

# WHAT YOU NEED TO KNOW ABOUT THE CURRICULUM BUDGET PROVISIO 1.82

South Carolina's Budget Proviso 1.82, which is misleadingly labeled "Partisanship Curriculum," prohibits school districts from using Department of Education funds to support instruction, trainings, or pedagogical tools that discuss the vast racial and gender inequalities that persist in society. The proviso has been reauthorized for the past three fiscal cycles, with version 1.82 taking effect July 2023. The proviso has already been used to prohibit access to a book about racial discrimination and to challenge curriculum materials discussing America's history of racial prejudice and white supremacy.

## Who is covered under Budget Proviso 1.82?

K-12 public school districts, public schools, and public school administrators, teachers, staff members, and employees.

## What is banned under Budget Proviso 1.82?

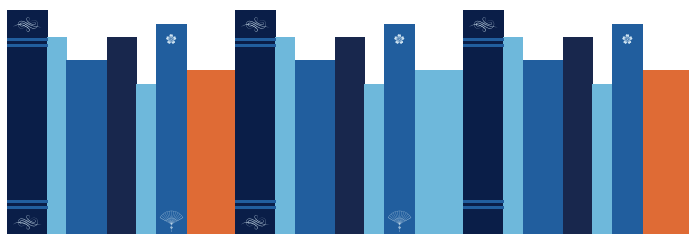
Budget Proviso 1.82 prohibits the following concepts from any educational standards, curricula, lesson plans, textbooks, instructional materials, instructional practices, or trainings:

1. One race or sex is inherently superior to another race or sex.

*For example, Schools and educators may be prohibited from discussing America's history of racial caste and white supremacy.*

2. An individual, by virtue of his race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.

*For example, Reference to "implicit" or "unconscious" bias may be prohibited despite being well-documented in scientific research.*



3. An individual should be discriminated against or receive adverse treatment solely or partly because of his race or sex.

*For example, efforts to advance educational equity for certain students who have been historically disadvantaged may be prohibited.*

4. An individual, by virtue of his race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.

*For example, references to societal privileges and inherent advantages or disadvantages due to one's race or sex may be prohibited.*

5. An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his race or sex.

*For example, educational materials that make someone feel discomfort about American history may be removed from school libraries and classroom discussions.*

6. Fault, blame, or bias should be assigned to a race or sex, or to members of a race or sex because of their race or sex.

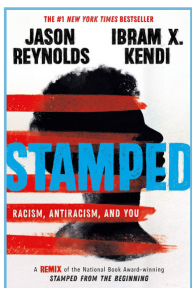
*For example, educators may be prohibited from discussing or even acknowledging the role of white supremacy in slavery, lynchings, and Jim Crow laws.*



Budget Proviso 1.82 includes an exception to its ban on certain instructional concepts if the instruction or materials are professional development training for teachers related to issues of addressing unconscious bias within the context of teaching certain literary or historical concepts or issues related to the impacts of historical or past discriminatory policies.

### How does Budget Proviso 1.82 impact students and educators?

- The budget proviso has already been used to prohibit the access to a book about racial discrimination and to justify lawsuits against school districts that utilize culturally responsive curriculums.



*For example, Stamped: Racism, Anti-Racism, and You, by Ibram X. Kendi and Jason Reynolds, a book exploring racism and antiracism in America has already been banned in at least one South Carolina school district.*

- Other books and instructional materials may also be subject to more intense scrutiny based on the subjective, undefined criteria in the budget proviso.
- Budget Proviso 1.82 also subjects public educators to undue surveillance of their adherence to its curriculum standards by a broader, untrained audience without experience or expertise in educational pedagogy.

### How does this law impact school districts?

- Budget Proviso 1.82 may subject schools to expensive lawsuits for failing to adhere to its vague and unclear educational standards.
  - In November 2022, the South Carolina Freedom Caucus filed lawsuits against the Charleston County School District and Lexington County School District One challenging the alleged teaching of “Critical Race Theory-Derived Ideas.” The challenged “ideas” include optional teacher trainings that instruct “educators to be anti-racist” and to “decenter[] whiteness” in the classroom.
- This proviso may limit and censor free speech and the free exchange of ideas in classrooms, potentially silencing honest discussions of our country’s history and ongoing problems with systemic inequalities.

### What are the restrictions for violating Budget Proviso 1.82?

The state prohibits the use of Department of Education funds for activities and materials that violate the budget proviso.



Contact the Legal Defense Fund, if you have any questions or concerns about the Budget Proviso 1.82:

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