TO: District Superintendents  
State Board of Education Members  

FROM: Molly M. Spearman  
State Superintendent of Education  

DATE: May 6, 2020  

RE: Consent Decree and Section 59-32-30(A)(5)  

Please find the consent decree from the Gender and Sexuality Alliance, etal. v. Molly Spearman lawsuit available here. Section 59-32-30(A)(5) may no longer be enforced, applied, or relied on by any person or entity, including but not limited to local school districts, local school district boards, and public school administrators and teachers and that instruction under the Comprehensive Health Education Act (CHEA) must be designed and implemented without regard to Section 59-32-30(A)(5). Local school boards are still responsible for selecting their CHEA curriculum.

All educators have the responsibility to uphold the dignity of all students and their family structures, and protect those students who may be subject to bullying because of their individual or family identities. Students’ unique and diverse identities are not in our current health standards, but the South Carolina Department of Education has updated its list of age-appropriate resources, which may be found here.