

H. 4605 General Bill - Freedom from Ideological Coercion and Indoctrination

Sponsors: Reps. Bennett, Burns, Forrest, Bustos, Taylor, Jones and McCravy

A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION [59-29-12](#) SO AS TO PROTECT THE DIGNITY AND RIGHTS OF ALL INDIVIDUALS TO BE FREE FROM IDEOLOGICAL COERCION AND INDOCTRINATION IN PLACES OF LEARNING, CHILDCARE, AND EMPLOYMENT THAT RECEIVE, OR BENEFIT FROM, STATE FUNDS OR ACCOMMODATIONS, DIRECTLY OR INDIRECTLY.

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

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

"Section [59-29-12](#). (A)(1) It is the intent of the General Assembly that educators, administrators, students, childcare providers, employers, and employees:

- (a) respect the dignity of individuals;
- (b) refrain from judging, stereotyping, or scapegoating others based on personal or group characteristics or political and religious beliefs;
- (c) acknowledge the right of others to express differing opinions; and
- (d) foster and defend intellectual honesty, freedom of inquiry, and instruction.

(2) The General Assembly hereby affirms that under the principles enshrined in the Declaration of Independence, United States Constitution, Civil Rights Act of 1964, Constitution of South Carolina, 1895, and Human Affairs Law found in Chapter 13, Title 1, all individuals in places of learning, employment, and childcare have:

- (a) a right to be treated equally as individuals, without being the subjects of, or being compelled to affirm or participate in, stereotyping or scapegoating others based on personal or group characteristics or beliefs; and
- (b) in a learning environment, whether as a child or adult, a right to:
 - (i) be presented with instruction that is intellectually honest, placed in historical context, and grounded in verifiable facts;

(ii) have freedom to express differing opinions, especially on controversial topics, without penalty or marginalization; and

(iii) have freedom of inquiry, freedom of speech, freedom from compelled speech, and freedom of association.

(B) For purposes of this section:

(1) 'Place of learning' means a public or private elementary, middle, secondary, or postsecondary school in this State.

(2) 'State-funded entity' means an entity that directly, indirectly, in whole, or in part, receives state funds or grants or benefits from state tax exemptions or nonprofit status, including:

(a) public, charter, or private schools;

(b) public or private institutions of higher learning;

(c) preschool and childcare providers;

(d) public and private institutions;

(e) state and local governments;

(f) businesses;

(g) not-for-profit organizations; and

(h) contractors, subcontractors, consultants, subconsultants, vendors, and labor unions directly or indirectly performing state-funded contracts.

(C) In accordance with subsection (A), the following discriminatory concepts are inherently discriminatory and violate the rights of individuals in a free and egalitarian society enumerated in subsection (A)(2):

(1) one race or sex is inherently superior or inferior to another race or sex;

(2) a group or an individual, by virtue of his or her race, ethnicity, sex, sexual orientation, national origin, heritage, culture, religion, or political belief is inherently racist, sexist, bigoted, ignorant, biased, fragile, oppressive, or contributive to any oppression, whether consciously or unconsciously;

(3) an individual or group should receive adverse treatment, receive favorable treatment, or be discriminated against solely or partly because of his or her race, ethnicity, sex, sexual orientation, national origin, heritage, culture, religion, or political belief;

(4) members of one race, sex, or ethnicity cannot and should not attempt to treat, relate to, advise, or instruct others without respect to race, sex, ethnicity, or culture, or that individuals should be separated in accordance with race or ethnicity for purposes of employment, instruction, training, living arrangements, or any other activities;

(5) an individual's moral character, value, or status, whether wholly or partly, is necessarily determined by his or her race, ethnicity, sex, sexual orientation, national origin, heritage, culture, religion, or political belief;

(6) an individual, by virtue of his or her race, sex, ethnicity, or heritage, bears responsibility, or must confess or atone for actions committed in the past by other members of the same race, sex, or ethnic group;

(7) an individual should feel discomfort, guilt, anguish, or any other form of psychological distress because of his or her race, ethnicity, sex, sexual orientation, national origin, heritage, culture, religion, or political belief;

(8) meritocracy or traits and behaviors such as a hard work ethic, punctuality, use of standard English language are racist or sexist, or were created by a particular race or group to oppress another race or group;

(9) an individual must be compelled to affirm, accept, adopt, or adhere to particular language usage or definitions not universally accepted, or to controversial and theoretical concepts, such as:

(a) the existence of genders other than male and female and gender fluidity;

(b) nonbinary pronouns, honorifics, or related speech;

(c) unconscious or implicit bias; or

(d) that race and sex are social constructs.

(D) A state-funded entity may not:

(1) promote, engage, or treat individuals in accordance with the discriminatory concepts of subsection (C);

(2) direct or otherwise compel individuals to personally affirm, accept, adopt, or adhere to the discriminatory concepts of subsection (C), regardless of whether the individuals are students, children in preschool or childcare, or employees;

(3) subject individuals to, or require completion of instruction, presentations, discussions, or counseling that affirms or promotes the discriminatory concepts of subsection (C), regardless of whether the instruction, presentation, discussion, or counseling is part of a lesson, assigned

or suggested materials made available in any format or setting, or workplace training conducted on premises, remotely, or by a third party;

(4) subject minors under the age of eighteen to instruction, presentations, discussions, counseling, or materials in any medium that involve the following controversial and age-inappropriate topics, which are reserved for parents and legal guardians to discuss with and explain to their children in accordance with their family values:

- (a) sexual lifestyles, acts, or practices;
- (b) gender identity or lifestyles; or
- (c) pornographic, lewd, explicit, profane, or similarly age-inappropriate materials; or

(5) conduct instruction of students in any place of learning or preschool or childcare in a manner that:

- (a) repeatedly distorts or misrepresents verifiable historical facts;
- (b) omits relevant and important context;
- (c) encourages, pressures, or coerces students into accepting or affirming a particular ideology or political belief;
- (d) advertises or promotes ideologies or sociopolitical causes or organizations;
- (e) interjects the instructor's personal views;
- (f) advocates for, or denigrates certain students or their views;
- (g) penalizes or marginalizes students who express differing opinions; or
- (h) creates an atmosphere hostile to open and respectful inquiry and discussion.

(E)(1) Within thirty days after the effective date of this section, the Attorney General shall establish a public reporting hotline telephone number and email address for receiving reports of violations of this section and promptly shall investigate all reported violations. If a state-funded entity is found to have violated a provision of this section, the entity must lose its state funding, tax exemption status, and any other state-provided accommodation or privilege until it demonstrates compliance to the Attorney General. Funding withheld pursuant to this subsection is forfeited and may not be repaid. The loss of grant money, the incurrence of tax liability, or both, resulting from the loss of tax-exempt status pursuant to this subsection must be prorated and returned by the state-funded entity to the State within six months after the resumption of its tax-exempt status. If a business, contractor, vendor, subconsultant, or subcontractor that directly or indirectly has a state-funded contract is found in violation of the provisions of this section, its

contract is suspended and must be terminated if compliance is not demonstrated within thirty days after receipt of a notice of noncompliance.

(2) Within thirty days after the effective date of this section, a state-funded entity shall:

(a) post a notice of this adopted law at a conspicuous location at the place of business, organization, school, institution, or governmental office where it will be available to all employees, applicants, students, and parents of students;

(b) send an email or letter notification to all of its employees, students, and parents of students with the complete text of this law, and subsequently state-funded entities that are places of learning shall send such a notification within thirty days of the start of every academic year; and

(c) amend its current contracts, subcontracts, and purchase orders with state agencies to include an exhibit with the text of this section and a signed and binding certification that the state-funded entity is in compliance with the provisions of this section. Each state agency shall include such an exhibit of this certification as part of its future state contracts.

(3) Within thirty days after the effective date of this section, the head of each agency, political subdivision, and public school district in this State shall ensure compliance with the provisions of this section within his agency or jurisdiction and submit a formal statement of compliance to the Attorney General.

(4) To ensure transparency, within ninety days after the effective date of this section, every state-funded entity that is a place of learning or preschool readily shall make the full list of classes, books, resources, and materials used for instruction available to the public upon request, whether on its website or as a printed document. This information must remain available for each current academic year and the immediately preceding academic year.

(5) The provisions of this section may not be construed to prohibit or abridge a person's First Amendment rights to the freedom of speech or to the teaching and free exercise of religion."

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

PAID FOR BY THE SOUTH CAROLINA DEMOCRATIC PARTY (SCDP.ORG).
NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE