional mandate of education by enacting laws that require graduating students to have a working knowledge of this country’s Founding Principles; and

Whereas, as stated by Patrick Henry, “No free government, or the blessings of liberty, can be preserved to any people [but] by a frequent recurrence to fundamental principles”; and

Whereas, educating our children on the Founding Principles of our nation is crucial to the continuance of our free Republic. Now, therefore,

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

SECTION 1. This act is known and may be cited as the “South Carolina Founding Principles Act”.

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

“Section 59‑29‑155. (A) The State Board of Education and Education Oversight Committee shall incorporate instruction on the founding principles that shaped the United States into the required study of the United States Constitution as provided in Section 59-29-120, and the South Carolina Social Studies Standards upon the next cyclical review. The board and committee shall include, at a minimum, the Federalist Papers and instruction on the structure of government and the role of the separation of powers and the freedoms guaranteed by the Bill of Rights to the United States Constitution.

(B) The State Department of Education biennially shall submit a report by October fifteenth of each odd-numbered year, commencing in 2017, to the Senate Education Committee and the House Education and Public Works Committee documenting the implementation of this section.

(C) The State Department of Education shall make available professional development opportunities to teachers regarding subsection (A) by physical or electronic means.”

SECTION 3. This act takes effect upon approval by the Governor and applies at the beginning of the 2016‑2017 school year.

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