



CONTRACT GUIDANCE FOR IMPLEMENTATION OF RESOLUTION ADOPTED ON 8/20/26

Promote Ideology

Each grant recipient is required in the contract to certify that no part of the grant funds covered by the contract will be used to "promote any ideology." What does this mean?

As stated in its Resolution of August 20, 2026, the Commission has taken the position that art does not inherently promote ideology. Rather, art depicts, portrays, and expresses. Any inference of ideas or ideology is not inherent in the art itself, but instead in each individual's interpretation of artistic expression.

Thus, any expression that is subject to more than one interpretation is art and not promotion. Conversely, any expression that can only be interpreted as promotion of an ideology is not art.

Obscenity and Community Standards of Decency

The grant contract states that each grant "shall be subject to and governed by the Laws of the State of South Carolina with regard to obscenity, as well as community standards of decency." What does this mean?

South Carolina's obscenity statute (Section 6-15-305) states that 'any material is obscene if:

- (1) to the average person applying contemporary community standards, the material depicts or describes in a patently offensive way sexual conduct specifically defined by subsection (C) of this section;
- (2) the average person applying contemporary community standards relating to the depiction or description of sexual conduct would find that the material taken as a whole appeals to the prurient interest in sex;
- (3) to a reasonable person, the material taken as a whole lacks serious literary, artistic, political, or scientific value; and
- (4) the material as used is not otherwise protected or privileged under the Constitutions of the United States or of this State.'

(more)

Although contemporary community standards are a part of determining obscenity under the statute, such standards should also be used more generally to determine whether an expression is inappropriate or offensive, especially in relation to graphic violence, discrimination based on race, color, creed, sexual orientation, or national origin, and material that can be viewed as deliberately offensive or harassing to any person or group.

Community standards of decency can be summarized as **whether, to the average person applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest.**

K12 Subject Matter & Age Appropriate

The grant contract states that “any work funded directly or indirectly by this Contract presented to or involving K-12 schools shall be subject matter and age appropriate.” What does this mean?

The South Carolina Arts Commission developed the SC Arts Directory in consultation with the South Carolina Department of Education. As a condition of eligibility, all K–12 grant-funded activities must utilize artists and organizations listed in the SC Arts Directory. The authorized official for each grant application, acting on behalf of the school, school district, or organization, is responsible for reviewing and certifying that the proposed grant activities are appropriate for the intended student audience, including with respect to age and subject matter.

Additional Guidance

Beyond this guidance, the SC Arts Commission cannot provide counsel to applicants, grantees, or other outside parties. If you are concerned that activities funded by the SC Arts Commission may be inconsistent with the resolution approved on August 20, 2026, you may consult publicly available resources regarding the language of the resolution or seek private counsel.