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Summary: Parental Rights in Education

**HISTORY OF LEGISLATIVE ACTIONS**

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 1/16/2025 Senate Referred to Committee on **Education** (Senate Journal‑page 13)

 1/28/2025 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[01/16/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/243_20250116.docx)

[01/28/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/243_20250128.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE “PARENTAL RIGHTS IN EDUCATION ACT”; BY ADDING ARTICLE 3 TO CHAPTER 28, TITLE 59, SO AS TO RECOGNIZE THAT PARENTS HAVE THE ULTIMATE RESPONSIBILITY TO DIRECT THE UPBRINGING, EDUCATION, HEALTHCARE, AND MENTAL HEALTH OF THEIR CHILDREN, TO PROHIBIT THE STATE FROM SUBSTANTIALLY BURDENING THOSE PARENTAL RIGHTS, TO REQUIRE THE STATE TO OBTAIN PARENTAL CONSENT IN CERTAIN CIRCUMSTANCES, TO CREATE A CAUSE OF ACTION FOR VIOLATION OF THE CHAPTER, AND TO PROVIDE NECESSARY DEFINITIONS; AND TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 28, TITLE 59, AS ARTICLE 1 ENTITLED “GENERAL PROVISIONS.”

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

SECTION 1. This act may be cited as the “Parental Rights in Education Act”.

SECTION 2. Chapter 28, Title 59 of the S.C. Code is amended by adding:

Article 3

Parental Rights in Education

 Section 59‑28‑310. For the purposes of this article:

 (1) “Child” means an unemancipated individual who has not attained eighteen years of age.

 (2) “Curriculum” includes all textbooks, handouts, videos, software, questionnaires, surveys, or other written or electronic materials used to instruct students in a class or course.

 (3) “Decision‑making authority” means the power to make important decisions regarding a child, including decisions regarding the child’s education, religious training, healthcare, extracurricular activities, and travel.

 (4) “Educational records” include attendance records, test scores of school‑administered tests and statewide assessments, grades, extracurricular activity or club participation, email accounts, online or virtual accounts or data, disciplinary records, counseling records, psychological records, applications for admission, medical records, immunization information, teacher and counselor evaluations, and reports of behavioral patterns.

 (5) “Local Education Agency” or “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.

 (6) “Parent” means:

 (a) a biological parent, adoptive parent, or person with legal custody, excluding an individual whose parental relationship to the child has been legally terminated; or

 (b) an individual who has been delegated decision‑making authority of a child by court order or by a person identified in subitem (a).

 (7) “State” means the State of South Carolina, any school district in this State, and any political subdivision of the State and includes a branch, department, agency, board, commission, instrumentality, entity, or officer, employee, official of the State, school district, or a political subdivision of the State, or any other person acting under color of law.

 Section 59‑28‑320. (A) The State shall not substantially burden the fundamental right of a parent to direct the upbringing, education, healthcare, and mental health of that parent’s child unless the State demonstrates that application of the burden to the parent is in furtherance of a compelling state interest and is the least restrictive means of furthering that compelling state interest.

 (B) All parental rights are exclusively reserved to a parent of a child without obstruction by or interference from the State including, without limitation, the following rights and responsibilities:

 (1) to direct the upbringing of the child;

 (2) to direct the moral or religious training of the child;

 (3) to make and consent to all physical and mental healthcare decisions for the child;

 (4) to access and review all health and medical records of the child;

 (5) to direct the education of the child, including the right to choose public, private, religious, or home schools, and the right to make reasonable choices within public schools for the education of the child;

 (6) to access and review all written and electronic educational records relating to the child that are controlled by or in possession of a school;

 (7) to have the child excused from school attendance for religious purposes;

 (8) to participate in parent‑teacher organizations or school organizations that are sanctioned by the school district;

 (9) to be notified promptly if an employee of the State reasonably believes that abuse, neglect, exploitation, or any criminal offense has been committed against the child by someone other than the parent, unless doing so would interfere with a criminal or Department of Social Services investigation;

 (10) to consent before a biometric scan of the child is made, shared, or stored;

 (11) to consent before any record of the child’s blood or deoxyribonucleic acid (DNA) is created, stored, or shared, unless authorized pursuant to a court order; and

 (12) to consent before any governmental entity makes a video or voice recording of the child, unless the video or voice recording is made during or as a part of:

 (a) a court proceeding;

 (b) a law enforcement investigation;

 (c) a forensic interview in a criminal or Department of Child Services investigation;

 (d) the security or surveillance of buildings or grounds;

 (e) a photo identification card; or

 (f) a public event where the child has no reasonable expectation of privacy.

 (C) This section does not authorize or allow a parent to abuse or neglect a child as defined in Section 63‑7‑20. This section does not apply to a parental action or decision that would end life. The provisions of this section do not apply to an abortion, which shall be governed by Chapter 41, Title 44. This section does not prohibit a court from issuing an order that is otherwise permitted by law.

 (D) No employee of this State, except for authorized law enforcement officers or agents, may encourage or coerce a child to withhold information from the child’s parent. Nor may any such employee withhold from a child’s parent information that relates to the child’s education or is relevant to the physical, emotional, or mental health of the child.

 (E) A parent may assert a violation of this section as a claim or defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive relief, declaratory relief, attorney’s fees, court costs, and any other appropriate relief.

 (1) A parent is required to bring a claim for a violation of this section no later than three years after the day the cause of action accrues.

 (2) An award of noneconomic damages may not exceed one hundred thousand dollars for each claimant unless the jury or court determines that the defendant was grossly negligent, wilful, wanton, or reckless, and such conduct was the proximate cause of the claimant’s noneconomic damages, or if the defendant has engaged in fraud or misrepresentation related to the claim, or if the defendant altered or destroyed medical records with the purpose of avoiding a claim or liability to the claimant.

 (3) The provisions of this section do not limit the amount of compensation for economic damages suffered by a claimant.

 (F) The Attorney General may bring an action to enforce compliance with this article. Nothing in this section may be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the State, or any agency, officer, or employee of the State to institute or intervene in any proceeding.

 Section 59‑28‑330. (A) Each LEA, in consultation with parents, teachers, and administrators, shall develop and adopt a policy to promote the involvement of parents of children enrolled in the LEA, including:

 (1) a plan for parent participation in the schools which is designed to improve parent and teacher cooperation in such areas as homework, attendance, and discipline;

 (2) procedures by which a parent may learn about the course of study for that parent’s child and review all curriculum, and these procedures must allow a parent to:

 (a) review all curriculum for each class or course offered by the school and any teacher‑training materials either by posting the curriculum and materials on a publicly available website or by viewing the materials in‑person during regular hours of operation of the school or by special appointment;

 (b) copy and record information from the curriculum and teacher‑training materials at cost if the curriculum and materials are not posted on a publicly available website; and

 (c) meet with the teacher of the class or course, the principal, or another representative from the school to discuss the curriculum and teacher‑training materials;

 (3) procedures by which a parent may learn about the nature and purpose of clubs and extracurricular activities that have been approved by the school and may withdraw that parent’s child from any club or extracurricular to which the parent objects;

 (4) procedures to notify a parent at least five days in advance and obtain the parent’s consent before the parent’s child attends any instruction or presentation that has the goal or purpose of studying, exploring, or informing students about gender roles or stereotypes, gender identity, gender expression, or sexual orientation; and

 (5) procedures by which a parent who objects to any specific instruction or presentation on the basis that it is harmful may withdraw that parent’s child from the instruction or presentation. Objection to a specific instruction or presentation on the basis that it is harmful includes, but it is not limited to, objection to a material or activity because it questions beliefs or practices regarding sex, morality, or religion.

 (B) A parent may have access to all written and electronic records concerning the parent’s child that are controlled by or in the possession of a school district, district employee, or any person or organization hired, contracted, or authorized by the school district to provide services to students.

 (C) A parent may submit a written complaint detailing any violation of this section to the governing board of the LEA. The board shall appoint a committee to investigate any such complaints. The committee shall meet with the parent to discuss the complaint. Within thirty days after receiving the complaint, the committee shall submit a recommended response and proposed steps to remedy the complaint to the board for action by the board at its next regularly scheduled meeting.

 (D) If the board’s action does not remedy a complaint, then a parent has a private cause of action against the LEA for any violation of this article. An action under this article may be commenced, and relief may be granted, regardless of whether the person commencing the action has sought or exhausted available administrative remedies. A parent who successfully asserts a claim against the LEA under this article may recover declaratory relief, injunctive relief, and reasonable attorney’s fees and costs.

 (E) The Attorney General may bring an action to enforce compliance with this section. Nothing in this section may be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the State, or any agency, officer, or employee of the State to institute or intervene in any proceeding.

SECTION 3. The existing provisions of Chapter 28, Title 59 are designated Article 1, “General Provisions.”

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

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