



What You Need to Know About South Carolina's Anti-LGBTQ Youth Policy Bills

[S.234](#), [H.3197](#), [H.3485](#)

In South Carolina, a swath of anti-LGBT legislation has been proposed attempting to infringe on the safety and privacy of LGBTQ+ young people, deprive all students of a diverse, inclusive education, and take away parents' rights to protect their own children's freedom to learn.

These bills – S.234, H.3197, and H.3485 – call themselves so-called “Parental Bills of Rights.” They differ slightly but all really amount to an anti-LGBTQ+ “wish list” of limits on LGBTQ+ young people and their families, prioritizing the rights of some parents over others. The provisions in these bills would censor curriculum, block students' freedom to learn, force school staff to “out” LGBTQ+ students to parents, interfere with young people's access to life-saving medical care, and endanger the livelihood of all South Carolina students.

Reasons to Oppose S.234, H.3197, and H.3485

All students deserve the freedom to learn.

Every young person in South Carolina – including those who are LGBTQ+ – deserves an equal opportunity to learn and to thrive. But some provisions of these bills allow parents to opt their child out of instruction related to sexuality or lessons concerning HIV/AIDS. Sexual education should be comprehensive, age appropriate, and medically accurate – as well as LGBTQ-inclusive – to ensure that students have access to information that can address potential ‘risk factors’ and help them make health decisions.

All students should feel safe at school.

Children should be focused on learning while in school. Feeling unsafe and unable to live authentically impairs a child's ability to learn.

The curriculum censorship provisions will have a chilling effect on any discussion of LGBTQ+ identity and stigmatize some students.

As a result of its broad and vague terminology, many provisions in these bills open up a can of worms, presenting more questions than solutions. For example, since the bills prohibit discussion of sexuality, can a student with two gay parents talk about their parents' marriage during a class discussion about family? What is a teacher allowed to say to a class if a student is being bullied because of their sexual orientation or gender identity? Do school librarians have to remove any book with LGBTQ+ characters or references – or, for that matter, any story where two people of any sexual orientation fall in love? If a kindergarten student draws a picture of

their family for class, including same-sex parents or a family member who is transgender, must the teacher interfere? These provisions in the bills amount to a broad anti-LGBTQ+ overreach and have no place in South Carolina.

The policies would force school districts to “out” students to their parents.

Every LGBTQ+ person’s journey is unique, and for many, their discovery of self can be a sensitive time. A child’s decision to disclose parts of their identity should remain solely in their hands. Some provisions in these bills would force school officials to betray the trust of students by demanding they “out” students to parents, even if the student is not ready. Pushing school staff to disclose deeply private information to parents breaches trust and creates an uncomfortable school environment for LGBTQ+ youth. This effort to “out” children is unethical and unenforceable. The adults that work in schools are there to educate and protect children, not police their identities and serve as agents for a discriminatory political agenda.

These policies would destroy trust between students and school staff.

While we agree that important information about a child’s welfare should not be withheld from their parental guardians, we are suspicious of provisions that do not consider the consent of the minor in question. Trust between school staff and students is necessary to provide adequate mental-health support. If students feel that their communications are not confidential, they will be less likely to disclose important information to their school counselors and teachers.

This legislation endangers LGBTQ+ students, who already face high rates of bullying, harassment, and isolation.

LGBTQ+ students who lack support and face harassment and discrimination at school experience increased isolation, depression, and risk of suicide and are more likely than their peers to miss school, often in an effort to avoid abuse. These negative experiences can have serious long-term negative impacts on these students’ health, education, and well-being.

Education should not be driven by parental ideology.

Some provisions of these bills would allow parents to remove their students from instruction that discusses sexuality in science, literature, and history classes. The contributions and successes of marginalized groups have been minimized in our nation’s classrooms for centuries, and these provisions would perpetuate those exclusions further. Children deserve the chance to learn and develop critical thinking skills – so removing the resources that empower a child to learn and ask questions removes a critical function of education. Schools should include a greater diversity of topics and stories – rather than censor those of marginalized communities – to empower young people to learn and ask questions.

Lawmakers should not unnecessarily interfere with medical decisions.

Some provisions of this legislation also seek to interfere with young people’s access to LGBTQ-related medical care, raising the age of medical consent to 18. This could interfere with young people’s access to a wide range of best-practice medical care, including life-saving care related to transgender identity and sexual health. Patients and their health care providers, not politicians, should decide what medical care is in the best interest of a patient.

All parents want what's best for their children – but these bills sideline the rights of some parents and prioritizes those with anti-LGBTQ+ views.

All parents want to do right by their kids and help them succeed, and there are many ways parents can and should get involved at school. Parents who want to be more involved can talk to their students' teachers, volunteers in the classroom, and make sure classes have healthy snacks and lunch options. This proposed legislation is a distraction that exploits fears and divides South Carolina, when we should really be focusing on ensuring everyone has the freedom to learn, grow, and thrive.

Passing these bills would violate federal law and provoke costly litigation.

Under federal law, Americans are protected from anti-LGBTQ+ discrimination under Title IX of the Education Amendments of 1972, which prohibits discrimination based on "sex" in education. The U.S. Court of Appeals for the 4th Circuit, which covers South Carolina, has additionally affirmed that "sex"-based discrimination under Title IX prohibits anti-LGBTQ+ discrimination. The passage of any of these bills would surely provoke litigation and we believe judges would find these bills to violate existing precedent.

Background on Anti-LGBTQ+ Youth Policy in South Carolina Schools

In recent years anti-LGBTQ+ forces have made schools a battleground for anti-LGBTQ+ campaigns, using political tactics to silence students, sow division, and infringe on the safety and dignity of young people.

For many years South Carolina statute prohibited public school health education from including any discussion of same-sex relationships, except in the context of sexually transmitted diseases. It was one of just a few states with laws on the books restricting the discussion of LGBTQ+ people in public schools – until it was struck down as unconstitutional and barred from enforcement in March of 2020, in *Gender and Sexuality Alliance v. Spearman*.

Now that this statute is no longer in effect, anti-LGBTQ+ activists are grasping at new discrimination attempts, including excluding transgender students from school sports, banning LGBTQ-themed books from school libraries, and altogether chilling speech about LGBTQ+ identity and history.

Data on LGBTQ+ Youth Experience in Schools

- In a 2019 national policy guidance report from [GLSEN](#), almost 60% of LGBTQ+ students reported feeling unsafe at school and 89% reported experiencing victimization experiences.
- In a 2019 national survey on the mental health of LGBTQ+ youth from The Trevor Project, less than half of LGBTQ+ students reported being out about their sexual orientation and/or gender identity at school.

- In the Campaign for Southern Equality's 2021 Southern LGBTQ+ Experiences survey, only 23% of respondents reported receiving support from school staff. Conversely, 28% of survey respondents were actively denied social and emotional support from school staff, and 33% reported that they avoided seeking support from school staff altogether. Respondents also reported missing school because they felt unsafe there. Five percent of respondents missed school during their elementary years because they felt unsafe, almost 22% in middle school, and 34% in high school.
- These low rates of support are particularly troubling, given that for LGBTQ+ students who may not be supported at home, the school provides the most critical source of social and emotional support, and could even be the only place where they feel comfortable being who they truly are.

Broader LGBTQ+ Landscape in South Carolina

- According to the Williams Institute, 137,000 LGBTQ+ adults live in South Carolina and an [estimated](#) 30,000 LGBTQ+ youth ages 13-17 live in the state.
- A [supermajority of South Carolinians](#) (67%) say they support comprehensive nondiscrimination protections for LGBTQ+ people.
- 81% of South Carolinians polled [said they believe](#) that LGBTQ+ people experience discrimination in the state.
- LGBTQ+ South Carolinians lack nondiscrimination protections at the state level. Despite this, the state has been on a journey forward when it comes to dignity and respect for LGBTQ+ people. Several communities in SC have passed [local ordinances](#) protecting LGBTQ+ people in a range of areas, with 14% of the state's population protected locally in some areas of life.
- At the end of the day, everyone should be treated with dignity and respect, including LGBTQ+ young people. Lawmakers in SC should listen to their constituents and move forward on LGBTQ+ equality – not backward.