



For Immediate Release
Tuesday, September 9, 2025

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Federal Court Dismisses Challenge to South Carolina's Curriculum Censorship Law, Budget Proviso 1.79

Yesterday, the U.S. District Court for the District of South Carolina [dismissed a lawsuit](#) challenging South Carolina's discriminatory censorship law, [Budget Proviso 1.79](#), in the state's K-12 public schools. The decision is a disappointing outcome for South Carolina students, educators, and school communities already affected by the proviso's widespread restrictions on the teaching of certain topics related to race, racial inequalities, and Black history, heritage, and culture.

Earlier this year, a group of South Carolina educators, students, an author, and the NAACP South Carolina State Conference filed *NAACP-SC v. Weaver*, a federal lawsuit challenging Budget Proviso 1.79, and followed with a motion for preliminary injunction to urgently address the proviso's widespread harms. In the lawsuit, the plaintiffs asserted that South Carolina Budget Proviso 1.79 is racially discriminatory and severely restricts teachers and staff from sharing certain information and knowledge about the history and experiences of Black people in South Carolina schools. In particular, the proviso has led to the state-wide cancellation of the Advanced Placement (AP) African American Studies course and the removal of books by Black authors from school libraries. The plaintiffs in the case are represented by the [Legal Defense Fund \(LDF\)](#) and Tyler Bailey of [Bailey Law Firm, LLC](#).

"The Court's decision to dismiss this challenge to Budget Proviso 1.79, despite its widespread harms, is deeply disappointing," said **LDF Senior Counsel, Charles McLaurin** "Budget Proviso 1.79 continues to present a grave and urgent threat to the state's K-12 public schools—especially to Black children and teachers who have had their history, heritage, and lived experiences erased from classrooms. Despite this outcome, we will continue to take every avenue necessary to challenge Budget Proviso 1.79 and ensure that South Carolina schools reflect the honest, inclusive education to which students are entitled."

"We vehemently disagree with the Court's decision to allow Budget Proviso 1.79 to remain unaffected—all while it has upended the lives of South Carolina communities," said **civil rights attorney Tyler Bailey**. "Black history and heritage are a core part of the full story of South Carolina and the nation as a whole, and our students deserve to learn this truth—not to endure censorship at the expense of the quality and honesty of

their educational experiences. We will continue to work on behalf of our clients to challenge this discriminatory law.”

“The court’s dismissal of this case is a grave setback for South Carolina students,” said **President Brenda Murphy of the NAACP South Carolina State Conference**. “Budget Proviso 1.79 remains a dangerous attempt to erase the history, heritage, and lived experiences of Black communities from classrooms. Political censorship of this nature perpetuates ignorance, division, and hate, undermining the quality and inclusivity of education that our students deserve.”

“I am disappointed about the court’s decision,” said **J.S., a student plaintiff in the case**. “Me and my classmates should be able to learn the truth about African American history, culture, and perspectives. This budget proviso has shown me how important it is to speak up. I’ve seen how silence allows injustice to keep winning—and I won’t be silent. I believe in a future where students in South Carolina can learn the truth and be critical and courageous in confronting history.”

“As a public-school teacher, I’ve always committed myself to fighting injustice, honoring humanity, and standing up for honesty. Today’s ruling is disappointing, but our journey does not end here,” said **plaintiff Mary Wood, an AP English teacher**. “Our students deserve the freedom to think critically, engage with truth, and question systems that perpetuate harm. It’s past time for divisive, politically motivated restrictions to lose their grip on education. South Carolinians deserve truthful history and proper educational opportunity in our schools. We must challenge these restrictions and think critically about the future we want to build for our youth.”

“While this is not the outcome we hoped for, the fight is far from over,” said **plaintiff Ayanna Mayes, a high school librarian**. “Our students deserve nothing less than truthful, comprehensive curriculum that supports their ability to become engaged citizens and the leaders of tomorrow. As an advocate, I will continue to stand up for their right to a meaningful education that values truth, critical thinking, and complexity.”

“South Carolina backtracked the original reasons for banning my book in schools because the viewpoint bias was so obvious. They tried to make different viewpoints an issue of so-called “factual inaccuracies,” relying on an academic with no expertise and training in Black history or racial history. No matter how they couch it, they are censoring authors like me with viewpoints they dislike, which is blatantly unconstitutional,” said **plaintiff Ibram X. Kendi, award-winning author and historian**. “I’m gravely disappointed for students but am sadly not surprised at this ruling. It has always been challenging to correct racial injustice throughout our history, as in the eras of Jim Crow and slavery, but that should not stop us from continuing to try.”

[Access the court opinion.](#)

Founded in 1940, the [Legal Defense Fund \(LDF\)](#) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.