

MEMORANDUM

TO: District Superintendents
District School Board Members

FROM: Todd Atwater
General Counsel

DATE: December 16, 2025

RE: Comprehensive Health Education Compliance Checklist

On October 28, 2025, the South Carolina Attorney General (SCAG) issued an [opinion](#) in response to a request from state legislators concerning the curricula that some school districts use for sex education. This opinion has direct implications for how districts implement their Comprehensive Health Education programs under [state law](#) and [Proviso 1.40 of the 2025-2026 Appropriations Act](#).

South Carolina's Comprehensive Health Education Act (CHEA) articulates the state's general requirements concerning age-appropriate health education. The SCAG's opinion notes the purpose of the CHEA is "... to foster the development and dissemination of educational activities and materials which will assist South Carolina students, teachers, administrators and parents in the perception, appreciation and understanding of health principles and problems and responsible sexual behavior."

Section 59-32-30 requires that local school boards implement the CHEA with specific guidelines provided in the Act. In addition, Section 59-32-60 establishes that the South Carolina Department of Education (SCDE) is responsible for ensuring that districts comply with the CHEA, while investing each local school board with the legal responsibility to implement their districts' program of instruction.

After reviewing the most recent AG opinion, the SCDE will require districts to submit the attached "District Assurance of Compliance with Comprehensive Health Education Act" form to certify they have reviewed all applicable materials pursuant to state law.

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The SCDE encourages local school boards to ensure that their board policies remain compliant with the CHEA and proactively work with their district staff and 13-member local advisory committees when approving health education materials. To aid you in assessing compliance, please find included a compliance series of questions we hope you will find helpful (High school and Middle school).

Districts must submit the District Assurance of Compliance with Comprehensive Health Education Act by February 16, 2026 to tkatwater@ed.sc.gov.

You may contact Todd Atwater at tkatwater@ed.sc.gov with questions relating to Compliance with Comprehensive Health Education Act.

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Please complete this assurance form and submit on District letterhead to Todd Atwater at tkatwater@ed.sc.gov

District Assurance of Compliance with Comprehensive Health Education Act

Name of District

County

Address

()
Phone

City

State

Zip

Superintendent

ASSURANCE:

The District is fully in compliance with all provisions of the Comprehensive Health Education Act (S.C. Code Ann. § 59-32-5 et seq). The District has reviewed the concerns identified in the South Carolina Department of Education's memorandum and checklists, and assures that its health education practices comply with the legal requirements outlined in the guidance.

Superintendent's Signature

Date

**Reproductive Health Education, Pregnancy Prevention Education and
Family Life Education
Curricula for MIDDLE SCHOOL**

To help ensure district curriculum does not violate the South Carolina Comprehensive Health Education Program (SC Code Title 59, Chapter 32) the South Carolina Department of Education is providing you with the following questions to consider:

If you answer “Yes” to any of questions 1 through 8, the curriculum violates the law.

- 1) Do the curriculum materials contain actual or simulated portrayals of sexual activities or sexual intercourse? Section 59-32-90
- 2) Are the curriculum materials, films, pictures or diagrams designed for any other purpose other than explaining bodily functions or the human reproduction process? Section 59-32-90
- 3) Does the program encourage or allow distribution of contraceptive devices or contraceptive medications on school grounds? Section 59-32-30 (D)
- 4) Does the curriculum talk about abortion, abortion counseling, or abortion services or provide materials containing this information? Section 59-32-30 (D)
- 5) Does this curriculum teach abortion as a method of birth control? Section 59-32-10 (4)(c)
- 6) Does it include instruction concerning sexual practices outside of marriage? Section 59-32-10 (2)
- 7) Does it include instruction concerning sexual practices unrelated to reproduction except within the context of risk of disease? Section 59-32-10 (2)
- 8) Does the curriculum encourage or coerce a minor to withhold from the minor’s parent or legal guardian the fact that the minor’s perception of his or her gender is inconsistent with his or her sex? Section 59-32-36 (1)

If you answer “No” to any of questions 9 through 14, you must make sure the curriculum is supplemented to include the missing items to fulfill the law.

- 9) Does this curriculum strongly emphasize abstinence and risk associated with sexual activity before marriage? Section 59-32-10 (2)
- 10) Does the curriculum’s definition of abstinence include the boundary of marriage? Section 59-32-10 (2)
- 11) Are sexually transmitted diseases included as part of the curriculum? Section 59-32-30(A)(2)
- 12) Does the curriculum discuss the subject of domestic violence? Section 59-32-30 (A)(2)
- 13) Does the curriculum discuss sexual abuse and prevention? Section 59-32-30(G)
- 14) Does the curriculum discuss assault awareness and prevention? 59-32-30(G)

Questions 15 through 22 are intended to help you determine if “Family life education” is included in the curriculum.

- 15) Does this curriculum help develop an understanding about physical, mental, emotional, social, economic, and psychological aspects of close relationships? Section 59-32-10 (3)(a)
- 16) Does the curriculum create an understanding of the physiological, psychological, and cultural foundations of human development? Section 59-32-10 (3)(a)
- 17) Does this curriculum support development of responsible personal values and behaviors and aid in establishing a strong family life for themselves in the future? Section 59-32-10 (3)(b)
- 18) Does this curriculum emphasize the responsibilities of marriage? Section 59-32-10 (3)(b)
- 19) Does this curriculum provide instruction as to the laws of SC relating to the sexual conduct of minors, including criminal sexual conduct? Section 59-32-10 (3)(c)
- 20) Does this curriculum teach students to develop skills to enable them to resist peer pressure? Section 59-32-10 (4)(A) and (4)(B)
- 21) Does this curriculum teach students to develop skills to enable them to abstain from sexual activity until marriage? Section 59-32-10 (4)(A) and (4)(B)
- 22) Does the curriculum explain methods of contraception and risks and benefits of each method? If yes, note that the contraceptive information must only be in the context of future family planning. If it is not in this context, it violates the law. Section 59-32-10 (4)(C)

**Reproductive Health Education, Pregnancy Prevention Education and
Family Life Education
Curricula for HIGH SCHOOL**

To help ensure district curriculum does not violate the South Carolina Comprehensive Health Education Program (SC Code Title 59, Chapter 32) the South Carolina Department of Education is providing you with the following questions to consider:

If you answer “Yes” to any of questions 1 through 8, the curriculum violates the law.

- 1) Do the curriculum materials contain actual or simulated portrayals of sexual activities or sexual intercourse? Section 59-32-90
- 2) Are the curriculum materials, films, pictures or diagrams designed for any other purpose other than explaining bodily functions or the human reproduction process? Section 59-32-90
- 3) Does the program encourage or allow distribution of contraceptive devices or contraceptive medications on school grounds? Section 59-32-30 (D)
- 4) Does the curriculum talk about abortion, abortion counseling, or abortion services or provide materials containing this information? Section 59-32-30 (D)
- 5) Does this curriculum teach abortion as a method of birth control? Section 59-32-10 (4)(c)
- 6) Does it include instruction concerning sexual practices outside of marriage? Section 59-32-10 (2)
- 7) Does it include instruction concerning sexual practices unrelated to reproduction except within the context of risk of disease? Section 59-32-10 (2)
- 8) Does the curriculum encourage or coerce a minor to withhold from the minor’s parent or legal guardian the fact that the minor’s perception of his or her gender is inconsistent with his or her sex? Section 59-32-36 (1)

If you answer “No” to any of questions 9 through 18, you must make sure the curriculum is supplemented to include the missing items to fulfill the law.

- 9) Does this curriculum strongly emphasize abstinence and risk associated with sexual activity before marriage? Section 59-32-10 (2) and (4)(A)
- 10) Does the curriculum’s definition of abstinence include the boundary of marriage? Section 59-32-10 (2) and (4)(A)
- 11) Does this curriculum teach students to develop skills to enable them to resist peer pressure? Section 59-32-10 (4)(A) and (4)(B)
- 12) Does this curriculum teach students to enable them to abstain from sexual activity until marriage? Section 59-32-10 (4)(A) and (4)(B)
- 13) Does this curriculum explain methods of contraception and risks and benefits of each method? If yes, note that the contraceptive information must only be in the context of future family planning. If it is not in this context, it violates the law. Section 59-32-10 (4)(C)
- 14) Are sexually transmitted diseases included as part of the instruction? Section 59-32-30 (A)(2)

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- 15) Does the curriculum give appropriate instruction that portrays adoption as a positive alternative? Section 59-32-30 (G)
- 16) Does the curriculum discuss sexual abuse and prevention? Section 59-32-30 (G)
- 17) Does the curriculum discuss assault awareness and prevention? Section 59-32-30 (G)

Questions 18 through 22 are intended to help you determine if “Family life education” is included in the curriculum.

- 18) Does this curriculum help develop an understanding about physical, mental, emotional, social, economic, and psychological aspects of close relationships? Section 59-32-10 (3)(a)
- 19) Does the curriculum create an understanding of the physiological, psychological, and cultural foundations of human development? Section 59-32-10 (3)(a)
- 20) Does this curriculum support development of responsible personal values and behaviors and aid in establishing a strong family life for themselves in the future? Section 59-32-10 (3)(b)
- 21) Does this curriculum emphasize the responsibilities of marriage? Section 59-32-10 (3)(b)
- 22) Does this curriculum provide instruction as to the laws of SC relating to the sexual conduct of minors, including criminal sexual conduct? Section 59-32-10 (3)(c)