



South Carolina Commission on Higher Education

Brig Gen John L. Finan, USAF (Ret.), Chair
Dr. Bettie Rose Horne, Vice Chair
Mr. Paul O. Batson, III
Mr. Tim M. Hofferth
Ms. Dianne C. Kuhl
Ms. Allison Dean Love
Ms. Leah B. Moody
Vice Admiral Charles Munns, USN (ret.)
Mr. Kim F. Phillips
Ms. Terrye C. Seckinger
Dr. Jennifer B. Settlemyer
Mr. Hood Temple

Dr. Richard C. Sutton
Executive Director

March 13, 2015

The Honorable Lawrence K. "Larry" Grooms
The Senate of South Carolina
203 Gressette Building
Columbia, SC 29201
VIA Email and Hand Delivered

Dear Senator Grooms:

Please find enclosed information in response to your request to ascertain the practices of South Carolina's public colleges and universities with respect to compliance with S.C. Code of Laws, as amended, Sections 59-29-120 and 59-29-130.

As you may recall, we had surveyed our institutions regarding their practices with respect to these statutes in January 2014. Upon receipt of your inquiry, we again surveyed our public colleges and universities. The enclosed information was provided by the institutions in response to your inquiry.

Should you have any questions or require additional information regarding this matter, please do not hesitate to contact me or Ms. Julie Carullo (jcarullo@che.sc.gov or 803-727-2292).

Sincerely,

A handwritten signature in cursive script that reads "Richard C. Sutton".

Richard C. Sutton
Executive Director

cc: Chair John Finan and Members of the Commission on Higher Education
SC Public College and Universities
Ms. Julie Carullo

Information collection in response to Legislative Inquiry (Attachment 1)

SC Commission on Higher Education (CHE) Report as of March 13, 2015

Background Information

CHE Surveyed Institutions on compliance with Section 59-29-120 during in late February/early March 2015

SC Code of Laws, as amended, Section 59-29-120 et seq.

The code section §59-29-120 has been in existence since at least the early 1920's and has been amended over the years with the last amendment in 1998. This section and three that follow (Attachment 1) relate to requirements of high schools, colleges, and universities that are sustained or supported in any manner by public funds. The Section requires that such schools and colleges and universities give instruction in the study of the United States Constitution, the Declaration of Independence, and the Federalist Papers, including the study of and devotion to American institutions and ideals. It further requires that students must to pass an examination for graduation upon the provisions and principles of the founding documents and if a citizen of the United States, satisfy the examining power of loyalty thereto. The code section also includes provisions providing direction to elementary, middle and high schools in recognizing November 11 which is a legal holiday in SC to commemorate and honor veterans.

§59-29-130 requires that instruction as directed in §59-29-120 be provided for at least one-year of the high school, college and university grades. Sections 59-29-140 and 150 provide for enforcement under the State Superintendent of Education. It is noted that the CHE was authorized in 1967, so the original statute predates the existence of CHE, the higher education coordinating body in SC. The statute was never amended to include CHE.

CHE staff surveyed institutions during in January of 2014 as a result of a legislative request and again on February 25, 2015, in response to a request of Senator Groom (Attachment 1) to collect information on institutional practices with respect to these statutes (Attachment 2).

Enclosed in Attachment 3 are the responses from the public colleges and universities regarding current activities in complying with §59-29-120 and related statutes.

LAWRENCE K. GROOMS
SENATOR BERKELEY, CHARLESTON COUNTY
SENATORIAL DISTRICT NO. 37



SENATE ADDRESS
GRESSETTE SENATE BLDG.
P.O. BOX 142
COLUMBIA SC 29202
TEL: (803) 212-6400
FAX: (803) 212-6299
EMAIL: LARRYGROOMS@SCSENATE.GOV

February 19, 2015

Dr. Richard C. Sutton
Commission on Higher Education
1122 Lady Street, Suite 300
Columbia, SC 29201

Dear Dr. Sutton:

Act 322 of 1998 relates to the instruction of America's founding documents at South Carolina's public colleges and universities. The intent of the law is to ensure that South Carolina's students understand the exceptional nature of America's foundations and the principles that emanate from our founding documents. Specifically, Section 59-29-120 (A) stipulates:

All high schools, colleges, and universities in this State that are sustained or in any manner supported by public funds shall give instruction in the essentials of the United States Constitution, the Declaration of Independence, and the Federalist Papers, including the study of and devotion to American institutions and ideals, and no student in any such school, college, or university may receive a certificate of graduation without previously passing a satisfactory examination upon the provisions and principles of the United States Constitution, the Declaration of Independence, and the Federalist Papers, and, if a citizen of the United States, satisfying the examining power of his loyalty thereto.

Section 59-29-130 further stipulates that this instruction "shall be given for at least one year..."

I and other lawmakers have deep concerns about whether South Carolina's public colleges and universities are in compliance with this law. I ask that you and your staff ascertain the specific practices that each of South Carolina's public colleges and universities have in place to ensure compliance with this law. Please convey to me your findings.

I look forward to hearing from you. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Grooms", is written over the word "Sincerely,".

Larry Grooms

CC: Board of Commissioners

Excerpt, SC Code of Laws, accessed January 2014, www.scstatehouse.gov

SECTION 59-29-120. Study of United States Constitution requisite for graduation; attendance at veteran's activities.

(A) All high schools, colleges, and universities in this State that are sustained or in any manner supported by public funds shall give instruction in the essentials of the United States Constitution, the Declaration of Independence, and the Federalist Papers, including the study of and devotion to American institutions and ideals, and no student in any such school, college, or university may receive a certificate of graduation without previously passing a satisfactory examination upon the provisions and principles of the United States Constitution, the Declaration of Independence, and the Federalist Papers, and, if a citizen of the United States, satisfying the examining power of his loyalty thereto.

(B) On November eleventh of each year which is a legal holiday in this State as provided by Section 53-5-10 to commemorate and honor veterans, all elementary, middle, and high schools in this State if they are open, shall devote at least one hour of the school day in either classroom instruction or at a student body assembly program to study the United States Constitution and the Declaration of Independence. If any such school is not open on November eleventh, this instruction or assembly program must be given on the day the school is open immediately preceding November eleventh.

(C) On November eleventh of each year, schools may permit students to attend activities to commemorate and honor veterans that are held at locations within their respective counties. The parent of a student seeking to be excused pursuant to this subsection shall provide prior written consent to the appropriate school personnel. Attendance at such activities shall count as a part of the instructional day for purposes of Section 59-1-440.

HISTORY: 1962 Code Section 21-420; 1952 Code Section 21-420; 1942 Code Section 5324; 1932 Code Section 5342; 1924 (33) 1186; 1990 Act No. 318, Section 1; 1998 Act No. 322, Section 1.

SECTION 59-29-130.Duration of instruction in essentials of United States Constitution.

The instruction provided for in Section 59-29-120 shall be given for at least one year of the high school, college and university grades, respectively.

HISTORY: 1962 Code Section 21-421; 1952 Code Section 21-421; 1942 Code Section 5324; 1932 Code Section 5342; 1924 (33) 1186.

SECTION 59-29-140.Enforcement of program of study of United States Constitution by State Superintendent.

The State Superintendent of Education shall make due arrangements for carrying out the provisions of Sections 59-29-120 and 59-29-130. For such purpose the State Superintendent shall prescribe suitable texts adapted to the needs of the high schools, universities and colleges for the instruction required under Sections 59-29-120 and 59-29-130.

HISTORY: 1962 Code Section 21-422; 1952 Code Section 21-422; 1942 Code Section 5324; 1932 Code Section 5342; 1924 (33) 1186.

SECTION 59-29-150.Failure to comply with requirements for program of study of United States Constitution as cause for dismissal.

Willful neglect or failure on the part of any public school superintendent, principal or teacher or the president, teacher or other officer of any high school, normal school, university or college to observe and carry out the requirements of Sections 59-29-120 to 59-29-140 shall be sufficient cause for the dismissal or removal of such person from his position.

HISTORY: 1962 Code Section 21-423; 1952 Code Section 21-423; 1942 Code Section 5324; 1932 Code Section 5342; 1924 (33) 1186.

College of Charleston



March 3, 2015

Dr. Richard C. Sutton
Commission on Higher Education
1122 Lady Street, Suite 300
Columbia, SC 29201

Dear Dr. Sutton:

My letter responds to the recent inquiry of your senior staff regarding the compliance of the College of Charleston with the requirements of Sect. 59-29-120 and Sect. 59-29-130 of the South Carolina Code of Laws. I write to you in my capacity as the Chief Academic Officer for the College.

The College of Charleston's origins predate the existence of the Declaration of Independence, the Federalist Papers, and the Constitution of the United States (hereafter, "founding documents"). While our curricula have changed over the centuries, the members of our faculty have provided instruction in these founding documents to generations of South Carolina students.

At present, the College of Charleston regularly provides instruction in the "essentials" of the Declaration, Federalist Papers, and Constitution, whether in credit-bearing courses (e.g., POLI 101: American Government) or in co-curricular programming. However, as representatives of the College have previously indicated to the Commission on Higher Education, we do not believe the College complies with the statutory requirement that every degree-seeking student must demonstrate knowledge of these essentials through satisfactory performance on an examination. Further, we cannot confirm that such instruction is provided for one year.

Following an examination of the relevant issues, and in consultation with President Glenn McConnell and other College leaders, I am directing that our academic officers and other senior administrators take the necessary steps to bring the College of Charleston into compliance with the terms of Sect. 59-29-120 and Sect. 59-29-130. You may assure members of the legislature that we will achieve full compliance by May 2016.

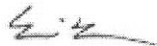
Until May 2016, our students will have access to many opportunities for instruction relevant to the founding documents. For example, in a public lecture on March 26, 2015, I will speak regarding about *Chaplinsky v. New Hampshire*, a 1942 decision of the U.S. Supreme Court, as that case about "fighting words" relates to the First Amendment.

Regarding the statutorily required examination, beginning with the 2016 Spring Semester, it will be my direction that any student applying for graduation from the College of Charleston will have to satisfy the obligations described in Sect. 59-29-120. This obligation will apply to all undergraduate and graduate students earning degrees of any sort, including specialized master's degrees in such majors as accounting, computer science, environmental studies, marine biology, and mathematics. I understand that non-degree and non-credit programs of the College are not covered by the terms of the statute, as students in these programs do not earn certificates of graduation.

Because familiarity with the principles contained in the Declaration, Federalist Papers, and Constitution is a necessary precondition for loyalty to those principles, and because other measures of loyalty pose certain challenges, I believe evidence of such familiarity will meet our institutional obligations under the relevant statutory provision. In considering Sect. 59-29-130, I interpret "one year" to mean instruction offered across the academic year, and suitable instruction will be supplied at the College of Charleston in both the fall and spring semesters of each academic year, beginning with the 2015 Fall Semester.

Should you or any legislator be interested in discussing these statutes, I would welcome the opportunity to do so.

Sincerely,



Brian R. McGee, Ph.D.
Interim Provost and Executive Vice President for Academic Affairs

cc: Glenn F. McConnell, President
Jeri Cabot, Interim Executive Vice President for Student Affairs
Debbie Hammond, Senior Executive Administrator to the President
Academic Deans
Todd Mc Nerney, Associate Professor of Theatre, Speaker of the Faculty
Brett Powell, President, Graduate Student Association
Ryan Spraker, President, Student Government Association