

MEMORANDUM

TO: SCDE Staff

FROM: Ellen E. Weaver
State Superintendent of Education

DATE: March 14, 2025

RE: Guidance Regarding Terminology and Data Collection Practices

I want to begin by recognizing and appreciating the work each of you do to serve South Carolina's students. Our mission remains steadfast: to provide every student with an excellent education that prepares them for success. As we continue this important work, it is essential that we have clarity and consistency in how we implement federal and state policies.

On February 18, 2025, the SCDE released a [memorandum](#) notifying local districts of a number of recent federal education policy changes tied directly to the receipt of federal funds. In that memo, I reaffirmed SCDE's commitment to full compliance with these directives. These federal guidelines provide useful definitions that will help guide our work and ensure alignment with legal requirements at both the state and federal levels.

I also believe it is important in times of polarization to emphasize the unchanging values which underpin not only South Carolina's educational mission but our shared story as Americans. We believe in the inherent value and dignity of every employee in this Agency and every student across our state, irrespective of their race, religion, sex, ability, or any other characteristic they possess. When potentially strong differences of opinion exist, it is more important than ever that we treat every person with respect and kindness and seek to find areas of agreement and understanding.

Nearly 250 years ago, our country was founded on the bold words of the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

This is the ideal to which Dr. Martin Luther King Jr. appealed in outlining his iconic Dream: “When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men would be guaranteed the inalienable rights of life, liberty, and the pursuit of happiness.”

Since the very beginning, South Carolina has played an outsized role in the long struggle to realize that promise. From the decisive blows for American Independence struck on Revolutionary battlefields like Cowpens, to the horrors of Charleston’s slave market and the fateful first shots of the Civil War, to the long struggle for Civil Rights, to one of the greatest acts of supernatural forgiveness and racial reconciliation ever seen in the example of the families of the Emanuel Nine, our state has witnessed it all.

This is our shared story, and in keeping with both South Carolina law (SC Code §59-29-55) and our South Carolina social studies standards, we will continue to present an unflinching picture of our past, paired with a hope-infused vision for our future.

This Department remains deeply committed to initiatives like the [South Carolina African American History Calendar](#) and this year’s associated [Hope Tour](#), promoting our newly available [Civil Rights curriculum](#) based in the non-violent teachings of Dr. King, platforming [the resilient story of South Carolina’s own Dr. Mary McLeod Bethune](#), and inviting students to reflect on these stories in various essay contest opportunities.

By presenting this full historical picture, we respond to Dr. King’s belief that ‘With this faith, we will be able to hew out of the mountain of despair a stone of hope. With this faith, we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood.’”

It is in that spirit that we must work together to implement the following directives. While it has not been the position of this Agency, under my administration, to knowingly or otherwise promote “discriminatory equity” or “gender” ideologies outlined below, the following guidance ensures that every SCDE employee has a formalized and aligned understanding of expectations moving forward. These directives are necessary to maintain compliance with legal requirements and to support our continued focus on providing an excellent education for every student.

SCDE Directives for Compliance

To ensure alignment with state and federal law, all SCDE employees must adhere to the following directives:

1. Terminology in SCDE Communications and Resources

- SCDE policies, instructional resources, technical assistance, and professional development must comply with applicable state and federal laws, as well as this SCDE-issued guidance consistent with these mandates.
- These materials must not promote ideologies that are inconsistent with these mandates.
- Offices must review existing resources, including third-party materials, to ensure compliance with this guidance.
- Terms and concepts that conflict with these requirements should not be included in SCDE communications, documents, or guidance.

2. Data Collection and Reporting Standards

- SCDE surveys, forms, or data requests must not include "gender" or "gender identity."
- When collecting data related to sex, only "male" and "female" classifications may be used, as defined by state law.
- No additional options such as "unknown" or "other" are permitted in SCDE data collection.
- All SCDE data collection and reporting must adhere to this directive.

To ensure a consistent understanding of these expectations, the following federal definitions and directives provide additional clarity. These definitions, drawn from recent federal guidance and legal mandates, establish the framework for compliance and help guide the implementation of SCDE policies, instructional resources, technical assistance, and professional development. By aligning with these standards, SCDE can continue to support districts and educators while maintaining full compliance with both state and federal requirements.

Key Federal Definitions & Directives

Recent Presidential Executive Orders have provided the following definitions and directives related to [Ending Radical Indoctrination in K-12 Schooling \(January 29, 2025\)](#), [Defending Women From Gender Ideology Extremism And Restoring Biological Truth To The Federal](#)

[Government](#) (January 20, 2025), [Ending Radical And Wasteful Government DEI Programs And Preferencing](#) (January 20, 2025), and an associated [Dear Colleague](#) letter (February 14, 2025) along with a related [FAQ document](#) from the U.S. Department of Education.

The following five points are drawn verbatim from these federal documents. Of note, these definitions closely align to and complement existing state law, including [S.C. Code Ann. § 59-1-500](#), [S.C. Code Ann. § 59-32-36](#), [S.C. Budget Proviso 1.79 \(Partisanship Curriculum\)](#), and [S.C. Budget Proviso 1.120 \(Student Physical Privacy\)](#).

1. “Discriminatory equity ideology” means an ideology that treats individuals as members of preferred or disfavored groups, rather than as individuals, and minimizes agency, merit, and capability in favor of immoral generalizations, including that:

- Members of one race, color, sex, or national origin are morally or inherently superior to members of another race, color, sex, or national origin;
- An individual, by virtue of the individual’s race, color, sex, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- An individual’s moral character or status as privileged, oppressing, or oppressed is primarily determined by the individual’s race, color, sex, or national origin;
- Members of one race, color, sex, or national origin cannot and should not attempt to treat others without respect to their race, color, sex, or national origin;
- An individual, by virtue of the individual’s race, color, sex, or national origin, bears responsibility for, should feel guilt, anguish, or other forms of psychological distress because of, should be discriminated against, blamed, or stereotyped for, or should receive adverse treatment because of actions committed in the past by other members of the same race, color, sex, or national origin, in which the individual played no part;
- An individual, by virtue of the individual’s race, color, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion;
- Virtues such as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist or were created by members of a particular race, color, sex, or national origin to oppress members of another race, color, sex, or national origin; or
- the United States is fundamentally racist, sexist, or otherwise discriminatory.

2. It is the policy of the United States to recognize two sexes, male and female. These sexes are not changeable and are grounded in fundamental and incontrovertible reality. Under my direction, the Executive Branch will enforce all sex-protective laws to promote this reality, and the following definitions shall govern all Executive interpretation of and application of Federal law and administration policy:

- *“Sex” shall refer to an individual’s immutable biological classification as either male or female. “Sex” is not a synonym for and does not include the concept of “gender identity.”*
- *“Women” or “woman” and “girls” or “girl” shall mean adult and juvenile human females, respectively.*
- *“Men” or “man” and “boys” or “boy” shall mean adult and juvenile human males, respectively.*
- *“Female” means a person belonging, at conception, to the sex that produces the large reproductive cell.*
- *“Male” means a person belonging, at conception, to the sex that produces the small reproductive cell.*
- *“Gender ideology” replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity, permitting the false claim that males can identify as and thus become women and vice versa, and requiring all institutions of society to regard this false claim as true. Gender ideology includes the idea that there is a vast spectrum of genders that are disconnected from one’s sex. Gender ideology is internally inconsistent, in that it diminishes sex as an identifiable or useful category but nevertheless maintains that it is possible for a person to be born in the wrong sexed body.*
- *“Gender identity” reflects a fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.*

3. “Social transition” means the process of adopting a “gender identity” or “gender marker” that differs from a person’s sex. This process can include psychological or psychiatric counseling or treatment by a school counselor or other provider; modifying a person’s name (e.g., “Jane” to “James”) or pronouns (e.g., “him” to “her”); calling a child “nonbinary”; use of intimate facilities and accommodations such as bathrooms or locker rooms specifically designated for persons of the opposite sex; and participating in school athletic competitions or other extracurricular activities specifically designated for persons of the opposite sex. “Social transition” does not include chemical or surgical mutilation.

4. The law is clear: treating students differently on the basis of race to achieve nebulous goals such as diversity, racial balancing, social justice, or equity is illegal under controlling Supreme Court precedent. All students are entitled to a school environment free from discrimination. The Department is committed to ensuring those principles are a reality.

This letter provides notice of the Department’s existing interpretation of federal law. Additional legal guidance will follow in due course. The Department will vigorously enforce the law on equal terms as to all preschool, elementary, secondary, and

postsecondary educational institutions, as well as state educational agencies, that receive financial assistance.

The Department intends to take appropriate measures to assess compliance with the applicable statutes and regulations based on the understanding embodied in this letter beginning no later than 14 days from today's date, including anti-discrimination requirements that are a condition of receiving federal funding.

All educational institutions are advised to: (1) ensure that their policies and actions comply with existing civil rights law; (2) cease all efforts to circumvent prohibitions on the use of race by relying on proxies or other indirect means to accomplish such ends; and (3) cease all reliance on third-party contractors, clearinghouses, or aggregators that are being used by institutions in an effort to circumvent prohibited uses of race. Institutions that fail to comply with federal civil rights law may, consistent with applicable law, face potential loss of federal funding.

5. (Question 8) Are Diversity, Equity, and Inclusion (DEI) programs unlawful under SFFA?

(Answer 8) *Schools may not discriminate on the basis of race, color, or national origin in their programs or activities. Many schools have advanced discriminatory policies and practices under the banner of "DEI" initiatives. Other schools have sought to veil discriminatory policies with terms like "social-emotional learning" or "culturally responsive" teaching. OCR's assessment of school policies and programs depends on the facts and circumstances of each case.*

Whether a policy or program violates Title VI does not depend on the use of specific terminology such as "diversity," "equity," or "inclusion." Schools may not operate policies or programs under any name that treat students differently based on race, engage in racial stereotyping, or create hostile environments for students of particular races. For example, schools with programs focused on interests in particular cultures, heritages, and areas of the world would not in and of themselves violate Title VI, assuming they are open to all students regardless of race. Nor would educational, cultural, or historical observances—such as Black History Month, International Holocaust Remembrance Day, or similar events—that celebrate or recognize historical events and contributions, and promote awareness, so long as they do not engage in racial exclusion or discrimination. However, schools must consider whether any school programming discourages members of all races from attending, either by excluding or discouraging students of a particular race or races, or by creating hostile environments based on race for students who do participate.

Additional Terminology Related to “Discriminatory Equity” or “Gender” Ideologies

In addition to the definitions referenced by federal orders and state law, the following terms have distinct interpretations in the educational context, where they may connote or promote “discriminatory equity” or “gender” ideologies:

- Action Civics
- Antiracism
- Cisgender, Heteronormative, and other Gender Binary/Spectrum-related terms
- Collective Guilt/Responsibility
- Critical Pedagogy/Consciousness
- Critical Theory (Postcolonial, Queer, Race, or any other kind of Postmodern Theory)
- Culturally Responsive/Relevant Teaching
- Disparate Impact Theory
- Diversity, Equity, and Inclusion
- Implicit/Unconscious Bias
- Intersectionality
- Restorative Justice/Practices
- Social Justice
- Social-Emotional Learning (SEL)

This list is not exhaustive but rather illustrative of buzzwords, concepts, and practices common in K-12 and/or postsecondary education that could jeopardize federal funding and may not be used.

If you have any questions regarding this guidance, please consult your Office Director or Deputy Superintendent. Additional federal guidance is anticipated and will be shared as it becomes available.

In closing, our mission is to remain focused on our 2030 goals of ensuring an exceptional education for every child. I would especially encourage you not to allow rumor and speculation over what may happen next in Washington, D.C. to distract you from the incredibly important work happening in every community in our state. Thank you again for your hard work on behalf of South Carolina students!