

SPECIAL  
REPORT



EDUCATION



# PARENTAL RIGHTS IN SOUTH CAROLINA

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JANUARY 2026



## INTRODUCTION

Few responsibilities entrusted to government are more important than protecting the rights of parents to raise, educate, and safeguard their children. In South Carolina, citizens have long understood that **parents – not bureaucracies, courts, or distant federal agencies – are the primary decision-makers in a child’s life**. Parental rights are not a new or radical concept – they are deeply rooted in our state’s history and traditions and the Judeo-Christian principle that **the family is the foundational unit of society**.

In recent years, however, these long-standing rights have come under increasing pressure. From federal court rulings and administrative mandates to opaque school practices that limit transparency, **parents across the Palmetto State have been raising legitimate concerns about whether their rights are being respected** – whether they are being fully informed and empowered in their children’s education. These concerns have prompted renewed attention at every level of government, including in Congress, where South Carolina’s own Senator Tim Scott has taken the lead in affirming that, when conflicts arise, the law should be construed broadly in favor of parents.

This paper examines South Carolina’s current legal framework for parental rights in education, compares it to actions taken by other states, and outlines legislative opportunities before the General Assembly in the 2026 session. As lawmakers consider these proposals, the central question is straightforward: **will South Carolina reaffirm its commitment to parental rights and transparency in education**, or will it continue to lag behind neighboring states that have acted decisively to put parents back in the driver’s seat?

## THE NATIONAL PERSPECTIVE

Despite being an intensely personal topic, the protection of parental rights has risen all the way to the United States Congress. United States Senator Tim Scott (R-SC) and Congresswoman Virginia Foxx (R-NC-5) introduced companion legislation at the beginning of this year, both entitled the [“Families’ Rights and Responsibilities Act.”](#) This act establishes and protects three fundamental parental rights – the right “(A) To direct the education of the child.; (B) To direct the moral or religious upbringing of the child.; [and] (C) To access and review all medical records of the child and to make and consent to all physical and mental health care decisions for the child.” The act also establishes a cause of action against a governmental body if these rights are infringed, and explicitly states that, **when in doubt, “This Act shall be construed in favor of a broad protection of the fundamental right of parents...”**

Looking at state action on parental rights across the country, South Carolina is lagging behind our neighbors in several key areas. This disparity is reflected in

the Heritage Foundation's publication entitled "[Education Power for Parents: A State Legislation Tracker](#)," which allows parents and policymakers to see the spread of these policies across the country. 25 states, including North Carolina, Tennessee, Georgia, and Florida, currently have a Gubernatorial Executive Order or a law on the books that establishes a parental bill of rights. 16 states, including Florida, require academic transparency for parents. **South Carolina has neither** a parental bill of rights nor a requirement for academic transparency, except in limited instances.

## **THE CURRENT STATE OF PARENTAL RIGHTS IN SC**

Following some concerning developments that threaten the safety of our children in our schools, including a federal court ruling that allows students to use the bathroom that aligns with their gender expression rather than biological sex, South Carolina Attorney General Alan Wilson released a [Parental Rights Guide](#) in August 2025. This guide outlines five distinct parental rights protected by South Carolina and federal law:

**The Right to Shape Their Child's Beliefs:** Parents have the right to raise their children as they see fit, including instilling in them a system of beliefs of the parents' choosing. **Schools should not force students to affirm lifestyles or beliefs contrary to their own**, though parents must ensure that their children are respectful when addressing perceived (or legitimate) differences.

**The Right to Safe Schools for Their Children:** Parents should know that their child will be returned to them safely at the end of the school day. Under current South Carolina law, students are only permitted to use the bathroom that corresponds with their biological sex, though the aforementioned federal court case threatens this provision. Governor Henry McMaster also recently secured enough funding to **put a [School Resource Officer in every school](#) in the state**, keeping our students safe from threats outside the school.

**The Right to Be Involved in Their Child's Education:** In 2000, South Carolina passed the "[Parental Involvement in Their Children's Education Act](#)," which outlines different ways that the state will look to increase collaboration with parents. For example, school and district improvement plans are required to include parental involvement goals, the State Superintendent is required to promote parental involvement as a priority throughout K-12 education, and the Commission on Higher Education is required to incorporate parental involvement training into teacher and principal preparation programs.

**The Right to Know About Their Child's School Life:** Parents should know who is teaching their child (such as their licensure status and credentials) but should also be aware of what their child is doing at school. State statute [prohibits schools from enabling](#) a child to begin a social gender transition (e.g.

the student beginning to express themselves as the opposite gender or using different pronouns) without notifying their parents.

**The Right to Protect Their Children from Explicit Material in School:** Current South Carolina law provides for a means by which parents can [challenge the appropriateness of curricular materials](#) used in their child's school. This has been commonly referred to as "book banning" by opponents, **even though the 22 books that have been removed from public schools contain graphic descriptions of sexually-explicit material and even though the books are still accessible outside of public school libraries.**

All of these laws (and/or their relevant regulations and [provisos](#)) provide a solid foundation for parental rights in South Carolina. However, the task is far from complete. It will be an uphill battle in the second year of a two-year session, but there is legislation still in play for 2026 that can further establish, enhance, extend, and protect parental rights.

## **ACTIVE LEGISLATION IN SOUTH CAROLINA FOR 2026**

Both the South Carolina Senate and the House of Representatives have parental rights legislation in the hopper for this upcoming legislative session, *if they choose to take it up*. Senator Josh Kimbrell has introduced [S.651](#) which would create the Office of Parental Rights under the purview of the Governor. This Office would be primarily responsible for investigating alleged violations of parental rights in South Carolina, and for making referrals to law enforcement as necessary while conducting their investigations. The bill also includes a Parental Bill of Rights that is substantially similar to the ones created by other legislation, including Representative Tommy Pope's [H.3011](#) and [H.4757](#), Senator Richard Cash's [S.243](#), and Representative Mike Burns' [H.3118](#). Each establishes a parent's right to direct the education and healthcare of their children, to direct the upbringing and moral or religious training of their children, to take advantage of the school choice options available to them, and to access and review their children's school and healthcare records.

Senator Michael Johnson and Senator Wes Climer have, again, [introduced a bill](#) to require that a parent or guardian of a child younger than sixteen must consent to any medication prescribed to the minor and must have access to the minor's prescription records. [A similar bill](#), by Senator Johnson and others, passed the Senate during the 2023-24 legislative session, but it did not receive a hearing in the House.

The 2023-24 session represented a significant missed [opportunity](#) for parental rights and curriculum transparency, when a strong bill, [H.3728](#), cleared both the House and the Senate by a combined vote of 136-16 but surprisingly died when the Senate voted down the Conference Committee report. That bill [built on an existing budget provision](#), [The Grooms Proviso](#), which has the force of

law and currently requires all sex education curricula titles to be posted on school districts' websites.

There was, however, a bright spot for parental rights in 2023-24, though it was not a bill at all... it was a regulation. The aforementioned South Carolina State Board of Education [curriculum materials regulation](#) went into effect, setting up a [complaint process](#) for library and classroom materials to be challenged and properly vetted. **It is one of the strongest in the country.**

## **MOVING FORWARD**

South Carolina has made meaningful strides in recognizing and protecting parental rights. From passing the Parental Involvement in Their Children's Education Act all the way to the continued inclusion of the Grooms Proviso in the state budget, the creation of a curriculum challenge process, and recent guidance issued by Attorney General Alan Wilson, these efforts reflect an understanding that parents have both the right, and the responsibility, to shape their children's beliefs, ensure their safety, and remain fully informed about their educational experiences. Yet, as this review makes clear, **there is still room to improve** – particularly when compared to other conservative-led states that have enacted comprehensive parental bills of rights and strong academic transparency requirements.

The 2026 legislative session presents a clear opportunity to close those gaps. The parental rights legislation currently before the General Assembly would build on the existing proviso, codify fundamental protections, improve accountability, and **send an unmistakable message that South Carolina stands with parents, not against them.**

Establishing a formal Parental Bill of Rights and creating mechanisms to enforce those rights would strengthen families, restore trust between parents and schools, and reinforce the principle that education works best when parents are fully informed partners – not passive observers.

For legislators committed to limited government, individual liberty, and the well-being of South Carolina's children, advancing these reforms is both a prudent and principled step. By acting now, the General Assembly can ensure that **parental rights are not merely acknowledged in theory but firmly protected in practice** – for this generation and the next.

*Parental Rights is a key pillar of our biennial [Palmetto Freedom Agenda](#). You can find out more about why we chose this issue for our 2025-26 agenda [here](#).*