

South Carolina General Assembly
118th Session, 2009-2010

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Bill 873

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A BILL

TO AMEND ARTICLE 1, CHAPTER 29 OF TITLE 59 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING SUBJECTS OF INSTRUCTION IN THE STATE'S PUBLIC SCHOOLS, BY ADDING SECTION 59-29-15, TO PROVIDE THAT CURRICULUM USED TO TEACH STUDENTS ABOUT THE ORIGINS OF MANKIND MUST MAINTAIN NEUTRALITY BETWEEN RELIGIOUS FAITHS AND BETWEEN RELIGION AND NON-RELIGION, AND TO PROVIDE THAT CURRICULUM THAT DOES NOT MAINTAIN THE REQUIRED NEUTRALITY MUST BE REVISED OR REPLACED AS SOON AS PRACTICABLE.

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

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

"Section 59-29-15. (A) The General Assembly finds:

- (1) that the Fourteenth Amendment to the United States Constitution makes wholly applicable to the states the First Amendment's mandate that Congress shall make no law respecting an establishment of or prohibiting the free expression of religion;
- (2) that the individual freedom of conscience protected by the First Amendment embraces the right to select any religious faith or none at all;
- (3) a proper respect for the First Amendment compels the State to pursue a course of neutrality toward religion, favoring neither one religion over other religions, nor religion over non-religion or the inverse;
- (4) that atheism is a school of thought that takes a position on religion and the existence and importance of a Supreme Being;
- (5) that the United State Supreme Court recognizes atheism as equivalent to a religion for the purposes of the First Amendment; and

(6) that teaching atheism or any of its principals, including, but not limited to, the denial of the existence of a Supreme Being, as a philosophical system of beliefs or in a manner that affirmatively opposes or shows hostility to religion, thus exhibiting a preference for those who believe in no religion over those who hold religious beliefs, violates the First Amendment.

(B) The State Board of Education shall examine all curriculum in use in this State that purports to teach students about the origins of mankind to determine whether the curriculum maintains neutrality toward religion, favoring neither one religion over other religions, nor religion over non-religion, including atheism. Related to non-religion, the examination must include a review as to whether the curriculum contains a sense of affirmatively opposing or showing hostility to religion, thus preferring those who believe in no religion over those who hold religious beliefs. The duty to review curriculum imposed by this section is continuing and must reoccur periodically after the initial review in order to assure compliance with this section.

(C) If the board's examination determines that any curriculum fails to maintain the neutrality required by subsection (B), the offending curriculum must be revised or replaced as soon as practicable, but no later than the beginning of the next academic year.

(D) This section does not prevent classes being taught pursuant to Section 59-29-230."

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

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