

General Administration

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Title of Regulation:

Regulation No.:

R 43-70

**TEXTBOOK ADOPTION
REGULATION**

Effective Date:

03/24/00

Constitutional and Statutory Provisions:

Section(s):

59-5-60(7).

General powers of [State] Board.

59-5-90.

Powers and duties of State Educational Finance Commission and State Schoolbook Commission devolved upon Board.

59-31-30.

Use of uniform series of textbooks in state-aided schools; exceptions.

59-31-40.

Adoption of new books.

59-31-50

Uses of disapproved books unlawful.

59-31-210.

Board required to provide textbooks on rental basis.

59-31-510, *et seq.*

State Contracts for Textbooks.

Code of Laws of South Carolina, 1976.

State Board Regulation:

Textbook Adoption Regulation

SECTION 1. Statutory Authority

Pursuant to Sections 59-5-60 and 59-31-550, the State Board of Education shall have the responsibility and duty to adopt the instructional materials used for instruction in the free public schools of South Carolina subject to the provisions of the sections that follow. South Carolina contract statutes and any other applicable State laws guide the instructional materials adoption process.

SECTION 2. Instructional Materials Evaluation Criteria

General criteria governing the adoption of instructional materials shall be developed and revised by the State Department of Education and presented to the State Board of Education. Specific subject criteria are contained in the grade level education standards adopted by the State Board as well as each curriculum framework, occupational education core curriculum, and other program area materials which are not addressed within the standards and/or curriculum framework and shall be used in the evaluation process.

SECTION 3 Instructional Materials Advisory Committee

The State Board of Education shall appoint, with the recommendation of the State Superintendent of Education, an Instructional Materials Advisory Committee. The Committee shall consist of fifteen members; six members who are actively engaged in teaching in South Carolina public schools; eight members who are actively engaged in school work either administratively or supervisory, at least one from each congressional district and two at large; and one lay citizen, preferably a former member of the State Board of Education. It is the intention of the State Board that the Committee membership include members whose interests reflect the needs of all students served by the educational system. Seven of the members shall be appointed for a term of two years; eight shall be appointed for a term of four years. Thereafter, the term of all appointed members shall be four years. The Committee shall be facilitated by appropriate staff members from offices of the State Department of Education.

The duties of the Advisory Committee shall be to study continually the Instructional Materials Review, Selection, and Distribution Process and make recommendations to the State Board of Education through the State Superintendent of Education as to changes needed in the process to meet the needs of students, schools, and school districts for instructional materials. The Committee should address: recommendations in regard to exercising options in existing contracts; recommendations in regard to renegotiating expiring contracts; and recommendations for prioritization of purchases should funds not be available. The Committee shall give careful attention to new and improved methods of presenting instructional materials. The Committee is authorized to secure the assistance and advice of consultants. Special consideration should be given to consultants from within the state.

The Instructional Materials Advisory Committee shall meet annually at the call of the Chair. Additional meetings, when necessary, may be held at the call of the Chair, a majority of its members, on request by the State Board of Education, or the State Superintendent of Education. However, the State Board of Education reserves the right to limit the number of official meetings this Committee may hold in one school year.

The Instructional Materials Advisory Committee may make curriculum reports when in its judgment such reports are deemed advisable. The Committee shall report to the State Board of Education not later than May of each year any changes needed to be made in the Instructional Materials Review, Selection, and Distribution Process during the following school year

SECTION 4. Instructional Materials Review Panels Established

The State Board of Education shall appoint, with the recommendation of the State Superintendent of Education, Instructional Materials Review Panel or Panels for each area for which a curriculum framework has been adopted by the State Board of Education, occupational education core curriculum, or other program areas not addressed within a curriculum framework. The number of Panels needed and number of Panel members needed for each framework, occupational education core curriculum, or other program area shall be included in the recommendation from the State Superintendent of Education. Names of potential Review Panel members shall be obtained from district superintendents, State Board of Education members, curriculum framework writing teams, State Department of Education curriculum specialists, and others. For each position there shall be a nominee and one alternate. In the event the nominee does not accept, the State Superintendent of Education is authorized to appoint the alternate and to make other substitutions when necessary.

It is the desire of the State Board of Education that a balance be maintained on each Instructional Materials Review Panel between large and small, rural and urban schools and school districts, and that the Panel membership include members whose interests reflect the needs of all students served by the educational system. Each Review Panel may have up to 25 percent lay membership. All other members shall be persons who are actively engaged in teaching, in the supervision of teaching, in the administration of public schools, and persons who have had teaching experience, special training or supervision in the subject field in which they have been appointed, or who have expertise in a subject area from which material and information should be integrated within the subject area under review. A majority of those appointed shall be full-time classroom teachers. The recommendations by the State Superintendent of Education shall include the size of each Review Panel, length of service term for each member, and the appointment of a State Department of Education staff member as facilitator for each Review Panel.

SECTION 5. Subject Areas Open for Bid

The State Board of Education, upon the acceptance of the recommendations from the Instructional Materials Advisory Committee or upon adoption or revision of a curriculum framework in a particular subject area, shall call for the adoption of instructional materials. The State Board of Education, through

the State Superintendent of Education, shall make information relative to the call for bids available to publishers/vendors and school administrators, not later than 210 calendar days preceding the adoption date. It shall also make arrangements for an official announcement at least forty-five days before bids are to be opened. This announcement shall be sent to all companies registered with the State Department of Education, and a notice shall be given by legal advertisement in at least one daily newspaper in the State of South Carolina in accordance with general legal requirements.

Upon formal notice of the call for bids by the State Superintendent of Education, sample copies of the bid forms shall be made available to be used by companies in submitting instructional materials for adoption and a copy of the contract and bond each company shall be required to execute if its materials are adopted.

The State Superintendent of Education shall develop for State Board of Education approval a schedule outlining major dates and occurrences of the adoption process. The State Superintendent is authorized to make adjustments in the dates when necessary for the success of the adoption program. A copy of the Calendar of Events shall be provided to publishers/vendors with the call for bids.

SECTION 6. Submission of Materials for Panel Review

Publishers/vendors shall submit one copy of a brief along with the official bid for all instructional materials being offered for adoption. Failure to comply with this regulation shall automatically exclude materials for adoption. The brief shall include the level of learning difficulty, an ancillary materials and services list to include designation of free materials and price of optional materials for purchase, and other specific descriptive information as required by the State Superintendent of Education.

Each bidding company or its representative is responsible for distributing instructional material samples to each member of the appropriate Instructional Materials Review Panel on or before the date set by the State Board of Education for each adoption year. Companies are requested to supply a copy of the brief with the instructional materials samples to each Panel Member. This may be done by personal delivery or by mail to the address specified by the Review Panel member. Arrangements shall be made by the State Superintendent of Education for presentations by each bidder to the appropriate Instructional Materials Review Panel as a group. These group presentations shall take place no sooner than thirty days after the date which bidders are expected to have delivered sample materials. During formal panel deliberations, thirty minute sessions will be scheduled for each bidder with the Instructional Materials Review Panels during which the bidder will be given the opportunity to answer additional questions and present additional information.

Review Panels may request additional information and appearances from bidders during the adoption process. This shall be done by the facilitator when requested to do so by the Panel.

SECTION 7. Responsibilities of the Instructional Materials Review Panels

It shall be the duty of each Instructional Materials Review Panel to rate all items offered for adoption and file a written report with the State Superintendent of Education. The report shall consist of the Panel evaluation, list of items which the Panel recommends as suitable for adoption, and an annotation which includes for each item or series of items the common reading level of text materials, level of learning difficulty, and other information as required by the State Superintendent of Education. In order to be placed on the recommended list, instructional materials must receive affirmative votes from at least two-thirds of the Panel members.

There is no limit to the number of individual items or series of items which may be recommended by a Review Panel. All submitted items which meet the general and subject specific criteria as outlined in the

grade level educational standards, curriculum framework, occupational education core curriculum, or other program areas for that subject should be recommended for adoption. However, prior provisions notwithstanding, the State Board of Education is not required to adopt any instructional materials recommended by the Review Panels that in the judgment of the State Board of Education are unsatisfactory.

The State Board of Education shall not approve and add a textbook or instructional materials to the state list of adopted materials unless it has been reviewed and rated by a properly constituted Instructional Materials Review Panel.

To facilitate efficient and competent evaluations by the Review Panels, the State Board of Education shall furnish the Panels with detailed instructions pertaining to its duties; an orientation to and copies of the subject's standards, curriculum framework, occupational education core curriculum, and other program area instruction; instructional materials evaluation criteria; and the time schedule necessary in order that the State Board of Education complete its work in an orderly fashion. It shall be the duty of the State Superintendent of Education or his/her designee to serve as coordinator and liaison between the State Board of Education and the Review Panels.

The Review Panels are authorized to secure the assistance and advice of consultants. Special consideration should be given to consultants from within the state. The Panels may receive clerical services from the State Department of Education.

Each Panel member must submit signed ratings sheets to the facilitator of the Review Panel for the State Department of Education files.

Textbooks shall not be recommended by the Instructional Materials Review Panels and the State Board of Education shall not adopt textbooks that fail to meet the official "Manufacturing Standards and Specifications for Textbooks." As national standards are developed for non-traditional materials, the State Board of Education may require adherence to those standards as well. Provided the State Board of Education reserves the right to waive minor deviations and technicalities, however, in each case the bidder is responsible for showing cause why the standards cannot be met. Copies of the official manufacturing standards and specifications and other applicable standards shall be made available for review to the bidding companies.

In the event an Instructional Materials Review Panel cannot submit a report that is acceptable to the State Board of Education, the Panel may be dissolved and a new Panel appointed in the same manner as the original Panel or the area may be considered for opening at a later date by the Instructional Materials Advisory Committee.

Each Instructional Materials Review Panel shall be dissolved according to the scheduled date of their term expiration.

SECTION 8. Public Review of Materials

The State Superintendent of Education shall make arrangements for a thirty-day public review of materials recommended by the Instructional Materials Review Panels prior to taking those recommendations to the State Board of Education. The public review sites shall be geographically distributed around the state at as many state-supported colleges and universities or, if necessary, other designated sites as will agree to host such reviews. The materials for public review shall be provided by the bidding companies. Public review sites shall be advertised in each congressional district in the newspaper with the largest circulation figures for that district.

A summary of the comments received during the public review period shall be provided to the State Board of Education to facilitate their adoption of instructional materials.

SECTION 9. Instructional Materials Review Panel Recommendations Submitted to State Board of Education

The State Department of Education shall provide to the State Board of Education, the Instructional Materials Advisory Committee, and the Instructional Materials Review Panels information to assist in determining whether instructional materials offered for adoption meet the official "Manufacturing Standards and Specifications for Textbooks" or other materials standards as available. A list shall be furnished of materials offered for adoption which, in the Department's judgment, fail to meet the manufacturing standards and specifications and specify in detail the deviations the State Department of Education finds prior to the rating by the Review Panels.

Materials which may not meet the appropriate manufacturing standards and specifications for those types of materials may be adopted when recommended by the appropriate Instructional Materials Review Panel and when the Panel's justification is deemed sufficient by the State Board of Education.

The Review Panels may recommend and the State Board of Education may adopt instructional materials in manuscript or beta stage. Provided, however, any contract awarded for materials in manuscript or beta form shall be subject to final approval by the State Board of Education and the Review Panels as to the final wording, format, illustrations and captions, and physical construction. None of the members of an Instructional Materials Review Panel for subject matter adopted in manuscript or beta form shall be discharged until final action has been taken by the State Board of Education on the completed product.

SECTION 10. State Board of Education Approval of Instructional Materials

Each Instructional Materials Review Panel shall submit to the State Board of Education through the State Superintendent of Education materials recommended for adoption in each subject area for which materials have been solicited for bid.

SECTION 11. Publish Instructional Materials Listing

The State Department of Education shall publish annually a listing of the newly adopted instructional materials for use in the public schools of South Carolina. A copy shall be provided to each school and school district.

SECTION 12. Substitution of Instructional Materials

Substitutions of new copyrights for instructional materials under contracts shall be allowed only with written permission as specified below.

A. Any company under contract desiring to substitute a later copyright of adopted instructional materials with minor changes that can be used interchangeably in the same classroom without confusion may make application to the State Superintendent of Education. The company shall submit the appropriate number of samples of the edition under contract, samples of the edition it proposes to substitute, and complete lists of changes between the editions. If, after consultation with the appropriate Review Panel, the State Superintendent of Education concludes that the two editions can be used interchangeably in the same classroom without confusion, the State Superintendent is authorized to grant permission to substitute the new edition. All substitutions made under this provision shall comply with Section 9 of the regulations as to the construction of the instructional materials. All substitutions made under this provision shall be approved by the State Superintendent of Education and reported to the State Board of Education.

B. Any company, desiring to substitute a later copyright of adopted instructional material that is so different from the original material that it cannot be used interchangeably in the same classroom without confusion, must make application to the State Board of Education and agree to take up all copies of the old instructional material in use in the public schools of South Carolina and allow an exchange rate to the State equal to any equity they have in the used material. The State Board of Education shall examine the company's request and if, in its judgment, there is sufficient merit to warrant further consideration, the State Board of Education shall instruct the appropriate Instructional Materials Review Panel to review the materials for substitution. After receiving the recommendation of the Panel, the State Board of Education shall determine whether the substitution shall be allowed.

C. In all substitutions allowed, prices shall not exceed the price named in the original contract.

SECTION 13. Instructional Materials Review Panel Expenses

All members of the Instructional Materials Advisory Committee and of the Instructional Materials Review Panels except ex-officio members or full-time employees of the State of South Carolina shall be paid expenses as prescribed by State law and as funds are available.

SECTION 14. Submission of Materials by Schools or School Districts

A school or school district may submit for review materials which in their opinion best suit the needs of the students in their care. Upon submission, the school or school district shall be notified of the time frame within which they may expect to have the materials for use in schools. Materials to be used during the following school year must be approved by the State Board of Education by May of each year.

The State Department of Education shall request the publisher/vendor to submit the materials for adoption and copies of sample materials for use by the appropriate Instructional Materials Review Panel. Inability to secure agreement from the publisher/vendor for participation in the review process shall result in a denial of the request for review. Any item previously reviewed by a Review Panel in the initial call for bids for a subject area shall not be considered for review under this section.

If the publisher/vendor agrees to submit the materials for adoption, all applicable adoption regulations will be followed. Materials approved under this section shall be available for public review through the State Department of Education. Under no circumstances shall this section be used as a vehicle to circumvent the State instructional materials adoptions.

SECTION 15. Registering of Bidders and Publishers

Any bidder or publisher submitting instructional materials to the State for adoption shall on or before the day bids are received register with the State Department of Education the names, home addresses, and business telephone numbers of all agents or employees of any kind or persons retained for legal or other services to whom there is being paid or there will be paid any salary, commission or royalty for representing the bidder or publisher. This information shall be kept open for inspection by the public, members of the State Board of Education, the Instructional Materials Advisory Committee, and the Instructional Material Review Panels. The failure of any bidder or publisher to register the names, home addresses, and business telephone numbers of all agents of any kind as specified shall be deemed as sufficient cause for summary rejection of the bid or proposal of that bidder or publisher.

SECTION 16. Conflict of Regulations

Any or all rules and regulations which may be in conflict with the provisions of this regulation are hereby declared null and void.

SECTION 17. State Board of Education Waiver

A. The State Board of Education may, in its discretion and upon written request of the Department or any person who is subject to this regulation, grant a variance from one or more specific provisions of this regulation. The requesting party shall:

1. identify the specific provisions of this regulation from which variance is sought
2. demonstrate that compliance with the identified provision would not be in the best interest of students, schools, school districts, or the state; and
3. demonstrate that the variance will have no significant adverse impact on the students, schools, school districts, or the state.

B. In granting a variance, the State Board may impose conditions reasonably necessary to assure that the subject activity will have no adverse impact on the students, schools, school districts, or the state.

C. Any variance granted by the State Board may be immediately withdrawn if the State Board finds noncompliance with conditions of the variance or other information that the variance is not in the public interest or that the petitioner has provided false or inaccurate information on which the variance was granted.

D. Nothing herein shall be construed as a waiver of the State Board's right to deny any petition for a variance.

Title of Regulation:

Regulation No.: R 43-71

FREE TEXTBOOKS

Effective Date: 05/23/08

Constitutional and Statutory Provisions:

Section(s):

59-5-60(7).

General powers of [State] Board.

59-31-210.

System for examination and certification of teachers

59-31-360.

Waiver of Textbook rental charges; use of school districts' books

Code of Laws of South Carolina, 1976.

State Board Regulation:

Free Textbooks

Section 1. Free Basal Textbook Enabling Act. Pursuant to Section 5931360 to provide "free basal textbooks" in Grades 1 through 12, S. C. State Board of Education does hereby set forth procedures for ordering instructional materials.

Section 2. Requisition for Free Instructional Materials. Requisitions for free instructional materials shall be made only to the South Carolina Department of Education (SCDE), in accordance with "Instructional Materials Management Procedures for Schools", by completing the official current order form or on internet using the ordering system on the South Carolina Instructional Materials Central Depository website.

Section 3. Provisions for Requisitioning and Distributing Free Instructional Materials.

A.Acquisition of Free Instructional Materials on Levels of Achievement. Any pupil who is a member of any grade within the free instructional materials program may be assigned free instructional materials on the appropriate achievement level as indicated by tests and other evaluations.

B.Allocation of Instructional Materials to Schools. The SCDE shall provide a schedule of instructional materials allocation formulas to the State Board of Education for information annually. The formulas shall be based on available funding provided by the General Assembly for the Instructional Materials program; the average cost of adopted instructional materials; and the prescribed percentage of total membership used in calculating materials allocations.

C.Educable Mentally Handicapped (Special Education) Reading Primary classes shall be eligible for necessary reading materials not to exceed two pre-readiness readers and/or readiness programs and one beginning reading program.

Section 4. Changing to New Titles or Series. A school may change to a new title or series in a subject area only when new material on the same level is adopted by the State Board of Education. Schools shall not return materials presently on the state adopted list to be exchanged for other titles or series, except limited changes that are justified by variations in student achievements. Any books materials exchanged must be on different levels of difficulty. Provided, that the Board shall have the authority to limit or postpone the acquisition of titles or series for such period of time as maybe deemed advisable.

Section 5. Property of the State. Title to all materials issued to schools and depositories under the Free Textbook Act shall be vested in the State. (Legislative Provision).

Section 6. Responsible Parties. The district board of trustees shall be responsible for the proper custody of all materials in its schools and depositories and shall be responsible for the administration of the Instructional Materials Management Procedures for Schools in those schools and depositories.

Section 7. Distribution to Schools. The county or district board of trustees shall elect from the procedures listed below the system of distribution to be used.

A. County Depository: A county depository may be established through which all materials in the county will be distributed.

B. District Depository: A district depository may be established through which all materials in the district will be distributed.

C. School Depository: A school depository may be established through which all materials in the school will be distributed. The board of trustees may designate an agent to operate the depository, maintain adequate records and make necessary reports and remittances to the responsible office at the SCDE; however, such designation does not relieve the board of its responsibilities.

Section 8. Shipping of Instructional Materials. Each school or depository will be sent a Shipment Advisory listing the materials shipped to it. The school or depository agent shall verify the materials received with the materials listed on the Shipment Advisory. If the title(s) and number of materials received do not agree with the title(s) and number of materials on the Shipment Advisory, a report must be made promptly to the responsible office at the SCDE showing: (1) the name of the school and county, (2) the number and date of the Shipment Advisory, (3) a complete itemized list of the differences between Shipment Advisory and books received, both over and short.

Section 9. Records and Reports. Each school and depository shall maintain a separate and complete file for instructional material records, correspondence, and forms. Each school and depository shall maintain an accurate record of the number of materials on hand, materials received and materials returned. They, also, shall keep an accurate record of sales, lost materials, and damage fees and report same to the SCDE and remit all funds collected and pay promptly all amounts due. The Department will issue an official receipt covering each remittance. Each school and depository shall furnish the responsible office at the SCDE with membership reports, anticipated membership reports, inventory reports, and other reports as may be requested. Each school shall maintain a record of materials issued to each pupil.

Section 10. Storage. Each school and depository shall provide for instructional materials adequate places of storage which are safe, clean, dry, well arranged, and free of insects. Care must be taken to see that materials do not mold while in storage. Materials should not be stored on floors and should be at least one inch from walls to allow proper ventilation and protection from termites.

Section 11. Distribution Within the School. Materials may be distributed directly to the pupils from the central bookroom or delivered from the bookroom to each teacher to be issued to the pupils. Materials as determined by the responsible office at the SCDE shall be distributed and circulated using the online state textbook manager.

Section 12. Inspection. All materials and materials records shall be subject at any time to inspection by authorized agents of the county and/or district board of trustees and the SCDE. It shall be the duty of each teacher to inspect frequently the materials issued to pupils and to emphasize the proper care and handling of materials.

Section 13. Stamping or Labeling Instructional Materials. Free Instructional materials issued to pupils shall have a barcode label properly affixed marked "Property State of SC". New materials shall not be stamped or labeled or have a barcode affixed or otherwise marked until issued to pupils

Section 14. Issuing Used Instructional Materials. All used materials of each title shall be issued before any new materials of the same title are issued.

Section 15. Marking in Instructional Materials. Pupil's name may be written below the property stamp impression or on the property label. Pupils may appropriately mark lesson assignments, otherwise they shall not mark or write in instructional materials. Pupils shall not remove, deface, or damage barcodes on state-owned materials. (See Section 20 Damaged Instructional Materials)

Section 16. No Deposits Charged on Instructional Materials. No board or agent thereof shall require a pupil to pay a deposit on any free materials issued by the SCDE.

Section 17. Instructional Materials to be Returned by Pupils. Materials shall be turned in to the school by the pupil, parents or guardians under the following circumstances:

- A. When appropriately requested by a teacher or school official.
- B. When the course is completed or discontinued by the school or pupil.
- C. When the pupil withdraws from school.
- D. At the end of the school year.

Section 18. Transfer Students. A school from which a pupil transfers shall make an appropriate notation on the pupil's transcript records as to whether all his or her materials were returned to the school and whether any damage or lost materials fees are unpaid. (See Sections 17, 19, and 20)

Section 19. Lost Instructional Materials. Schools may require pupils, parents or guardians to pay for instructional materials lost and the pupil, parent or guardian may be denied further benefits of the Free Instructional Materials Program until in compliance with this requirement. This requirement may be waived in instances where the judgment of the principal and/or responsible officials believe that the child is a victim of unusual circumstances. The school district shall be responsible for the cost. The report of lost instructional materials paid for and sales should be itemized by titles on an appropriate form sent to each school at the end of the school year. The schedule of charges shall be determined by the State Board of Education upon the recommendation of the SCDE. Fees collected for lost materials shall be remitted to the SCDE.

Section 20. Damaged Instructional Materials. Schools are required to collect appropriate damage fees from any pupil, parent or guardian for abuse or improper care of instructional materials and the pupil, parent or guardian may be denied further benefits of the Free Instructional Materials Program until in compliance with this requirement. This requirement may be waived in instances where the judgment of the principal and/or responsible officials believe that the child is a victim of unusual circumstances. The school or district shall be responsible for the cost. The amount to be charged in such cases shall be determined by the agent in charge of materials. In no case, shall the cost exceed the amount of charge applicable had the material been lost, provided that the pupil, parent, guardian shall have the option of paying the damage fee or purchasing the material according to the schedule in Section 19 above. Materials on which only a damage fee is collected shall remain the property of the state and shall remain with the school for further use. Materials damage fees collected should be reported in a lump sum in the space provided on the annual instructional materials inventory form sent each school at the end of the school year. Fees collected for damaged materials shall be remitted to the SCDE.

Section 21. Fire Loss. Materials destroyed or damaged beyond further use by fire in school buildings or private homes shall not be charged to the individual or school provided an official of the school furnishes the SCDE a certified list of the materials destroyed and the place and date of the fire.

Section 22. Contagious Diseases. Materials issued to a pupil having a contagious disease such as scarlet fever, diphtheria, etc., shall be burned by the local agent provided such destruction has been recommended by the physician attending the child. The local agent shall provide the SCDE with a certified list of the materials destroyed

Section 23. Returning Instructional Materials to Central Depository. Schools or depositories shall not return used free instructional materials except when requested or authorized to do so by the SCDE. New instructional materials (materials which never have been put in use or tagged, stamped, or labeled) may be returned at any time. (See instructions below)

A. Address all shipments to:

Central Depository

301 Greystone Blvd.

Columbia, South Carolina 29210

B. Return instructional materials by completing the Return Form.

C. When preparing the Return Form, list the instructional materials and follow the instructions on the form.

Section 24. Defective Instructional Materials. Defective materials should be clearly marked "DEFECT" on the outside of the front cover and the defect identified on the inside of the front cover or in a visible place on the outside of a nonbook item. Return the defective materials as soon as possible to the Instructional Materials Central Depository and notify the responsible office at the SCDE whether a replacement or an inventory credit is desired.

Section 25. Disposition of Out of Adoption Instructional Materials.

A. Out of adoption instructional materials are those for which the contracts with the publishers have expired.

B. Schools shall return all new out of adoption instructional materials to the Instructional Materials Central Depository promptly after the expiration of the contract.

C. Schools may continue to use a title on which the contract has expired as long as the title is available from stock owned by the state. Schools should continue to use such materials until they have carefully evaluated all newly adopted materials and selected those best suited to their needs. Schools may continue to use the old title for some grade sections and new titles for other grade sections if they wish.

D. Schools which change to new titles may be requested to return all or a portion of the titles that are being discontinued. The remaining copies may be used or disposed of by the school. Maximum use should be made of these materials, such as additional text material including assignments for classroom work or consigned for home study.

E. Out of adoption materials will be removed from the inventory of books charged to the school before the second year after the expiration of the contract with the publisher. Districts should attempt to dispose of out of adoption materials locally. Districts may dispose of those materials in any manner, including selling materials for the purpose of recycle or resale. Funds received by the sale of used materials must be used for the purchase of instructional materials or supplies.

Section 26. Consumable Instructional Materials.

A. The SCDE will publish annually a listing of consumable instructional materials. Any materials not on the listing shall be considered nonconsumable. Schools using nonconsumable materials as consumable shall be responsible for the cost of replacement.

B. Instructional materials such as workbooks, lab manuals, and test booklets that provide space for written comments and answers shall be classified as one year consumables and considered consumed once issued to a student and used for instruction. One year consumable materials issued to a student and used for instruction will be removed from inventory annually.

C. Funds to replace consumable materials will be provided annually to the extent that an Appropriation is provided by the General Assembly for instructional materials with replacement of nonconsumable materials having first priority.

Section 27. Accounts Must Be Settled. Fees for lost and damaged textbooks for the prior school year are due no later than December 1 of the current school year when invoiced by the SCDE. The SCDE may withhold textbook funding from schools that have not paid lost and damaged textbook fees by the payment deadline.

Section 28. Special Adoptions. Instructional materials, textbooks, or series not currently available from the SCDE that are subsequently added as a special adoption or a district adoption under Section 593145 may be purchased with the district's existing allocation. The SCDE may limit the exchange of instructional materials replaced by special and district adoptions.

Section 29. Most Favored Purchaser. Pursuant to South Carolina Code, if publishers sell materials to any other person or entity at a lower price than the price offered to South Carolina, that reduced price automatically becomes the contract price for South Carolina. At the end of each calendar year, publishers shall submit a certified list of all contracts made with other entities during the calendar year just closed on all instructional materials for which the publisher has a contract in South Carolina. That list must include the contract price for those materials. The SCDE may direct the Central Depository to withhold payment for instructional materials purchased from nonresponsive publishers or assess nonresponsive publishers liquidated damages in an amount equal to 5 percent of the contract price of all instructional materials under contract with the publisher, not to exceed \$5,000.

Title of Regulation:

Regulation No.: R 43-73

**DISPOSITION OF INSTRUCTIONAL
MATERIALS SAMPLES AFTER STATE
ADOPTION PROCESS**

Effective Date: 5/23/03

Constitutional and Statutory Provisions:

S. C. Code Ann. Section(s):

59-5-60(1990)

59-5-65 (1990 & Supp. 2002)

General powers of [State] Board.
Powers and responsibilities of State
Board of Education

Descriptor Code: AC

State Board Regulation:

Disposition of Instructional Materials Samples after State Adoption Process.

- A. Sample copies of instructional materials, textbooks, and supplementary materials furnished to members of the Instructional Materials Review Panels shall remain in possession of panel members until the adoption process has been completed. State Board of Education action on recommendations from the panels will be considered as the completion of the adopted cycle in a given year. Samples furnished by publishers shall be handled in the following manner:
1. The publisher shall notify the State Department of Education of its intent to reclaim samples when official bids are submitted.
 2. Each publisher electing to reclaim samples must arrange for collecting samples at its own expense from panel members within 30 days after the State Board of Education has approved the adoption.
 3. Where publishers do not elect to reclaim samples or fail to collect the materials according to the procedures set forth in the policy, panel members may use them in their own work, donate them to public schools, state-supported institutions, or charitable non-profit organizations.

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4. A panel member or employee of the State Department of Education shall not dispose of any instructional material samples or supplementary materials for profit or personal gain.
5. Samples furnished to the State Department of Education that are not adopted may be reclaimed at the publisher's expense by mail or picked up by the publisher's representative within 30 days after the adoption. Any samples not collected after 30 days may be donated to public schools, state-supported institutions, or charitable non-profit organizations but may not be sold.
6. A sample copy of all adopted instructional materials including workbooks and other supplemental materials shall be stored at the State Department of Education for the duration of the contract with its publisher.
7. Samples of materials stored at the State Department of Education, with expired contracts, be sent to the Central Depository for donating to public schools, state-supported institutions, charitable non-profit organizations, or disposing/recycling but may not be sold.

B. Samples of Non-Textbook Materials

1. A publisher may propose in writing to the instructional materials adoption program coordinator an alternative plan for sampling of non-textbook materials (kits, software, Internet-based programs, etc.). If the proposal is approved by the program coordinator such sampling shall be deemed acceptable for meeting State Board of Education sampling requirements.
2. Samples under the approved alternative plan must be reclaimed from panel members in the same manner as traditional samples as stated in A.2. of this policy. Unless excluded by the alternative plan, the State Department of Education shall retain non-textbook samples of adopted materials and access to adopted Internet programs for the duration of

Title of Regulation:

Regulation No.:

R 43-80

**OPERATION OF PUBLIC PUPIL
TRANSPORTATION SERVICES**

Effective Date:

04/27/09

Constitutional and Statutory Provisions:

Sections:

59-5-60.	General powers of [State] Board.
59-67-240.	Other duties of driver; discipline of pupils for misconduct.
59-67-410.	Control by State Board of Education of school bus transportation.
59-67-470.	Bus drivers; selection; eligibility, training and certificates.
69-67-570.	Rules and regulations.

S.C. Code Ann. Section(s) (1990) and S.C. Code Ann. Section(s) (Supp. 2000)

Descriptor Code: ED

State Board Regulation:

Operation of Public Pupil Transportation Services

A. The school district board of trustees shall be responsible to the State Board of Education for the supervision of the school transportation program in the district. This shall include the recruitment of school bus drivers, employment and dismissal of school bus drivers, supervision of school bus drivers and the pupils being transported, proposed routing of buses, accurate transportation records as to mileage, number of pupils transported pursuant to Section 59-67-100, driver's time reports, school bus safety, and enforcing all other transportation regulations. The recruitment and employment of school bus drivers and supervisory personnel is the responsibility of the school district board of trustees. The transportation of pupils is an integral and essential part of the school program, and teachers and administrative personnel shall be assigned to school bus duties in the interest of the transportation program.

B. Transportation on regular school bus routes is authorized for public school pupils. Public school pupils include three-year to five-year old pupils that are disabled, kindergarten pupils in half-day programs, and the K-12 regularly enrolled students during the 180 day school year. Three and four-year old children attending public school-sponsored kindergarten or child development programs must be permitted to ride state-owned buses to the extent funds are made available by the General Assembly. Special programs operated and/or sponsored by the governing body of the school district may use school buses as long as transportation services are paid for by the school district at no cost to the State and do not disrupt school bus maintenance servicing or regular school bus routes. A special program is any education or other program sponsored by the school district that is not a program required by State statute or regulation to be operated by the school district. A student that is disabled shall be accompanied by an aide if the student's Individual Education Program so specifies.

Assignment of buses for new routes will be made on the basis of actual need. Justification must be submitted showing that all buses presently assigned to the district or area are being used to the maximum before additional equipment can be assigned.

To enhance school bus routing effectiveness, kindergarten pupils shall be assigned to morning or afternoon sessions on the basis of where they live.

C. The State shall not be required to operate buses for high school, junior high school, middle school, and elementary school pupils separately. Approval of separate transportation will be given only when such transportation can be accomplished with the same number of buses and approximately the same mileage. The schedule of work and the opening and closing hours for all schools served by the same buses must be arranged so as to facilitate a maximum amount of school work and at the same time permit the operation of a satisfactory and economical transportation program. School districts shall stagger school opening times when feasible to maximize the use of the school bus transportation system.

D. Five-year-old through grade 12 public school pupils that have temporary physical handicaps or have a chronic disorder of lengthy duration may have their parents or guardians apply for these students to receive special school bus transportation services. The application process is as follows:

1. Secure appropriate forms for the District Superintendent.
2. Have the pupil examined by a licensed medical doctor and receive a written statement from the licensed medical doctor to the effect that without special school bus transportation service, unusual hardship will be experienced by the pupil in walking the required distance to the regular route.
3. Submit the statement from the licensed medical doctor to the District Superintendent for approval.
4. The District Superintendent shall submit the health statement with a Request For Special School Bus Transportation Service approval to the local representative of the State Department of Education. Approval by the State Department of Education shall be required before a change in a school bus route for this purpose becomes official.
5. Approval for such a change in school bus routes shall terminate at the time the pupil no longer qualifies for special school bus transportation service, or when the pupil for whom the service was intended has moved residences.

E. Each school district shall prepare route descriptions and maps in accordance with laws and regulations and, upon approval of the district's board of trustees, shall submit the route descriptions and maps to the designated representative of the State Department of Education by October 15th of each year. Proposed changes in routes after October 15th must be approved by the designated representative of the State Department of Education before a change is made. In emergencies or unusual situations, districts may make route changes in keeping with laws and regulations with approval by telephone from the designated representative of the State Department of Education. Such approval must then be submitted in writing, with written approval received from the designated representative of the Department. Changes made without notification to and approval by the designated representative of the Department will result in the district being charged the prevailing rate per mile for permit trips. The amount for unauthorized mileage will be deducted from the district's transportation funding.

Written approval or disapproval of all routes will be provided by the State Department of Education no later than November 15th. A period of two weeks will be given to the district for corrections to be made after a notice of disapproval. Districts operating routes after November 15th that have not been approved will be considered as operating unauthorized routes and operated at the expense of the school district.

F. School bus stops on each route shall not be closer than two-tenths of a mile apart at safe points. Stops shall have a clear visibility of 600 feet in each direction or a "School Bus Stop Ahead" sign shall be located at a point 600 feet in each direction of the designated stop. During periods of inclement weather, buses may be allowed to stop on the regular route at safe points nearest the house of each child; however, buses shall not be permitted to leave regular routes. Stops and turn-about shall not be made on blind curves, steep grades, or near the crest of hills or in any other unsafe traffic environment.

G. Pupils shall not be transported from one district or attendance area to another when an appropriate school is provided within the district or attendance area. When an intra-district Choice Program is approved by an appropriate school district board of trustees, pupils may be transported across attendance boundaries; however, this transportation shall be provided in the most productive and cost efficient manner and shall not violate the continuous riding time restrictions provided in statute.

H. No school bus shall stop for the purpose of picking up or discharging any non-handicapped school child living within one and one-half miles of the school, unless under the application provisions of Section 59-67-420 the child qualifies for transportation under one of the following conditions.

1. Where no additional state-owned school buses are required, it will be permitted for school buses to transport children, that reside along the route, to and from school on the established route within one and one-half miles distance of the school if there are vacant seats on the school bus. When transporting children that reside within the one and one-half mile distance of the school, other provisions of law and regulations must be maintained, and the school district must assume any additional operational expense.

2. When the school district Board of Trustees of any school district desires to have children transported to and from school within one and one-half miles distance of the school, state-owned buses may be used for this purpose provided the school district Board of Trustees pay to the State Department of Education an amount per mile to be determined annually by the State Department of Education. The per-mile amount should cover at a minimum all costs associated with the provision of the equipment used to provide the service. The methodology to determine this minimum cost shall be approved by the State Board of Education. The driver salary and benefits shall be paid directly by the school district. No additional state-owned buses will be assigned for transportation of students living within one and one-half miles of the school.

I. Regularly assigned buses may be used to transport pupils to vocational classes upon approval of the State Department of Education provided regular buses are the most cost effective method of transportation. If a regular assigned bus is not the most cost effective method, the District shall examine less costly transportation options. The State Department of Education shall reimburse the district for the least expensive alternative transportation mode. When buses are used, the class schedules shall be arranged so that buses can complete their regular morning and afternoon routes. As with all school bus transportation services, the school district Board of Trustees shall be responsible for providing adequate supervision on the bus at all times.

J. Buses shall be removed from routes when, in the opinion of the State Department of Education, abuse or vandalism becomes so excessive that it interferes with the maintenance and operation of buses for the regular school program.

K. The school district Board of Trustees must correct problems in the routing, supervision and/or use of any school bus under its jurisdiction. If problems are not corrected after official notification by the designated representative of the Department of Education, the school district shall assume all financial responsibility and all liability associated with operating the buses.

L. Buses shall be left at the designated school bus parking area during the school day. Exceptions:

1. With prior written approval by the Department of Education drivers of buses may be transported by school bus pool to their home mid-day provided it can be justified economically. The Department of Education for economic justification purposes will allow a pool bus to travel a distance of no more than five miles per driver transported one way per day. Pooling shall be defined as the transportation of more than one bus driver to home or to work on a single bus. In no case shall there be an adverse economic impact upon the bus maintenance services.

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2. Drivers of buses may drive their assigned bus home mid-day when the one-way mileage does not exceed five miles. Any additional mileage shall be at the district's expense.

3. Buses may be parked at another school when there will be no adverse economic impact upon bus maintenance services.

4. At the end of the school day, drivers may drive their vehicle back to their home or a designated public parking facility only when it can be proven that to do so can be justified economically.

The exceptions for use of buses and the related economic justifications shall be part of the route and schedule plan submitted by the local school district to the Department of Education.

In exceptions 1 and 3 above, the request for approval shall include a plan to insure the proper servicing and maintenance of the bus.

The school district shall provide for safe loading and unloading of students and a suitable concrete or asphalt-paved area for the parking and servicing of buses during the school hours. The parking and service area shall be located and designed to insure that vehicular traffic, students or unauthorized personnel are not in or around parked buses during the school day and shall be in compliance with all safety regulations.

M. Each school district is required to keep each school bus in a clean and sanitary condition. Each district is responsible for all excessive driver and passenger abuse to the buses. Any school district using a bus on a trip not authorized by the Department of Education shall assume all financial responsibility and liability.

The school district Board of Trustees shall designate, to the Department of Education, a school official to see that proper care is taken of the buses, that the buses shall not be abused; to see that drivers make required reports promptly; to assist in the investigation and collection of the cost for damages to state-owned equipment; and to aid in any proceedings, either civil or criminal.

N. The school bus driver certification program is established by the South Carolina Board of Education (SCBE) and administered by the South Carolina Department of Education (SCDE) to qualify individuals to drive one or more of the numerous types of school buses. A school bus is a vehicle as defined in Sections 59-67-10 and 56-5-195 of the South Carolina Code. The school bus definition designates a Full-functional School Bus (FFSB) vehicle as a school bus vehicle that is equipped with all signage and lamps to meet the requirements of Section 56-5-2770 and meets the National School Bus chrome yellow color requirements in Section 59-67-30, thus allowing it to control traffic when loading and unloading students. The school bus definition also designates the Multi-functional School Activity Bus (MFSAB) vehicle as school bus vehicle that cannot control traffic because it lacks either signage or lamp requirements of Section 56-5-2770 or does not meet the National School Bus chrome yellow color requirements in Section 59-67-30. The vehicle's manufacturer passenger capacity rating has no effect on the vehicle's status as a school bus.

An individual driving a school bus, as defined in this regulation, must have a valid SCDE school bus driver's certificate in his or her possession when transporting or intending to transport preprimary, primary, or secondary students to or from school, and school related activities, or children to and from childcare or related activities.

The SBE directs the SCDE to establish a school bus driver certification program that provides for the following three (3) separate and distinct school bus driver's certificate categories.

Certificate A—Authorizes an individual to operate any school bus owned or leased by the State, a local school agency, a private contractor, a private school, or a childcare facility for the purpose of transporting school students.

Certificate B—Authorizes an individual to only operate an MFSAB owned or leased by a local school agency, a private contractor, a private school, or a childcare facility for the purpose of transporting school students.

Certificate C—Authorizes an individual to operate a school bus owned or leased by a private school or a childcare facility when the school bus is an FFSSB. Additionally, the individual is authorized to operate an MFSAB owned or leased by a local school agency, a private contractor, a private school, or a childcare facility for the purpose of transporting school students.

Certificate categories B and C are divided into two sub classifications: commercial vehicles and non-commercial vehicles. The non-commercial classification is established to certify individuals to only operate a school bus that is not classified as a Commercial Motor Vehicle by the South Carolina Department of Motor Vehicles (SCDMV).

In order to obtain any one of the SCDE School Bus Driver's Certificates, either an A, B, or C, an individual seeking certification or renewal must successfully complete all requirements established by this regulation and the related tests of the SCDE and SCDMV. Certificates are only issued by the SCDE.

The SCDE School Bus Driver Certification Program includes requirements that are common to all three (3) certificate categories plus requirements that are unique to a driver certificate category.

The common requirements that all drivers must satisfy for issuance and renewal of an SCDE School Bus Driver's Certificate are as follows.

1. Driver candidates must not have or have had in the past twelve (12) months more than four (4) points against his/her driver license or driving Motor Vehicle Record (MVR).

- 2 Driver candidates shall successfully complete the SCDE School Bus Driver's Classroom Training Program.

3. Driver candidates shall have a physical examination administered by a qualified medical examiner; the driver must pass the examination every two years, or more frequently if directed by the medical examiner. The physical examination shall be administered using an "SCDE Medical Examination Report for Commercial Driver Fitness Determination" form provided by the South Carolina Department of Education or the United States Department of Transportation "Medical Examination Report" form. The driver candidate must provide the certificate testing administrator his or her qualifying Medical Examination Report prior to taking the school bus driver physical performance test and the commercial driver's license skills test. The school bus driver candidate must provide a copy of the qualifying Medical Examination Report to his or her employer. An employer may require additional physical examinations as the employer determines to be appropriate. The State assumes no responsibility for the cost incurred by the employer or driver for the physical examinations required by this regulation.

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4. Driver candidates shall successfully pass the SCDE School Bus Driver Physical Performance Tests.

5. Driver candidates shall successfully complete a minimum of 10 hours of SCDE Behind-the-Wheel Road Skills Training, for initial issuance only.

6. Driver candidates shall pass the SCDE Behind-the-Wheel Road Skills Examination.

7. Drivers must show proof that they are covered by and will continue to be covered by a substance abuse program. The program must comply with state and Federal laws requiring drivers to participate in a drug and alcohol testing program encompassing at a minimum: (1) a substance abuse policy; (2) a substance abuse education program; (3) substance abuse testing (including pre-employment, reasonable suspension, post-accident, and random selection testing); and (4) a substance abuse referral assistance program. The substance abuse testing program shall comply with the U. S. Department of Transportation Regulation, Title 49, Chapter III, Section 382 et al., and Federal Highway Administration for testing drivers of commercial vehicles.

8. The driver candidate must satisfy the above common requirement items 3 through 7 within one hundred and eighty (180) days after successfully completing item 2.

In addition to the above eight common requirements, certificate categories have unique requirements that a driver must satisfy before issuance and/or renewal of the SCDE School Bus Driver's Certificate.

1. Certificate-A requires the following.

a. The driver candidate must possess a valid Commercial Driver's License with the appropriate endorsements required by State and Federal law necessary to operate a school bus commercial motor vehicle.

b. The driver must complete a minimum of ten (10) hours of SCDE approved in-service training annually to qualify for renewal.

2. Certificate-B Commercial requires the following.

a. A driver candidate must possess a valid Commercial Driver's License with the appropriate endorsements required by State and Federal law to operate a school bus type vehicle to qualify for issuance.

b. A driver must complete a minimum of two (2) hours of SCDE approved in-service training annually to qualify for renewal.

3. Certificate-B Non-Commercial requires the following.

a. A driver candidate must possess a valid Driver's License that meets the requirements in State and Federal law to operate a non-commercial school bus type vehicle with no restrictions other than vision correction to qualify for issuance.

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b. A driver must complete a minimum of two (2) hours of SCDE approved in-service training annually to qualify for renewal.

4. Certificate-C Commercial requires the following.

a. A driver candidate must possess a valid Commercial Driver's License with the appropriate endorsements required by State and Federal law to operate a school bus type vehicle to qualify for issuance.

b. A driver must complete a minimum ten (10) hours of SCDE approved in-service training annually to qualify for renewal.

5. Certificate C Non-Commercial requires the following.

a. A driver candidate must possess a valid Driver's License that meets the requirements in State and Federal law to operate a non-commercial school bus type vehicle with no restrictions other than vision correction to qualify for issuance.

b. A driver must complete ten (10) hours of SCDE approved in-service training annually to qualify for renewal.

Drivers accumulating more than four (4) points after being issued an SCDE School Bus Driver's Certificate shall have the certificate suspended. If a certificated driver receives a ticket for Driving Under the Influence (DUI), the certificate shall be suspended, and if convicted of DUI, the driver's SCDE Certificate shall be revoked. The employer of the driver shall notify the SCDE within thirty (30) days of such excessive driver license points and DUI actions.

Driver candidates are subject to a South Carolina criminal background check that must be conducted by their employer before transporting students. The employer may require additional federal level security and criminal background checks.

The SCDE shall establish procedures to transition the existing SCDE single category school bus driver certification program to the new multi-category School Bus Driver's Certificate program. All drivers that have a valid SCDE school bus driver certificate, and are in good standing with SCDE in-service training requirements, will be converted to a School Bus Driver's Certification A. All drivers that have a valid SCDE school bus driver certificate, but have not completed the SCDE in-service training requirements, will be considered for conversion to a School Bus Driver's Certification B.

Drivers must be in compliance with these requirements on or before August 15, 2008.

O. State-owned school buses shall comply with the minimum posted speed, if greater than 45 miles per hour, for the highway used. Except that public school buses transporting Handicapped students shall comply with Section 59-67-525.

P. All state-owned buses shall be equipped with an operational stop-arm.

Q. The school district Board of Trustees shall have the authority to remove a bus from a regular school bus route when it is determined that the conduct of the passengers or others endangers the life and safety of the bus driver and passengers.

R. The school district Board of Trustees is authorized to assign seats to bus passengers when it is determined to be in the best interest of the transportation program.

S. Each school district shall submit to the Department of Education in writing no later than May 1st of each year, any major changes in school assignments which would require a change in the number of buses for the following school year.

T. SPECIAL TRANSPORTATION SERVICE

1. When state-owned buses or boats are used by the schools for educational purposes other than transporting pupils to and from school, the cost of operation shall be borne by the school district. The operator shall be paid by the local school district. In addition, a charge for the use of the bus or boat (use fee) as determined by the State Department of Education and approved by the State Board of Education, payable to the State Department of Education, shall be made. The school district Board of Trustees will be responsible for damages to the bus or boat as a result of abuse. The bus or boat use fees are applicable to all trips other than the regularly scheduled trips or trip segments to and from school as shown on the approved route description for the school district.

2. The school boat must be operated by an individual with the required U.S. Coast Guard Merchant Marine Officer, Master of Steam and Motor Vessels license.

3. The use of state-owned buses and boats for purposes other than transporting pupils to and from school shall in no way conflict with the regular school schedule.

4. The use of state-owned buses and boats shall be limited to those events and activities sponsored by school districts.

5. Request for documentation of the use of buses and boats for purpose of special services must be secured from the designated representative of the Department of Education prior to the vehicle's use.

6. The use of state-owned buses for special purposes for trips outside the State shall be limited to athletic and other school activities in adjacent counties in Georgia and North Carolina with the following exceptions. In North Carolina: Polk, Henderson, Transylvania, Jackson, and Macon Counties have mountainous terrain. State-owned buses shall not be used for special activities in these counties without prior route approval by the designated representative of the Department of Education.

7. The Department of Education permit For The Use Of School Buses or Boats prepared by the school district must accompany the operator on each trip made by the bus or boat.

Should any of the above regulations governing the use of school buses or boats for special services be violated in any school district, the Department of Education may withdraw approval to use state-owned school buses or boats from any further special service.

U. The bus or boat use fees shall be based on formula approved by the State Board of Education. The formula shall reflect the operational cost experienced by the State Department of Education plus an appropriate vehicle replacement charge. In compliance with approved State Board of Education bus or boat use fee formula, the Department of Education shall establish an annual fee for bus and boat use.

V. Variations from Transportation Regulations may be approved by the State Department of Education when such variations are clearly in the interest of safety, efficiency and economy. School districts seeking a variance from a regulation must submit a written request seeking approval from the Department of Education. The Department will approve or disapprove the request, in writing.

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W. In accordance with Section 59-67-520 of the Code of Laws of South Carolina, as amended, it is hereby declared the policy of the State Board of Education to provide transportation for handicapped children within an school district to the nearest school in which a class is located serving the pupil's disabilities.

X. Eligibility for Transportation - Eligibility for transportation under the above provisions shall be limited to the following types of disabilities:

1. Trainable mentally handicapped (TMH)
2. Deaf-blind (DB)
3. Hearing handicapped (HH)
4. Visually handicapped (VH)(Legally Blind)
5. Emotionally handicapped (EH)(Severely)
6. Orthopedically handicapped (OH)
7. Educable mentally handicapped (EMH)
8. Learning disabled (LD)
9. Other health impaired (OHI)
10. Pre-school handicapped
11. Profoundly mentally handicapped (PMH)
12. Traumatic brain injury (TBI)
13. Autistic
14. Other disabilities identified in Section 504 of the Rehabilitation Act and the Americans With Disabilities Act.

Legal age for transporting children with disabilities are three (3) and four (4) years old and public school students (K-12) except for the hearing and visually handicapped which is 4-21 years of age. Students with disabilities may be transported on regular route school buses.

Y. District Boards of Trustees shall be responsible for locating classes for children with the above disabilities in or near the geographic center of the district or area so that all children with these disabilities can be transported on the same bus. The State Department of Education shall not be required to provide separate transportation for children with disabilities.

Z. Transportation will be provided either on state-owned buses or by contract between the State Department of Education and the school district, whichever is most economical to the State.

The following procedure shall be used in requesting transportation:

1. State-Owned Buses - State-owned buses will be assigned when the number of eligible students (usually minimum of 6) live within an area to make a bus route feasible from a time and mileage standpoint. School district officials shall submit a map and route description to the designated representative of the State Department of Education to justify assignment of the bus. Maps and descriptions will be submitted annually in the same manner as for regular bus routes.

2. Contract Transportation - Contract transportation will be limited to pupils who cannot be transported efficiently by state-owned buses. The following procedures will be used in requesting contract transportation.

a. The State Department of Education will be notified of the name of the pupil, location of residence, and school to which such pupil(s) is to be assigned. If it is determined that the pupil or pupils can not be transported on a bus already assigned to the district or if the number of pupils is insufficient to justify an additional bus, then, a contract will be signed between the school district and the parent or other individuals for transportation.

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b. Contracts between the school district and parents or other individuals to transport one child will be based on a rate per mile as determined by the State Department of Education and approved by the State Board of Education for each 90 school days. If more than one student is transported, the contract may be used on the rate per vehicle or passenger mile for the actual number of miles traveled.

c. When it is in the best interest of the State, contracts may be written for transporting students who live within 2 miles of the school. The State Board of Education shall establish the funding limitation on the basis of a designated amount of dollars per student for 90 school days.

d. The maximum payment for transportation for any one pupil shall not exceed the amount established annually by the State Board of Education for each 90 school days unless a special exception is approved by the State Board of Education.

e. All proposed contracts must be approved by the State Department of Education prior to commencing transportation. Reimbursement will be from the date of approval.

f. Contract transportation will not be approved if transportation on state-owned buses is more cost effective or productive except when otherwise required by the student's Individual Education Plan. Exceptions may be made in extreme cases upon written recommendation of the affected pupil's licensed medical doctor and the school district and upon approval by the State Department of Education.

AA. Transportation will be provided only during the regular school term not to exceed 180 school days.

BB. Transportation on state-owned buses or by contract of pupils attending multi-district programs or programs conducted by agencies other than the public schools, will be provided only if the home district has received approval of "another facilities agreement" from the State Department of Education. This approval must be received prior to commencing transportation. The home district is responsible for securing contracts for transportation routes and for the requisitioning of funds.

CC. Persons contracting to provide transportation must have insurance coverage at least equal to that carried on state-owned buses as required by Section 59-67-710 of the Code of Laws of South Carolina, as amended.

DD. Reimbursement to the district for contracts shall be made at the end of each 90 school days. Request for reimbursement shall be submitted on a form furnished by the State Department of Education. The request for reimbursement shall be pro-rated if pupil attends less than 90 school days.

EE. The Department of Education will establish a School Bus Specifications Committee for the purpose of creating specifications for the procurement of state-owned school buses. The Committee will be composed of members of the General Assembly or their designees; representatives of the business community; mechanical engineers profession; both local school district and state student transportation officials representing school bus maintenance, administration, driver training, and operations; and a representative of the Budget and Control Board, Materials Management Office. The State Superintendent of Education or designee will make Committee appointments. The Committee will be responsible for reviewing, amending, and developing school bus specifications for all types of school buses purchased by the State. These specifications will assure that the student transportation needs of the State are efficiently and effectively addressed. The Committee will recommend the specifications to the State Superintendent of Education or designee for approval.

Title of Regulation:

Regulation No.:

R43-100

TEST SECURITY

Effective Date:

06/26/15

Constitutional and Statutory Provisions:

Section(s):

59-5-60

General powers of [State] Board.

59-1-445.

Violations of mandatory test security; penalties; investigations.

59-1-447.

Regulations for mandatory test security procedures.

59-18-310(B)

Development or adoption of statewide assessment program to promote student learning and measure student performance.

Code of Laws of South Carolina, 1976.

State Board Regulation:

43-100. Test Security.

I. Tests administered by or through the State Board of Education shall include but are not limited to:

A. The statewide tests, as defined in State Board of Education Regulation 43-262, including field tests and pilot tests;

B. Examinations for admission to teacher education programs and teacher certification examinations;

C. Examinations for admission to programs such as the gifted and talented program;

D. High school equivalency tests.

II. As used in this regulation, "local school board" means the governing board of a public school district, a public charter school, as well as those of special school districts, special schools, and institutions that utilize tests administered by or through the State Board of Education.

III. Each local school board must develop and adopt a district test security policy. The policy must provide for the security of materials for the entire period of time (before, during, or after testing) the materials are in the district and/or the schools within that district. The policy must address security for paper-based, computer-based, and customized assessments. This also applies to district-owned materials that are the same as those used in any state-operated testing or assessment program. Throughout the time testing materials are under the control of the school district, secure paper-based materials must be stored under lock and key when not in use for approved test administration activities.

IV. Each District Superintendent and the administration from each of the special schools and institutions that utilize tests administered by or through the State Board of Education must designate annually one individual in each district for each mandated assessment who will be the sole individual in the district authorized to procure test instruments that are utilized in testing programs administered by or through the State Board of Education. The name of the designated individual must be provided to the South Carolina Department of Education (SCDE) in writing. When the testing program involves procurement of materials available commercially, the designated individual must be the sole individual in the district

authorized to procure commercial test instruments which are utilized in testing programs administered by or through the State Board of Education.

V. Individuals must adhere to all procedures specified in all operating manuals governing the mandated testing programs. Manuals are provided by or through the SCDE.

VI. A. The State Board of Education may invalidate test scores that reflect improbable gains and that cannot be satisfactorily explained through changes in student populations or instruction.

B. In cases where test results are invalidated because of a breach of security or action of the State Board of Education, any programmatic, evaluative, or certification criteria dependent upon the data will be deemed to not have been met.

VII. Any individual(s) who knowingly engage(s) in any activity that results in the invalidation of scores derived from teacher certification examinations, the examinations for admission to teacher education programs, and/or the high school equivalency tests forfeits all opportunities to retake the test(s).

VIII. Any knowing involvement in the presentation of forged, counterfeit, or altered identification for the purpose of obtaining admission to a test administration site for any of the tests administered by or through the State Board of Education will be considered a breach of test security within the meaning of S.C. Code Ann. Section 59-1-445 (1990, 2004). Any individual(s) who knowingly cause(s) or allow(s) the presentation of forged, counterfeit, or altered identification for the purpose of obtaining admission to any test administration site specified in this paragraph forfeits all opportunities to retake the test(s).

IX. Each of the following is considered a breach of professional ethics which may jeopardize the validity of the inferences made on the basis of test data and, as such, are viewed as security violations which could result in criminal prosecution and/or disciplinary action to an educator's professional certificate.

A. Failing to administer tests on the test dates specified by the SCDE.

B. Failing to maintain an appropriate testing environment, free from undue distractions.

C. Failing to proctor the test to ensure that examinees are engaged in appropriate test-taking activities.

D. Providing examinees with access to test questions or specific test content prior to testing.

E. Providing examinees with access to answer keys prior to or during testing.

F. Keeping, copying, reproducing, or using in any manner inconsistent with the instructions provided by or through the SCDE any test, test question, or specific test content.

G. Keeping, copying, or reproducing in any manner inconsistent with the instructions provided by or through the SCDE any portion of examinee responses to any item or any section of a secured test.

H. Coaching examinees, altering examinee responses, or interfering with examinee responses in any way prior to, during, or after testing. This includes hinting to examinees about the correctness of their responses.

I. Failing to follow instructions specified in the test manuals for the distribution, storage, or return of test materials or failing to account for test materials before, during, or after testing.

J. Failing to follow all directions pertaining to the administration of a test as specified in the test manuals for that test. This section includes failure to clear the memory of calculators used on a test as directed in the test manual.

K. Allowing, participating in, assisting in, or encouraging any unauthorized access to test materials prior to, during, or after testing.

L. Disclosing the contents of any portion of secure materials or discussing the contents of secure tests with examinees, teachers, or other educators before, during, or after testing.

M. Leaving in view of examinees during test administration materials that are content or conceptually related to the subject areas being assessed.

N. Providing references or tools other than those specifically allowed in test manuals. Providing references or tools during test administration at times other than those specifically allowed in test manuals.

O. Failing to provide accommodations and/or customized materials as specified in the student's Individualized Education Program (IEP) or 504 plan. Providing accommodations and/or customized materials not included in the student's IEP or 504 plan.

P. Excluding examinees or exempting from assessment students who should be assessed.

Q. Failing to return test materials for all examinees.

R. Engaging in inappropriate test preparation practices that invalidate the test scores. These practices include activities that result in an increase in test scores without a simultaneous increase in the examinee's real achievement or performance in the content area.

S. Revealing test scores or test performance to anyone not involved in the education of the examinee.

T. Altering test scores in electronic records or files.

U. Failing to report a security breach.

X. The SCDE has the right and responsibility to observe test administration activities without prior notice in order to monitor adherence to test security. Examinees should be made aware that monitoring may occur.

XI. Any suspected violation of security must be reported to the South Carolina Law Enforcement Division.

XII. If a security breach occurs in a district, or charter school, rendering test forms or test items unusable, funds equivalent to replacement costs may be withheld from the district or charter school by the SCDE at the discretion of the State Board of Education.

XIII. At the discretion of the State Board of Education, an educator may receive a public or private reprimand or the credential of an educator may be suspended or revoked based on evidence of violation of test security provisions.

Title of Regulation:

Regulation No.:

R 43-165.1

**PROGRAM FOR ASSISTING, DEVELOPING,
AND EVALUATING PRINCIPAL PERFORMANCE
(PADEPP)**

Effective Date:

06/26/15

Constitutional and Statutory Provisions:

Section(s):

59-5-60.

General powers of [State] Board.

59-24-30.

Individual professional development plans.

59-24-40.

Development and adoption of statewide performance standards for principals; annual evaluation of principals; training program for principals receiving unsatisfactory rating.

Code of Laws of South Carolina, 1976.

State Board Regulation:

43-165.1. Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP).

I. PURPOSE

The State Board of Education, through the South Carolina Department of Education, is required to adopt statewide performance standards and criteria that shall serve as a foundation for all processes used for assisting, developing, and evaluating principals employed in the school districts of this state. School districts shall use the standards and procedures adopted by the State Board of Education for the purposes of conducting evaluations and guiding the professional development of principals. Districts are to consider evaluation results in making decisions regarding principal development, compensation, promotion, retention, and removal.

The South Carolina Department of Education shall ensure the implementation of principal evaluation in the school districts.

Principals must be evaluated using the Performance Standards and Criteria for Principal Evaluation adopted by the State Board of Education. Additional performance standards and criteria may be established by the superintendent. As required by S.C. Code Ann. Section 59-24-30, the principal's annual Professional Development Plan (PDP) shall be established on the basis of the PADEPP Performance Standards and Criteria and the school's renewal plan.

II. DEFINITIONS FOR THE PURPOSES OF THIS EVALUATION PROGRAM

A. PRINCIPAL: A principal is the chief administrative head or director of an elementary, middle, or secondary school or of a vocational, technical, special education, or alternative school. Induction principals are those serving for the first time as building-level principals. These principals are considered probationary until they have completed the requirements of the Principal Induction Program (PIP) and have received an overall rating of Proficient or higher on the PADEPP evaluation instrument .

B. EVALUATOR: The evaluator is the district superintendent and/or the superintendent's designee. All evaluators must have successfully completed the Office of School Leadership's (OSL) Program for

Assisting, Developing, and Evaluating Principal Performance (PADEPP) training before evaluating principals.

C. EVALUATION INSTRUMENT: The evaluation instrument developed by the South Carolina Department of Education is based upon the PADEPP Performance Standards and Criteria and is available from the Office of School Leadership. In lieu of the state instrument, districts may request permission to use an alternative evaluation process that meets state requirements and national standards. This instrument must be approved by the South Carolina Department of Education and the State Board of Education.

D. EVALUATION CYCLE: The evaluation cycle shall be consistent with the school year as defined by law. After induction , principals shall be evaluated as stated in Section III.

III. PROGRAM IMPLEMENTATION

A. PRINCIPALS WITH TIER 1 CERTIFICATION

(1) First-year principals shall participate in an induction program as provided for in State Board of Education Regulation 43-167, "Principal Induction Program." The superintendent or his or her designee shall provide the first-year principal with written and oral feedback relative to each performance standard and criterion. Principals are to receive this feedback at least at mid-year and end-of-year conferences. The superintendent or his or her designee will observe, collect relevant data, consult with the first-year principal on a regular and consistent basis, and provide the first-year principal with an informal written evaluation.

(2) Upon successful completion of both the South Carolina Principal Induction Program (PIP) and a full evaluation on the PADEPP evaluation instrument , the principal will be eligible for Tier 2 principal certification. If the overall rating on the PADEPP evaluation instrument in any year immediately subsequent to the induction year of employment as a principal is below Proficient, the principal will remain on Tier 1 certification until the South Carolina Department of Education receives verification from the employing school district that the principal has achieved an overall rating of Proficient or higher on PADEPP.

B. PRINCIPALS WITH TIER 2 CERTIFICATION

The superintendent or his or her designee shall evaluate Tier 2 principals annually. A full evaluation using all PADEPP Performance Standards will be conducted at least every third year. The evaluation shall address each of the PADEPP Performance Standards and accompanying Criteria. Principal evaluations on years between full evaluations will include Performance Standards for Instructional Leadership, Student Growth, and all Performance Standards rated the previous year as below "Proficient," as well as any additional Performance Standards identified in the Principal's Professional Development Plan (PDP). Full evaluations may, of course, be conducted every year, if the superintendent chooses to do so. A principal is to receive feedback from the superintendent or his designee regarding the principal's performance at least at mid-year and end-of-year conferences.

IV. PERFORMANCE STANDARDS AND CRITERIA

Principal preparation programs and school districts must address, but are not limited to, the Performance Standards and Criteria for the Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP), as specified in the State Board of Education's PADEPP implementation guidelines.

V. EVALUATION PROCESS

A. The evaluation of each principal shall consist of both formative and summative phases.

(1) The formative phase shall begin with an initial review of the evaluation instrument by the evaluator with the principal. Regular conferences shall be held to discuss the principal's progress and shall include an analysis of the data collected during the year.

(2) The summative phase shall provide for evaluative conclusions regarding the principal's performance based upon the data collected. Upon completion of the evaluation, the evaluator will meet with the principal to discuss the findings in terms of each of the PADEPP Performance Standards, as well as the overall results. At the conclusion of the meeting, the evaluator and the principal shall sign the evaluation form, and a copy shall be given to the principal.

B. After reviewing the overall results of the evaluation, the principal and evaluator shall establish the principal's annual Professional Development Plan (PDP) on the basis of the identified strengths and weaknesses, as well as the school's renewal plan.

C. Satisfactory performance on an evaluation does not guarantee reemployment as a principal.

D. Each principal has the right to respond in writing to the completed principal evaluation instrument. This written response must be submitted to the evaluator within ten working days of the summative conference.

E. All appeals shall follow local school district policies and procedures governing the local appeal process.

VI. DISTRICT RESPONSIBILITIES

A. Each school district shall ensure that principals receive awareness training that includes

(1) the PADEPP Performance Standards and Criteria for Principal Evaluation,

(2) the PADEPP principal evaluation instrument, and

(3) Regulation 43-165.1, "Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP)."

B. Each school district shall ensure that the district superintendent and the superintendent's designee(s) are trained as evaluators of principals.

C. Each school district shall designate one individual to be trained as a district coordinator for PADEPP. This coordinator shall be responsible for the administration of the evaluation program consistent with this regulation, including an annual submission for all principals in their district.

D. Each school district shall maintain principal evaluation data and shall ensure the confidentiality of the evaluation results in accordance with the Freedom of Information Act.

E. Each school district shall submit annual assurances and required principal evaluation data to the South Carolina Department of Education indicating compliance with this regulation and PADEPP implementation guidelines.

F. Each school district shall utilize the results from the principal evaluations in decisions regarding principal development, compensation, promotion, retention, and removal.

VII. SOUTH CAROLINA DEPARTMENT OF EDUCATION RESPONSIBILITIES

A. The South Carolina Department of Education shall ensure that the PADEPP is appropriately implemented by each school district in accordance with this regulation and PADEPP implementation guidelines.

B. The South Carolina Department of Education shall collect from school districts required principal evaluation data, as well as Assurance/Validation forms, in order to

(1) determine trends and inform decisions concerning educational leadership preparation and professional development, and

(2) ensure that the Program for Assisting, Developing, and Evaluating Principal Performance is being appropriately administered in accordance with this regulation and the law governing the evaluation of principals.

C. The South Carolina Department of Education shall provide school districts with ongoing technical assistance in the form of training, consultation, and advisement. Specifically, the training will ensure that participants have the knowledge and skills necessary to collect and document data relative to a principal's performance, analyze the data to identify the principal's performance strengths and weaknesses, provide feedback to the principal in terms of the PADEPP Performance Standards and Criteria, and counsel, coach, and assist the principal to improve effectiveness. Additionally, the training will ensure that participants are prepared to evaluate the principal in a valid, reliable manner, and to make a summative judgment regarding the principal's performance.

VIII. TRAINING REQUIREMENTS

A. Each school district shall ensure that principals receive awareness training that includes

(1) the Standards and Criteria for Principal Evaluation,

(2) the selected principal evaluation instrument, and

(3) Regulation 43-165.1, "Program for Assisting, Developing, and Evaluating Principal Performance."

B. Each school district shall ensure that the district superintendent and the superintendent's designee(s) are trained as evaluators of principals.

C. Each school district shall designate one individual to be trained as a district coordinator for the Program for Assisting, Developing, and Evaluating Principal Performance. This coordinator shall be responsible for the administration of the evaluation program consistent with this regulation.

D. The South Carolina Department of Education shall provide school districts with ongoing technical assistance in the form of training, consultation, and advisement.

IX. PROGRAM IMPLEMENTATION AND ADMINISTRATION

A. The South Carolina Department of Education shall ensure that the Program for Assisting, Developing, and Evaluating Principal Performance is appropriately implemented by each school district in accordance with this regulation.

B. Local school districts shall provide annual assurances to the Department that the Program for Assisting, Developing, and Evaluating Principal Performance is being appropriately administered in accordance with this regulation and the law governing the evaluation of principals.

C. The South Carolina Department of Education has the authority to develop guidelines, approved by the State Board of Education, in accordance with the provisions of this regulation.

Title of Regulation:

Regulation No.: R 43-166

STUDENT AND SCHOOL SAFETY

Effective Date: 03/28/97

Constitutional and Statutory Provisions:

Sections

59-1-380.	Suspension of make up days. Repealed.
59-1-430.	Make up days.
59-5-60.	General powers of [State] Board.
59-5-65.	Powers and responsibilities of [State] Board.
59-19-90(7).	General powers and duties of school trustees.
59-63-910, <u>et seq.</u>	Fire Drills.
59-66-20.	School safety coordinator grant program; funding; requirements.

Code of Laws of South Carolina, 1976 (Revised 1990).

Descriptor Code: None

State Board Regulation:

Student and School Safety

A. School Safety Assessment

1. The State Department of Education shall develop a Model Safe Schools Checklist designed to assess schools' safety strengths and weaknesses. The checklist must include items addressing the following topics:
 - a. the existence of a comprehensive safety plan;
 - b. communication of discipline policies and procedures;
 - c. intra-agency and interagency emergency planning;
 - d. recording of disruptive incidents;
 - e. training of staff and students;
 - f. assessment of buildings and grounds;
 - g. procedures for handling visitors;
 - h. assignment of personnel in emergencies;
 - i. emergency communication and management procedures; and
 - j. transportation rules and accident procedures.
2. The State Department of Education shall submit the checklist to the State Board of Education for approval prior to dissemination to the

school districts. The checklist may be revised on an annual basis by the State Board of Education in compliance with relevant provisions of the Safe Schools Act of 1990.

3. Prior to September 30 of each school year, the State Department of Education shall disseminate a copy of the model safe schools checklist to every public school district in the state.
4. School districts shall be advised by the Department of Education of the requirement to use a safe schools checklist in compliance with Section 59-5-65, S.C. Code of Laws, 1976. This safety assessment should be part of the comprehensive needs assessment conducted for school improvement purposes in compliance with Section 59-20-60(4)(d), S.C. Code of Laws, 1976. In particular, a safe schools checklist should be utilized in determining "school climate" needs, one of the six indicators of school effectiveness.

B. First Aid Supplies.

Each school shall provide adequate first aid supplies and equipment.

C. Support for Authorities.

The Board urges all citizens to continue their active and vigorous support of the local school and civil authorities in insuring the personal safety and security of all students and teachers.

D. Emergency and Disaster Plans.

A plan shall be designed to provide for the protection and welfare of students in the event of any disaster (tornado, hurricane, fire, etc.) which threatens to involve the school community. Each school shall conduct at least one emergency drill within the first month of school to insure safety against such disasters.

E. Guidelines will be developed by the State Department of Education, which will refer to statutory provisions relating to school safety, as well as additional information. The State Department of Education will review and update these guidelines as needed.

Title of Regulation: **Regulation No.:** R 43-167
PRINCIPAL INDUCTION PROGRAM **Effective Date:** 03/24/00

Constitutional and Statutory Provisions:

Sections:

59-5-60. General powers of [State] Board.
59-24-80. Formal induction program for first year principals.
S.C. Code Ann. Section(s) (1990) and S.C. Code Ann. Section(s) (Supp. 2000)

Descriptor Code: None

State Board Regulation:

Principal Induction Program

A. Purpose

The purpose of the Principal Induction Program is to add one component of many strategies which are to be combined by the districts to meet the intent of the Education Accountability Act to improve teaching and learning so that students are equipped with a strong academic foundation. The Principal Induction Program will assist public school districts in providing support and professional development for first year principals.

The State Board of Education recognizes that a school district makes one of its most important personnel decisions when it appoints a principal. The Board also recognizes the value of formal induction programs that provide novice school principals with an academy that focuses on developing and refining the leadership skills necessary to help their faculties provide the most effective instructional programs possible. Therefore, the following regulations have been developed to facilitate the implementation of the South Carolina Principal Induction Program.

B. Definitions

1. The Principal Induction Program is a yearlong program (July to June) of support and professional development for new principals in which instructional leadership skills, use of effective schools research, and planning for curricular improvement through the analysis of test scores are central components of the curriculum.
2. A principal is the chief administrator or head building administrator of any public elementary or secondary school or specialized education unit as defined by the local school district, or the chief administrator of an occupational education center.
3. A Principal Induction Program mentor is an experienced, practicing building-level principal or director selected by the school district superintendent/designee to provide support and assistance to new principals.

C. Participation

1. Beginning with the school year 1999-2000, any person appointed to serve for the first time as a building level principal, director of a specialized education unit, or occupational education center director must participate in the Principal Induction Program.
2. Principals appointed after the Principal Induction Program Summer Institute held for a week in July must participate in a make-up session in September and in Induction Program activities for the remainder of that school year.

D. Program Design and Content

The Principal Induction Program must consist of New Principals' Academy activities provided by the State Department of Education and school district orientation activities provided by the individual school districts. All components shall be based on statewide criteria and statewide performance standards for assisting, developing, and evaluating principals.

1. The combination of time for New Principals' Academy and district activities must not be less than twelve days: five days for the New Principals' Academy Summer Institute, three days for New Principals' Academy follow-up meetings, two days for district orientation activities, and two days for professional development related to the individual new principal's Professional Development Plan.

2. Districts developing their own program in lieu of the program offered by the Leadership Academy must secure approval of the program from the South Carolina Leadership Academy.
3. Each district must design a district orientation for new principals. Activities should include, but are not limited to, fiscal/budgetary policies and procedures, plant maintenance procedures, special education policies, student support services, outside agencies available in the district, curriculum requirements and resources, human resource policies and procedures, including ADEPT, and instruction on the Principal Evaluation Program criteria and standards.
4. The Leadership Academy must design a curriculum for the New Principals' Academy program. The New Principals' Academy curriculum should include, but is not limited to, planning, developing, and implementing a standards-driven system, instructional leadership skills, use of effective schools research, analysis of test scores for curricular improvement, school culture, school management, planning for school improvement, public relations, and/or planning for professional development.
5. Each new principal must be assigned a mentor principal from another nearby school district to provide support, information, and feedback. The mentor will assist the protégé in developing, refining, and implementing the protégé's Professional Development Plan based on the protégé's individual needs and the needs of the school as specified in the School Improvement Report. Mentors will be reimbursed travel costs at the state rate.
6. The Leadership Academy will train mentors for their role. Mentor responsibilities include calling and visiting the assigned new principal and having the new principal visit the mentor's school.
7. Each new principal will receive an on-site visit during the fall and one during the spring from a member of the South Carolina Leadership Academy staff to provide coaching, technical assistance, and feedback related to school leadership.
8. New principals may earn three hours of recertification credit if course requirements for attendance and participation are met.

E. Fiscal and Technical Requirements

1. The State Department of Education will pay for all training costs related to the New Principals' Academy. The district will be responsible for costs related to the district orientation and for participants' travel costs.
2. Reimbursement for mentor travel expenses will be made in accordance with the established State Department of Education fiscal policies.

F. Reporting Requirements

1. Each district superintendent will notify the South Carolina Leadership Academy of the appointment of new principals within two weeks of the appointment by the local board of school trustees.
2. Principals appointed after the make-up session must participate in the remaining Principal Induction Program activities for that school year and/or the New Principals' Academy Summer Institute the following year.
3. Each district superintendent will submit the names of experienced principals to serve as mentors when requested to do so by the Leadership Academy.
4. Each district will conduct evaluations for the district orientation and use the results to modify the orientation on an annual basis.

G. Additional Leadership Academy Responsibilities

1. The Leadership Academy will maintain a database of mentors nominated by the district superintendents and will assign mentors for new principals based on school level and proximity.
2. The Leadership Academy will maintain a database of new principals for each school year to provide information about program activities for all new principals.
3. The Leadership Academy will conduct evaluations for each part of the New Principals' Academy and use the results to modify the program on an annual basis.

Title of Regulation:

Regulation No.:

R 43-168

**NUTRITION STANDARDS FOR
ELEMENTARY SCHOOLS (K-5)
SCHOOL FOOD SERVICE MEALS
AND COMPETITIVE FOODS**

Effective Date:

02/27/09

Constitutional and Statutory Provisions:

Section(s):

59-5-60

General powers of [State] Board.

59-5-65

Powers and responsibilities of State Board of Education.

59-10-310, *et seq.*

Nutrition Standards

Code of Laws of South Carolina, 1976.

State Board Regulation:

Nutrition Standards for Elementary Schools (K-5) School Food Service Meals and Competitive Foods.

I. School Meals

Federal law--specifically, the National School Lunch Act (42 U.S.C. Section 1758(f), the National School Lunch Program (7 C.F.R. Section 210.10), and the School Breakfast Program (7 C.F.R. Section 220.8)--regulates the nutritional quality of foods served in the nation's school meal programs. For a school meal program to receive USDA subsidies, school meals must meet nutrition standards for saturated fat, vitamins, minerals, protein, calories, and portion sizes.

A.School food service meals should be made attractive to students by appealing to their taste preferences and meeting their cultural needs. Therefore, school districts must:

1. Offer a choice of entrées at lunch--a minimum of two in elementary (K-5) schools (one choice may be an entrée salad).

2. Encourage input regarding the selection of food items in elementary (K-5) schools to be offered in the school meal programs by promoting and encouraging student and parent participation in taste-testing events, in menu-review panels, and in online recipe reviewing.

3. Require that school cafeteria managers meet with student advisory committees in grades four through five a minimum of twice each year.

4. Allow students to purchase at à la carte prices additional servings of any food item that is part of a reimbursable school meal (serving sizes should be comparable to those of the meal components).

B.School food service meals should not only provide the optimal nutrition that students need for growth, development, and academic achievement but should also support the development of healthful eating behaviors in students, including their learning to eat a variety of foods. Therefore, school districts must:

1. Offer a minimum of two milk choices (1 percent fat and nonfat milk) for all grade levels at breakfast and lunch. Whole milk is no longer required by USDA regulations.

2. Offer a low-fat meal choice (30 percent or less of calories from fat) at every meal.
3. Provide low-fat and nonfat salad dressings.
4. Provide information on calories, percentages of fat, and serving sizes of school meal items to help children select appropriate portions of food.
5. Offer a minimum of four choices of fruits and vegetables daily, including fresh fruits and vegetables in season, in elementary (K-5) schools (salad bars or prepackaged salads may be included). Students can take two to four servings based on the school district's discretion.
6. Offer whole-grain foods in all programs in elementary (K-5) schools, whenever possible, to meet bread and cereal requirements.
7. Encourage preschool, kindergarten, and elementary students to try a variety of foods by serving the full reimbursable meal.

II. Other Foods and Beverages (Competitive Foods)

A. All foods sold at any K-5 public school site should not only provide the optimal nutrition that students need for growth, development, and academic achievement but should also support the development of healthful eating behaviors in students. Therefore, school districts must:

1. Ensure that one serving of snacks, sweets, and side dishes has no more than 30 percent of calories from fat, less than 10 percent of calories from saturated fat, no more than 1 percent of calories from trans fatty acids, and no more than 35 percent of added sugar by weight. (Note: Nuts, seeds, and some cheeses are exceptions. Although more than 30 percent of their calories come from fat, these foods can be considered appropriate and nutritious snacks when served in small portions.)
2. Limit single-serving food items sold to students to the following maximum portion sizes: 1.25 ounces for snacks (includes baked chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruits, jerky); 2 ounces for cookies or cereal bars; 3 ounces for other bakery items (sweet rolls, muffins, etc.); 4 ounces for frozen desserts, including ice cream; 8 ounces for yogurt (not frozen); and 1/2 cup for fried potatoes or other fried vegetables.
3. Ensure that single servings of entrée items and side dishes are no larger than the portions of those foods served by school food services.

B. All beverages sold or otherwise made available to students at any K-5 public school site should not only provide the optimal nutrition that students need for growth, development, and academic achievement but should also support the development of healthful eating behaviors in students. Therefore, school districts must:

1. Make the following beverages available to all students: nonfat and 1 percent milk, water, and 100 percent juices that do not contain added sugars or sweeteners.
2. Not sell or serve the following beverages to students until after the last regularly scheduled class: soda, soft drinks, sports drinks, punches, iced teas and coffees, and fruit-based drinks that contain less than 100 percent real fruit juice or that contain added sweeteners.

3. Not sell beverages--except water or nonfat, low fat, or reduced-fat milk--in portions larger than 12 ounces.

Title of Regulation:

Regulation No.:

R 43-188

DISPLAYING THE FLAG

Effective Date:

06/27/14

Constitutional and Statutory Provisions:

Section(s):

10-1-161

State Capitol Building flags flown at half-staff.

59-5-60

General powers of [State] Board.

59-1-320

Display of United States and State flags.

4 U.S.C. Section 1, *et seq.*

Code of Laws of South Carolina, 1976.

4 U.S.C. 1, *et seq.*

The Flag Code.

U.S. Code of Laws

State Board Regulation:

Displaying the Flag.

43-188. Displaying the Flag.

I. Display of the United States Flag

Schools shall display the United States flag each school day and shall fly the flag in accordance with the laws regulating the display of the United States flag as set forth in 4 U.S.C. Section 6-10 and consistent with the guidance related to the State Capitol Building as set forth in S.C. Code Ann. Section 10-1-161.

II. South Carolina Flag

The South Carolina flag shall be flown consistent with 4 U.S.C. Section 6-10 and the guidance related to the State Capitol Building as set forth in S.C. Code Ann. Section 10-1-161 as it applies to the flying of state flags with the United States flag.