



June 11, 2024

Superintendent Ellen Weaver
South Carolina Department of Education
1429 Senate Street
Columbia, SC 29201
Submitted via email Superintendent@ed.sc.gov

**Re: State Department of Education Action to Eliminate Course Credit
for Advanced Placement African American Studies**

Dear Superintendent Weaver:

The NAACP Legal Defense and Educational Fund and the undersigned organizations write to urge the South Carolina Department of Education (“SDOE”) to restore the state course code for Advanced Placement African American Studies (“AP African American Studies”) after having announced its intention to eliminate the state course code last week. The SDOE’s prohibition of AP African American Studies and other courses that

educate students about the history and experiences of Black people in the United States undermines critical efforts to foster inclusive school climates and provide an evidence-based and culturally relevant curriculum.

All students deserve access to a high-quality, inclusive, and accurate education with curricula and school instruction that reflects the experiences and perspectives of all communities. By excluding specific information and knowledge from the classroom (in this case, the history and experiences of Black Americans), SDOE risks depriving South Carolina students from an education that reflects the full breadth of U.S. and South Carolina history and current events. Such actions, which are rooted in the promotion of an inaccurate, political viewpoint rather than any credible pedagogy, must be reversed immediately.

I. Advanced Placement African American Studies is a Nationally Standardized College-Preparatory Course.

In 2022, the College Board implemented a pilot program for AP African American Studies, a course that offers students a rich, evidence-based education about the history and experiences of Black people throughout American history to the present day. The framework for AP African American Studies was developed in consultation with more than 300 African American studies professors, to examine the “diversity of African American experiences through direct encounters with varied sources” and explore key issues ranging from early African kingdoms to both historical and ongoing challenges and achievements.¹ The course includes the study of the intersections of race, gender and class for African Americans, the past, present and future implications of social movements and strategies to combat systemic inequality in American society, and the literary and artistic traditions of the African diaspora, among other topics.

The State of South Carolina introduced the pilot in the 2022-2023 school year at the request of local school districts.² Since the implementation, students in 17 school districts across the state have participated in the pilot, a change welcomed by current and former students alike. At the time of its adoption, former South Carolina student, Brandon Tensley stated:

¹ Advanced Placement Program, College Board, *AP African American Studies: Course and Exam Description* 6 (2024), <https://apcentral.collegeboard.org/media/pdf/ap-african-american-studies-course-and-exam-description.pdf>; Press Release, College Board, Advanced Placement Program Releases Official AP African American Studies Framework (Feb. 1, 2023), <https://newsroom.collegeboard.org/advanced-placement-program-releases-official-ap-african-american-studies-framework>.

² Valerie Nava, *After 2-Year Pilot, AP African American Studies Won't Be Offered in SC Public Schools*, Post & Courier (June 2, 2024), https://www.postandcourier.com/education-lab/ap-african-american-studies-south-carolina/article_1c9bf0f2-1f54-11ef-8f44-cf208af31b07.html.

“Given the meager representation I observed as a high school student, I was stunned – and thrilled – to learn that Ridge View, which is majority Black, is piloting AP African American Studies. It would’ve been so welcome, I thought, to see myself in this context, to probe questions of identity and inheritance. Plus, it’s no small thing to test out the course in South Carolina, which didn’t banish the Confederate battle flag from statehouse grounds until 2015, in the heartrending aftermath of a White supremacist massacre.”³

In addition to providing both historically accurate and culturally-relevant instruction, AP African American Studies also provided students with rigorous academic standards in preparation for post-secondary study. Advancement Placement classes are nationally standardized and are designed to mirror college-level coursework; thus, unlike their honors counterparts, they allow for students to receive college credit.⁴

II. Pursuant to the Education Improvement Act of 1984, Advanced Placement African American Studies Addresses South Carolina’s Practice of Excluding Historically Accurate and Racially Inclusive Content from K-12 Curricula.

Recent efforts to ban discourse about racial inequalities in public school classrooms are part of an historical pattern of backlash in response to demands for educational equity so that all students have access to a fair, full, and truthful education about their country and their communities. South Carolina, in particular, has a disturbing history of censoring and distorting discussions about slavery and its integral connection to white supremacy in American society.

³ Brandon Tensley, *Instruction About Race May Be Under Siege Across the US, But This Course Is Empowering Students at a Southern High School*, CNN (Oct. 2, 2022), <https://www.cnn.com/2022/10/02/us/ap-african-american-studies-south-carolina-reaj/index.html>.

⁴ Taking classes like AP African American Studies provide college-bound students with an additional indicia of academic achievement for the college admissions process. Indeed, “[d]oing well in advanced classes, like Advanced Placement® (AP) . . . classes[] signals that you know how to take on academic challenges, giving you a leg up against your peers who took less rigorous classes in high school.” Moreover, because honors courses are not standardized, “colleges don’t grant credit for honors classes,” and “[m]ost schools also weigh AP classes higher than honors, so a student who does well in an AP course will earn a higher grade point average (GPA) than one who excels in an honors course.” Suzie Glassman, *What Is the Difference Between AP and Honors Classes? Everything You Need to Know*, Forbes, (Mar. ch 8, 2024), <https://www.forbes.com/advisor/education/student-resources/difference-between-ap-and-honors-classes/>.

Textbooks used in South Carolina public schools from the 1920s to the 1980s were written by the daughter of an enslaver and Confederate soldier.⁵ The 1958 edition of *The History of South Carolina* referred to slavery as a better alternative to “remaining heathen in a savage country.”⁶ The textbook staunchly defended slaveholders, stating that “[m]ost masters treated their slaves kindly . . . the law required the master to feed his slaves, clothe them properly, and care for them when they were sick” and “[m]ost slaves were treated well, if only because it was to the planter’s interest to have them healthy and contented.”⁷

The textbook goes on to justify the terror inflicted on the Black South Carolinians by the Ku Klux Klan, by stating that “[w]hen the courts did not punish Negroes who were supposed to have committed crimes, the Klan punished them.”⁸ In fact, an earlier South Carolina textbook once described the Ku Klux Klan as a :

Secret organization[] . . . to hold the freed slaves in check and to **fight the evil-doing radicals** . . . terrifying . . . the superstitious negro [and] . . . turn[ing] him away from his evil doing. (emphasis added)⁹

This account boldly mischaracterizes the true intention of the Klan and misinforms students about the Klan’s racial violence against Black people and other people of color across the American South.

Following decades of public school instruction utilizing textbooks that grossly misstated historical facts about the experiences of Black people, the South Carolina General Assembly “recognized the need for a broader, more inclusive portrayal of the nation’s history that would recognize the experiences, culture and contributions” of Black Americans.¹⁰ Accordingly, the state legislature passed the Education Improvement Act of 1984 (“EIA”), which required every public school to instruct students in the history of Black people and called for the State Board of Education and local school districts to work together to identify appropriate instructional materials.¹¹ By passing the EIA, lawmakers acknowledged the deep, traumatic harm to Black students and other students of color from the perpetuation of false and demeaning myths about the experiences of marginalized communities and the urgent need for proactive measures to provide all

⁵ Issac Bailey, *Textbooks Were ‘Racist to the Core’*, State (Sept. 13, 2015), <https://www.thestate.com/opinion/op-ed/article34962456.html>.

⁶ Will Moredock, *Mary C. Simms Oliphant’s Troubling History of South Carolina*, CHARLESTON CITY PAPER (May 9, 2012), <https://charlestoncitypaper.com/mary-c-simms-oliphants-troubling-history-of-south-carolina/>

⁷ *Id.*

⁸ *Id.*

⁹ Alan Wieder, *Race and Education: Narrative Essays, Oral Histories, and Documentary Photography* 136 (1997).

¹⁰ *History*, S.C. Council for African Am. Stud., <https://www.sccaas.org/page-1581466> (last visited June 7, 2024).

¹¹ *Id.*

students with accurate information that conveys the truth of systemic racial inequalities in the United States, including South Carolina.

Advanced Placement and Dual Enrollment courses that center the accurate history and experiences of Black Americans and the African Diaspora, like AP African American Studies, are precisely the type of public school instruction required in the EIA. The SDOE’s elimination of course codes for those types of courses, therefore, is not only inconsistent with the EIA, but also reverses important progress in correcting and subject public school students to inaccurate and incomplete instruction.

III. AP African American Studies Comports with Current Social Studies Standards

On June 4, 2024, Deputy Superintendent Ferguson issued a memorandum, justifying the SDOE’s elimination of the state course code for AP African American Studies by referencing Budget Proviso 1.82 and pending legislation. Specifically, the memo stated that, “there has been significant controversy surrounding the course concerning issues directly addressed by South Carolina’s General Assembly in a budget proviso as well as in pending permanent legislation.”¹² Yet, the SDOE’s action to ban AP African American Studies and other courses about Black history and culture—presumably to comply with the budget proviso and pending legislation—contradicts current South Carolina state standards and processes regarding public school curriculum.

The SDOE memo presumes that the state’s review of its social studies standards, which has yet to be initiated, would result in changes inconsistent with the teachings of AP African American Studies. Procedurally, however, academic standards in South Carolina are written collaboratively with the input of classroom teachers, instructional coaches, district leaders, community members, parents, higher education faculty, and educators who specialize in areas such as special education and assessments.¹³ The standards are then posted online for public review and revised based on the feedback received.¹⁴ The SDOE must not presuppose the outcome of this comprehensive process based on the views of state politics, but instead should strictly adhere to the normal state standards and processes that currently exist.

Notably, the current social studies standards published by the SDOE in 2019 include discussions of race that align with the goals of AP African American Studies. The South

¹² [South Carolina Department of Education Memorandum dated June 4, 2024, https://ed.sc.gov/newsroom/school-district-memoranda-archive/clarification-on-ap-course-offerings/clarification-on-ap-course-offerings-memo/.](https://ed.sc.gov/newsroom/school-district-memoranda-archive/clarification-on-ap-course-offerings/clarification-on-ap-course-offerings-memo/)

¹³ S.C. Social Studies College- and Career-Ready Standards, S.C. Dept. of Educ. 1 (2019), available at <https://ed.sc.gov/index.cfm?LinkServID=9677E07B-CFFE-6A5C-AA47F98625149ABC>.

¹⁴ *Id.*

Carolina Social Studies College- and Career-Ready Standards require the SDOE to instruct students in the history of the black people as a regular part of its history and social studies courses” and “develop[] and locat[e] suitable printed materials and other aids for instruction in black history.”¹⁵

Under the current social studies standards, fourth grade social studies must include instruction about the “economic, political, and social divisions during the United States Civil War”¹⁶ to “encourage inquiry into the relationship between the Civil War and the experiences of women, African Americans, and the planter class in South Carolina.”¹⁷ Standard 4 also indicates that fourth grade students must be able to “identify and evaluate the economic, political, and social changes experienced throughout the Civil War” and discuss the “continuities and changes experienced by Americans of various genders, positions, races, and social status during the Civil War.”¹⁸

Similarly, the current social studies standards expect fifth grade students to explore the “causes and impacts of social movements,” including having the skills and content necessary to “[a]nalyze the continuities and changes of race relations in the United States and South Carolina following the Supreme Court decisions of *Briggs v. Elliott* and *Brown v. Board of Education*.”¹⁹ The standards also call on students to interrogate the causes and effects of “state-sponsored persecution,” such as the Holocaust, and actions to defeat “discrimination toward marginalized groups in America.”²⁰

Standard 3 for sixth grade students requires that students demonstrate an understanding of the development of the Atlantic World. Indicators for this standard advise teachers to promote “inquiry into the beginning of the Transatlantic slave trade, the ideological, economic, and political policies that upheld slavery, and how the slave trade led to the systematic oppression of Africans in the Atlantic World.”²¹ It further calls on curricula to “[c]ontextualize the experience of indigenous people due to expansion and the conflict that arose from it.”²²

¹⁵ S.C. Dep’t of Educ., *South Carolina Social Studies College- and Career-Ready Standards 5* (2019), <https://ed.sc.gov/instruction/standards/social-studies/standards/2019-south-carolina-social-studies-college-and-career-ready-standards/>.

¹⁶ *Id.* at 35.

¹⁷ *Id.* at 36.

¹⁸ *Id.*

¹⁹ *Id.* at 46.

²⁰ *Id.* at 45.

²¹ *Id.* at 56.

²² *Id.*

Eighth grade history Standard 5 calls for students to be able to demonstrate an understanding of the impact of world events on South Carolina and the United States from 1929 to the present day. Indicators for this standard advise that instruction should “foster inquiry into the changes in South Carolina’s political party platforms resulting from the Civil Rights Movement”²³ and Nixon’s Southern Strategy, and “utilize a variety of primary and secondary sources to analyze multiple perspectives on the cultural changes.”²⁴ The standard also requires students to be able to analyze the correlation between the Modern Civil Rights Movement in South Carolina and across the country, specifying that the indicator for this standard was developed to “promote inquiry into the relationship between national leadership, protests, and events and South Carolina leadership, protests and events, such as the Friendship Nine and the Orangeburg Massacre.”²⁵

In addition, the South Carolina Social Studies College- and Career-Ready Standards for secondary education include: examin[ing] how the judicial branch responded to . . . emancipation”; “[s]ummariz[ing] the impact of technological changes and social developments on the U.S., including the Civil War”; “encourag[ing] inquiry into how events such as the Indian Removal Act, the Civil War, and Reconstruction prompted examination of the federal government’s role in protecting natural rights”; and “encourag[ing] inquiry into the shaping of American culture as a result of mass media, African American cultural and arts movements.”²⁶

As demonstrated by South Carolina’s current social studies standards, which have been in operation for five years, students engage with the complex histories and information offered in AP African American Studies even prior to high school. Furthermore, the social studies standards for high school students are fully consistent with—and, in fact, generally parallel— AP African American Studies curriculum, while also deepening students’ critical thinking and writing skills and providing the opportunity to potentially obtain college credit.

IV. Budget Proviso 1.82, Which Prompted the State Department of Education to Remove the State Course Code for Advanced Placement African American Studies, Faces Widespread Condemnation.

²³ *Id.* at 82.

²⁴ *Id.* at 83.

²⁵ *Id.*

²⁶ *Id.* at 110-116.

Despite AP African American Studies' compliance with South Carolina's current state social studies standard, the SDOE cites South Carolina's Budget Proviso 1.82 ("Budget Proviso") for its decision to remove the state course code for AP African American Studies. The Budget Proviso, which is misleadingly labeled "Partisanship Curriculum," prohibits the use of SDOE funds to, among other things, "provide instruction in, to teach, instruct, or train" school employees with respect to "standards, curricula, lesson plans, textbooks, instructional materials that serve to inculcate" certain prohibited concepts. The "prohibited concepts" identified in the Budget Proviso include matters of race and gender in curricula or materials that may make an individual "feel discomfort, guilt, anguish" or that "fault, blame, or bias should be assigned to a race or sex."

The Budget Proviso provides no guidance on the vague term "inculcate" and no standard for educational materials that make someone "feel discomfort, guilt, anguish," or "fault, blame, or bias." In addition, the Budget Proviso directly targets efforts to teach topics related to race that center Black history and Black experiences. Indeed, *Stamped: Racism, Anti-Racism, and You*, by Ibram X. Kendi and Jason Reynolds—a book exploring racism and antiracism in United States—has already been banned in at least one South Carolina school district due to the proviso. In effect, the Budget Proviso restricts public funding for instruction, trainings, or pedagogical tools that discuss persistent racial and gender inequalities in American society—including discussion of racial prejudice and white supremacy throughout American history—without clear guidance on what precisely constitutes a violation of the proviso. The Budget Proviso also potentially exposes schools to expensive lawsuits for failing to adhere to its vague and unclear educational standards.

Since 2021, hundreds of district leaders, educators, students, civil rights advocates and stakeholders from across the Palmetto State have fought to oppose legislative efforts that would statutorily entrench the Budget Proviso's provisions and impose severe restrictions on educators' ability to teach—and students' ability to receive—historically accurate and culturally relevant curriculum about Black people's experiences in the United States. Indeed, this type of curriculum is already required by law pursuant to the EIA. Thus, the SDOE errs in taking actions that rely on a flawed, and potentially unlawful, budget measure and state legislation that has merely been proposed, but not enacted.

The SDOE's asserts that "[t]here is nothing preventing districts from continuing to offer AP African American Studies as a locally-approved honors course should they choose to do so."²⁷ However, this suggestion woefully disregards the undue financial burden that would place on districts. For state-approved courses, the SDOE covers certification and training costs for educators and the costs associated with students taking the AP exam²⁸

²⁷ *Id.*

²⁸ S.C. Code Regs. 43-258.1

—both of which are key levers to ensuring educational equity, especially for districts serving high populations of low-income students. Without these funding resources, districts may not have the financial capacity to offer a similar honors course for the same academic credit or may be forced to make other budgetary cuts to provide that access to students. Moreover, as previously discussed, a “locally-approved honors course” is substantively different than an AP course. Local honors courses may not be as comprehensive or have the same academic rigor as AP courses because the latter are nationally-standardized. Students enrolled in honors courses, as opposed to AP courses, are not eligible for college credit. AP classes are also weighted more heavily than honors classes in grade point average calculations, which can be a critical difference when applying to colleges and universities.

Notably, AP African American Studies is not the only course that the SDOE has targeted, presumably due to the Budget Proviso. In its course code database, the following courses are noted to be deactivated for the 2025-2026 school year:

- Dual Enrollment Black Atlantic and African Diaspora (HIST 363)
- Dual Enrollment Studies in Black Feminism (AAST 333)
- Dual Enrollment Black Women Writers (ENGL 315)

This pattern of course elimination is alarming, particularly when coupled with the lack of timely notice regarding the deactivation of AP African American Studies. According to reports, the SDOE decided to eliminate the code for AP African American Studies at the end of this school year, after students—upwards of 60 students in Charleston County alone—had already planned to enroll in the course for the following academic year. Furthermore, data released by the SDOE reveals that similar AP courses focused on other races, ethnicities or cultures have not been restricted in the same manner. State data tracking AP exam results from 2018-2023 reveal that courses in Chinese Language and Culture, Spanish Language, Literature and Culture, French Language and Culture, German Language and Culture and European History have been consistently offered by the state during that five-year time frame.²⁹ To our knowledge, SDOE has not deactivated any of these courses for the upcoming academic year.

The unique focus on courses pertaining to Black Americans is deeply troubling. Based on the most recent active student headcount, Black students comprise 31.05% (245,365 students) of the state’s public school student population.³⁰ Research shows that students who see positive representations of themselves in their curriculum have improved

²⁹ *AP Reports, Test Scores*, S.C. Dep’t of Educ., <https://ed.sc.gov/data/test-scores/national-assessments/ap/> (last visited June 7, 2024).

³⁰ S.C. Dep’t of Educ., South Carolina Active Student Headcounts, District Headcount by Gender, Ethnicity and Pupils in Poverty 2023-34, <https://ed.sc.gov/data/other/student-counts/active-student-headcounts/>

educational outcomes.³¹ For students of color, as well as white students, culturally responsive education decreases dropout rates and suspensions, while increasing student participation, confidence, academic achievement, and graduation rates.³² Thus, evidence-based and pedagogical best practices call for *more* culturally responsive and racially inclusive curriculum like AP African American Studies, which further undermines the validity and propriety of the SDOE’s actions.

V. Conclusion

As the U.S. Supreme Court emphasized in *Brown v. Board*, education is important “to our democratic society” and “is the very foundation of good citizenship” by being the “principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment.”³³ When students honestly examine and interpret the historical and present-day conditions of the United States, they are likely to see many contradictions and tensions, including legacies of injustice existing alongside long struggles for justice. Importantly, these types of educational experiences are crucial to fully understand and participate as equal members of our multiracial democracy. A public education system that teaches about the history and lived experiences of only some of its students is built to primarily serve and benefit those students—circumstances that are fundamentally undemocratic.

AP African American Studies and similar courses embrace the truth of American history and its impact on the present day, and endeavor to impart upon eager students, who choose to enroll, the benefits of a robust education characterized by racially, ethnically, culturally, and linguistically diverse perspectives. State educational agencies must resist attempts to ban and censor truthful education and instead encourage educators and students to discuss important matters related to our history of race subjugation and the ongoing and laudable efforts to eliminate its deleterious effects. Classrooms must not be used as a cudgel to silence the voices and deny the experiences of Black people and other historically marginalized groups. All South Carolinians suffer if those charged with educating students cannot draw from the full well of truth and facts necessary to perform their jobs effectively and equitably.

³¹ See Thomas Dee & Emily Penner, *The Causal Effects of Cultural Relevance: Evidence from an Ethnic Studies Curriculum* (Stanford Ctr. for Educ. Pol’y Analysis, Working Paper No. 16-01, 2016), <https://cepa.stanford.edu/sites/default/files/wp16-01-v201601.pdf>.

³² *Id.*

³³ *Brown v. Bd. of Educ.*, 347 U.S. 483, 493 (1954); See also *Plyler v. Doe*, 457 U.S. 202, 221 (1982) (nothing that “‘public schools as a most vital civic institution for the preservation of a democratic system of government’ . . . and as the primary vehicle for transmitting ‘the values on which our society rests.’” (citations omitted)).

We therefore request that the SDOE immediately restore the course code for AP African American Studies, cease its expansive assault on racially inclusive school curricula and advance a statewide agenda that fosters educational equity and positive school climates for all students, especially Black students.

Thank you for your attention to the important matters in this letter. **We request a response by June 18, 2024.** Please reach out to Hamida Labi, Senior Policy Counsel, LDF (hlabi@naacpldf.org) if you have any questions or would like additional information.

Respectfully,

Jin Hee Lee
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Legal Defense Fund (LDF) is the nation’s oldest civil and human rights law organization. Since its inception, we have worked to defend and advance racial equality and civil rights for Black Americans, including in education. We litigated the landmark case *Brown v. Board of Education*, which ended de jure segregation in public schools. Today, we continue to challenge discriminatory school policies and practices, including racially discriminatory grooming policies.

Since its founding in 1915, **the American Association of University Professors** has shaped American higher education by developing the standards and procedures that maintain quality in education and academic freedom in this country's colleges and universities.

The **American Civil Liberties Union of South Carolina** is a state affiliate of the ACLU that was established in 1968. We advance and defend civil liberties in the Palmetto State.

Black Voters Matter’s goal is to increase power in marginalized, predominantly Black communities. We believe that effective voting allows a community to determine its own destiny. We agree with the words of Dr. Martin Luther King Jr. when he said, “Power at its best is love implementing the demands of justice, and justice at its best is power correcting everything that stands against love.”

Charleston Jewish Federation has operated as the central community organization of Charleston's Jewish community since 1949. Charleston Jewish Federation's mission is to build, secure, and sustain Jewish life in Charleston, in Israel, and around the world. A vital part of this mission is to educate and advocate on issues of vital importance to the organized Jewish community based on consensus, civility, and an expanded commitment to living Jewish values of social justice. By joining the leaders of the Jewish organizations of our community, our organization provides an amplified and unified voice of the greater Charleston Jewish community on critical issues in the public sphere.

E3 Foundation is a 501(c)3 organization whose mission is to ensure those most impacted by inequities are educated, empowered, and elevate to exercise their agency collectively in the South. It works to educate Black and Brown families through culturally competent, relevant, and sustainable engagement, to empower through the coalition building of Black and Brown led-organizations, leaders, educators, children, and families, and to elevate Black and Brown communities to act in their power and purpose.

The **NAACP South Carolina State Conference** is the leading civil rights organization in the state of South Carolina. The organization was chartered in 1939 and now operates through a network of branches, youth councils and college chapters located across the forty-six counties of the state. The NAACP is driven by volunteers committed to the mission of the oldest civil rights organization in America.

The **South Carolina Education Association (The SCEA)** represents members employed in public schools throughout South Carolina and is an affiliate of the largest professional association of educators in the country. As the leading advocate for the schools South Carolina students deserve, The SCEA and its community partners believe in opportunity for every student and in the power of public education to transform lives and create a more just and inclusive society.