



February 3, 2014

Harris Pastides
President

The Honorable Lawrence K. Grooms
The Senate of South Carolina
Gressette Senate Building
P.O. Box 142
Columbia, SC 29202

Dear Senator Grooms,

Thank you for your recent letter of December 20, 2013 concerning SC statutes § 59-29-120, § 59-29-130, § 50-29-140 and § 59-29-150.

This issue was raised by a student almost one year ago. As a result, university faculty and legal staff have researched the language in these statutes, many of which were first adopted in 1924, in an effort to make their application modern, practical with impediment to a student's timely graduation.

It appears that an update of these statutes is necessary to strike the balance between compliance and application. The University of South Carolina is committed to working with members of the General Assembly on a favorable solution.

Allow me to provide an example, the provision in § 59-29-120 (A) prohibiting a school, college or university from issuing a certificate of graduation to an American citizen student unless satisfied that they are loyal to the United States is problematic. The ambiguity of this provision could lead to varying and subjective determination of a student's loyalty by each individual school, instructor or faculty member. This could potentially generate plaintiff lawsuits in the federal judicial system, the costs of which would ultimately be borne by the taxpayers.

Section § 59-29-130 requires "the instruction provided for in § 59-29-120 shall be given for at least one year of the high school, college and university grades, respectively." This statute would need to be updated to reflect the modern university academic calendar based on semesters, take into account high school AP credits or college transfer credits, exempt graduate students such as medical and law school students, and provide uniform criteria defining successful completion.

Without modernization, the strict application of Section § 59-29-130 would create an academic logjam, delaying a student's timely graduation and burdening the student and parent with additional tuition and costs.

§ 59-29-130 requires "The State Superintendent of Education shall make due arrangements for carrying out the provisions of §§ 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 §§ 59-29-120 and 59-29-130." This statute is archaic and would need to be updated to conform to the current modern State governance and regulatory structure for compliance.

Please know that the University of South Carolina currently honors and teaches about the United States; its history, government, constitution and laws; in ways that best benefits modern undergraduate and graduate students exposure and understanding.

We estimate that about 60 percent of our first-time full-time students take one of three courses (others bring transferable AP credit from high school) in the Constitution, the Declaration of Independence, and the Federalist Papers. These are Political Science 201, History 111, and History 112. To commemorate Constitution Day, an annual event is held for the entire student body to honor the anniversary of its adoption. Students are provided pocket Constitutions, a voter registration drive is conducted, and a complete reading of the Constitution is done, with prizes given in a constitutional knowledge contest.

Also, each Veterans Day the university and students promote and hold programs, events and ceremonies on campus honoring the service and sacrifice of our nation's veterans. These events are attended by students, faculty, staff and the general public. And I am sure you are familiar with the popular half-time salute to our veterans held during a home football game each November.

As for other state research institutions, four-year comprehensives and technical colleges, the Commission on Higher Education may be able to provide information on compliance.

Let me pledge to you, USC is committed to working with the General Assembly on a statutory update and favorable solution.

Thank you for your leadership and continued support.

Sincerely,



Harris Pastides

HP/dho

Attachment: § 59-29-120, § 59-29-130, § 50-29-140 and § 59-29-150.

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

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

SECTION 59-29-130. Duration of instruction in essentials of United States Constitution. [SC ST SEC 59-29-130]

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

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

SECTION 59-29-140. Enforcement of program of study of United States Constitution by State Superintendent. [SC ST SEC 59-29-140]

The State Superintendent of Education shall make due arrangements for carrying out the provisions of §§ 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 §§ 59-29-120 and 59-29-130.

HISTORY: 1962 Code § 21-422; 1952 Code § 21-422; 1942 Code § 5324; 1932 Code § 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. [SC ST SEC 59-29-150]

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 §§ 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 § 21-423; 1952 Code § 21-423; 1942 Code § 5324; 1932 Code § 5342; 1924 (33) 1186.