

Agency Name:	South Carolina Department of Education		
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Fiscal Year 2016-17

Agency Accountability Report

Legal Standards Template

Agency Code:	H63	Section:	001
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State Provisos

Item	2015-16 Proviso Number	2016-17 Proviso Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who (customer) the agency must or may serve? (Y/N)	Does the law specify a deliverable (product or service) the agency must or may provide? (Y/N)
1	1.1	1.1	State	Proviso	<i>School Districts-(Transfer funds)</i> - The SDE my not transfer amounts appropriated for aid to subs, districts or special line items and may only transfer funds that are deducted and retained from a school district's transportation allocation to reimburse the SDE for the cost of unauthorized mileage. Those funds may be transferred into the SDE's school bus transportation operating account.	Y	Y
2	1.2	1.2	State	Proviso	School Districts-(<u>Participation in Medicaid Program</u>)- All school districts shall participate, the fullest extent possible, in the Medicaid Program by seeking appropriate reimbursement for services and administration of health and social services.	N	N
3	1.3	1.3	State	Proviso	(<u>EFA</u>) SDE must provide a link on their website to the information posted by the Revenue and Fiscal Affairs Office. This information must contain 135-day average daily membership (ADM) for each school district and per pupil state, federal and local revenues, excluding revenues of local bond issues, based on the most recent audited financial statement as reported annually pursuant to Section 59-17-100. Changes to EFA formula to include weight changes and add-on weights. SDE will continue to use prior year poverty counts and will work with districts on updating poverty definition and identifying eligible students. SDE must provide districts with technical assistance in updating PowerSchool.	Y	Y
4	1.4	1.4	State	Proviso	The SDE shall develop formulas to determine the state and required local funding as stipulated in the South Carolina Education Finance Act of 1977. Formulas must be approved by SBE and state fiscal accountability authority. Salary schedule inflation factor for local districts. SDE shall montior and make periodic adjustments.	Y	Y
5	1.5	1.5	State	Proviso	School Districts - (Public School Employee Benefits) The General Assembly intends that the appropriation contained herein for "Public School Employee Benefits" shall not be utilized to provide employer contributions for any portion of a school district employee's salary that is federally funded. State funds allocated for school district employer contributions must be allocated by the formula and must be used first by each district to cover the cost of fringe benefits for personnel required by the Defined Program, food service personnel, and other personnel required by law.	N	N
6	1.6	1.6	State	Proviso	<i>School Districts -(Authorization/Withhold Payments)</i> The SDE is authorized to adjust a school district's Employer Contribution funds for retiree insurance allocation in the current FY accordingly to reflect actual payroll and payments to the Retirement System from the prior FY.	Y	N
7	1.7	1.7	State	Proviso	<i>GSSM -(Carry Forward)</i> Any unexpended balance of funds appropriated to or generated by the GSSM on June 30 of the prior FY may be carried forward in the current FY pursuant to the direction of the board of trustees of the school.	N	N
8	1.8	1.8	State	Proviso	<i>School Districts - (Authority to Withhold EFA Funds)</i> The agreed upon acceptable local cost reimbursement or the additional amount equivalent to the statewide average of the local BSC multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to out-of-district students, shall be paid within 60 days of billing. Should the district not pay within 60 days, the billing district can seek relief from the SDE. The SDE shall withhold EFA funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the billing school district. This also applies to John de la Howe School who also has the authority to seek reimbursement in any situation that the school district has participation in the placement of the student.	N	N
9	1.9	1.9	State	Proviso	<i>School Districts -(<u>Authority to Reimburse</u>)</i> Students housed in local detention centers are to be included in the ADM count of students for that district and reimbursement by the SDE.	Y	Y
10	1.10	1.10	State	Proviso	(<u>Authorization</u>) SDE is authorized to collect, expend, and carry forward revenues to offset the cost of providing services. SDE is authorized to collect revenue for deposit into the General Fund for testing material purchases and test rescoring fees. SDE is authorized to expend revenue collected for lost and damaged instructional materials and the sale of unusable instructional materials for the purpose of contracting for the purchase and maintenance of a statewide textbook inventory management system, provided that schools' newly-adopted instructional materials needs are met first.	N	N
11	1.11	1.11	State	Proviso	School Districts - (<u>Authorization</u>) Each school district in this State, upon approval of the district's governing body, may maintain its own bank account for the purpose of making disbursement of school district funds as necessary to conduct school district business and each county treasurer is hereby authorized to transfer such amount is needed.	N	N
12	1.12	1.12	State	Proviso	<i>School Districts -(<u>Appropriation</u>)</i> The amount appropriated for School Lunch Program Aid shall be divided among the District and/or County Boards based upon the number of schools participating in the School Lunch Program during the prior school year.	N	N
13	1.13	1.13	State	Proviso	<i>School Districts (Restrictions for Funding Travel Expenses)</i> School district allocations from General Funds, Lottery, and EIA funds shall not be used for travel outside of the continental United States. The International Baccalaureate Program shall be exempt from this restriction.	N	N

14	1.14	1.14	State	Proviso	(<u>Authorization to Expend Funds</u>) SDE is authorized to expend federal and earmarked funds in the current FY for expenditures incurred in the prior year. SDE is authorized to use appropriated funds to pay for textbooks shipped in the 4th quarter of the prior FY.	N	N
15	1.15	1.15	State	Proviso	(<u>Delivery/Purchase of Fuel</u>) SDE's School Bus Maintenance Shops shall be permitted, on a cost reimbursable-plus basis, to deliver transportation maintenance and services to vehicles owned or operated by public agencies in South Carolina.	Y	Y
16	1.16	1.16	State	Proviso	<i>School Districts</i> -(<u>Maintain Insurance</u>) SDE shall maintain comprehensive and collision insurance or self-insure state-owned buses. In no event, shall the department charge local school districts for damages to the buses which are commonly covered by insurance.	Y	Y
17	1.17	1.17	State	Proviso	<i>CHE</i> -(<u>Share Data</u>) Of the non-program funds appropriated to the SDE, it and the Commission on Higher Education shall share data about the teaching profession in SC.	Y	Y
18	1.18	Deleted	State	Proviso	<i>Multi-District Area Vocational Schools</i> -(<u>Allocation</u>) SDE shall allocate \$500,000 on a K-12 per pupil basis.		
19	1.19	1.19	State	Proviso	<i>School District</i> - (<u>Criminal Record Checks</u>) - From funds provided in Part 1A, Section 1, X.B., local school districts shall request a criminal record history from the South Carolina Law Enforcement Division for past conviction of any crime before the initial employment of a school bus driver or school bus aide.	N	N
20	1.20	1.20	State	Proviso	<i>Committee Chairs (House Ways and Means, Senate Finance)</i> - (<u>Report</u>) Bus procurement must meet the standards set by the School Bus Specifications Committee, however the department may use the specifications of another state when it is more economical and safe. Must report methodology for choosing specifications to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.	N	N
21	1.21	1.21	State	Proviso	<i>School Districts</i> -(<u>Carry Forward Authorization</u>) All funds (in programs X.B. and X.C.) appropriated for bus fuel, parts/supplies, maintenance, and bus purchases may be carried forward from the prior FY and expended in the current FY to support bus transportation services.	N	N
22	1.22	1.22	State	Proviso	<i>Mitford area of Fairfield County to schools in the Great Falls area of Chester County</i> -(<u>Responsibility of Costs</u>) Transportation costs shall continue to be the responsibility of the SDE.	Y	Y
23	1.23	1.23	State	Proviso	<i>John de la Howe</i> -(<u>Appropriation</u>) Status offender funds must be sent to JDLHS to expand services to include court ordered status offenders. FY 15-16 = \$346,473	Y	N
24	1.24	1.24	State	Proviso	GSAH and GSSM - (<u>Leave Policy</u>) - Authorizing GSAH and GSSM to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of their respective boards. This policy shall address their respective school calendars in order to comply with the instructional needs of students attending both special schools.	N	N
25	1.25	Deleted	State	Proviso	School Districts - (<u>Use of Funds for School Facilities Management System</u>) School districts may use capital improvement bond funds, lapsed funds, or any other unexpended appropriated funds or revenues to access the DOE's School Facilities Management System database.		
26	1.26	1.26	State	Proviso	School Districts - (<u>School Board Meeting Information on Website</u>) Of the funds appropriated through the Department of Education for technology related expenses, school districts that have a web site shall place a notice of a regularly scheduled school board meeting twenty-four hours in advance of such meeting. The notice shall include the date, time, and agenda for the board meeting. The school district shall place the minutes of the board meeting on their web site within ten days of the next scheduled board meeting.	N	N
27	1.27	1.27	State	Proviso	<i>School Districts</i> -(<u>Reduce Allocation</u>) In the event an official General Fund revenue shortfall is declared by the BEA, the SDE may reduce any allocation in Section 1 specifically designated by proviso in accordance with the lower BEAs revenue estimate as directed by the Office of State Budget, except the additional EFA allocation to the South Carolina Public Charter School District (SCPCSD).	N	N
28	1.28	1.28	State	Proviso	<i>Committee Chairs (House Ways and Means, Senate Finance, Senate Education, House Education and Public Works)</i> - (<u>Certification/Electronic Copy</u>). All school districts and special schools of this State may transfer and expend funds among appropriated State general funds, revenues, EIA funds, lottery funds, to ensure the delivery of academic and arts instruction to students. Districts may not flex funds to support state MOE for IDEA, EEDA funds and Career and Technology Education Funds.	N	N
29	1.29	1.29	State	Proviso	<i>School Districts</i> -(<u>Authorization to Pay/Reimburse</u>) From funds in Part IA, Section 1, X.B. Other Operating Expenses, the SDE may directly pay, or reimburse employees, for the cost of a medical examination as required in Part 391, Subpart E of the Federal Motor Carrier Safety Regulations, for employees that are required to operate a state vehicle transporting hazardous materials and that are required to undergo a national security background check because of the required Hazmat endorsement to their CDL.	Y	N
30	1.30	1.30	State	Proviso	School Districts - (<u>Priority in Reductions in Funding</u>) In compensating for any reduction in funding, local districts must give priority to preserving classroom teachers and operations. Funding reductions should first be applied to administrative and non-classroom expenses before classroom expenses are affected.	N	N
31	1.31	1.31	State	Proviso	<i>GSAH</i> -(<u>Carry Forward</u>) Any unexpended balance on June 30th of the prior FY of funds appropriated to or generated by the GSAH may be carried forward and expended in the current FY pursuant to the discretion of the Board of Trustees of the School.	N	N
32	1.32	1.32	State	Proviso	<i>GSAH and GSSM</i> - (<u>Authority and Purpose of Student Fees</u>) GSAH and GSSM are authorized to charge, collect, expend, and carry forward student fees as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality in both academics and residential support. Both schools will conspicuously publish a fee schedule on their respective websites.	N	N

33	1.33	1.33	State	Proviso	<i>Committee Chairs (Senate Finance, House Ways and Means) - (Certification and Report)</i> SDE provides certification that the school district used all fund flexibility provided by the General Assembly and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The certification must include a detailed report of the specific action taken by the district to avoid a year-end deficit.	N	N
34	1.34	1.34	State	Proviso	<i>Counties - (Transfer Requirement)</i> For those counties in which an entity other than the school district administers the school lunch supervisor and/or attendance supervisor programs, the school districts in that county shall transfer to the entity the amount available in the previous fiscal year for administration of the school lunch supervisor and/or attendance supervisor programs. Each district shall transfer a pro rata share of the total cost based upon the percentage of state EFA funds distributed to the districts within the county.	N	N
35	1.36	1.35	State	Proviso	<i>GSAH, Charleston School of the Arts, and Greenville County Fine Arts Center- (Non-Certified Discretion)</i> Because of the unique nature of the SC GSAH, the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are authorized to employ at its discretion non-certified classroom teachers teaching in the literary, visual, and performing arts subject areas who are otherwise considered to be appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.	N	N
36	1.37	1.36	State	Proviso	<i>School Districts - (No Appropriation)</i> State funds must not be appropriated to a school that discriminates against or participates with or is a member of an association with policies that discriminate or afford different treatment of students based on race or national origin.	N	N
37	1.38	1.37	State	Proviso	<i>DHHS - (Transfer Authorization)</i> SDE is granted authority to transfer funds between budget lines and object codes to identify, reconcile, reimburse, and remit funds required for Medicaid cash match to the DHHS.	Y	Y
38	1.39	1.38	State	Proviso	<i>School Districts - (Required Information)</i> For each high school student, school districts shall be required to print the student's individual cumulative grade point average for grades nine through twelve on the student's report card.	N	N
39	1.40	1.39	State	Proviso	<i>School Districts - (Fees/Withhold Funds)</i> for lost and damaged textbooks for the prior school year are due no later than December 1st of the current school year when invoiced by the SDE. The SDE may withhold textbook funding from schools that have not paid their fees by the payment deadline.	Y	N
40	1.41	1.40	State	Proviso	<i>School Districts - (Transfer/Carry Forward)</i> All unexpended general funds appropriated to the SDE for EFA in the current FY shall be transferred to the Education Finance Act Reserve Fund.	N	N
41	1.42	1.41	State	Proviso	<i>School Districts - (Prohibited)</i> The SDE and local school districts are prohibited from selling space for or the placement of advertisements on the outside or inside of state-owned school buses.	N	N
42	1.43	1.42	State	Proviso	<i>School Districts - (Facilitate Resolution/Withhold Funds)</i> Each South Carolina resident of lawful school age residing in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section 44-7-130 of the 1976 Code, ("students") shall be entitled to receive educational services from the school district in which the RTF is located ("facility school district").	Y	Y
43	1.44	1.43	State	Proviso	<i>Special Schools - (Transfer Authorization)</i> For the current fiscal year, the special schools are authorized to transfer funds among funding categories, including capital funds.	N	N
44	1.45	1.44	State	Proviso	<i>School Districts - (Course Suspension)</i> For the current fiscal year, the requirement for high schools to provide a course in driver education is suspended; however, high schools may continue to offer driver education courses if they choose to do so.	N	N
45	1.46	1.45	State	Proviso	<i>School Districts - (Carry Forward)</i> The SDE is authorized to carry forward and expend any General Fund balances for school bus transportation.	N	Y
46	1.47	1.46	State	Proviso	<i>School Districts - (Written Notification/Reduce Funds)</i> School districts must report the amount of funds spent on administrative costs, as defined by InSite in the prior FY. It must be submitted with the annual audit.	Y	Y
47	1.49	1.47	State	Proviso	<i>GSAH and GSSM - (Legal Residency Requirement)</i> Of the funds appropriated, the GSAH and GSSM are to ensure that a parent(s) or guardian(s) of a student attending either the Governor's School for the Arts and the Humanities or the Governor's School for Science and Mathematics must prove that they are a legal resident of the state of SC at the time of application and must remain so throughout time of attendance. GSAH and GSSM may not admit students whose parent(s) or guardian(s) are not legal residents of SC.	N	N
48	1.50	1.48	State	Proviso	<i>SC Council on Holocaust - (Appropriation)</i> Funds appropriated to the SDE for the SC Council on Holocaust shall not be used for any other purpose. In the event the SDE is required to implement a budget reduction, SC Council on Holocaust funds may not be reduced.	Y	Y
49	1.51	Deleted	State	Proviso	<i>Committee Chairs (Senate Finance, House Ways and Means) - (Report)</i> For the current FY, funds appropriated to the GSAH and the GSSM must be used to bring the schools up to full capacity, to the extent possible. Each school must report electronically by December 1 how the funds have been utilized and how many additional students have been served.		
50	1.52	1.50	State	Proviso	<i>School Districts - (Appropriation)</i> Funds appropriated for Student Health and Fitness shall be allocated to school districts to increase the number of PE teachers to the extent possible and to provide licensed nurses for elementary public schools. 27% of the funds shall be allocated to the districts based on ADM of grades K-5 from the preceding year for PE teachers. The remaining funds will be made available through a grant program for school nurses and shall be distributed to the school districts on a per school basis. Schools that provide instruction in grades K-5 are eligible to apply for the school nurse grant program.	Y	Y

51	1.53	1.51	State	Proviso	<i>Department of Revenue, School Districts, Counties-</i> (<u>Index Value</u>) For the current fiscal year and for the purposes of calculating the index of taxpaying ability, the Department of Revenue shall impute an index value for owner-occupied residential property qualifying for the special four percent assessment ratio by adding the second preceding taxable year total school district reimbursements for Tier 1, 2 and Tier 3 (A) and not to include the supplement distribution.	N	N
52	1.54	1.52	State	Proviso	<i>School Districts -(Supplement)</i> A school district that does not recognize a State share of the EFA financial requirement shall be supplemented with an amount equal to 70% of the school district with the least State financial requirement.	Y	Y
53	1.55	1.53	State	Proviso	<i>School Districts- (Compliant Curriculum)</i> -Each school district is required to ensure that all comprehensive health education, reproductive health education, and family life education conducted within the district, whether by school district employees or a private entity, must utilize curriculum that complies with the provisions contained in Chapter 32, Title 59.	Y	Y
54	1.56	1.54	State	Proviso	<i>School Districts -(Purchase/Lease)</i> The SDE is permitted to purchase or lease school buses in order to continue replacement of the state's school bus fleet.	Y	Y
55	1.57	Deleted	State	Proviso	<i>Felton Lab -(Appropriation)</i> The Felton-Laboratory School at SC State University shall receive each year, 70% of the funds it would have received for that year under the EFA and under aid to school districts-fringe benefits.		
56	1.58	1.56	State	Proviso	<i>Lee County School District -(Allocation)</i> From the funds appropriated in program XB, Bus Shops, in the current FY, the SDE must fund the Lee County School District Bus Shop and the Kershaw County School District Bus Shop at the same level as they were funded in the previous FY.		
57	1.59	1.57	State	Proviso	<i>School Districts - (Continuance of Open Enrollment Policy)</i> For the current fiscal year, any school district with an open enrollment policy for all schools or certain schools which had previously accepted certain students residing outside of the district to an academic magnet school in the district must continue to accept these students and their siblings for enrollment at the academic magnet school under the same terms and conditions these students were previously permitted to attend the school.	N	N
58	1.60	1.58	State	Proviso	School Districts - (<u>Safety Precautions</u>) For the current fiscal year, districts must utilize funding flexibility provided herein to ensure that district approved safety precautions are in place at every school.	N	N
59	1.61	1.59	State	Proviso	<i>School Districts -(Agreement)</i> A school district wishing to include school bus maintenance in a contract with a private vendor may enter into an agreement with the SDE whereby the SDE releases the school district to include school bus maintenance in the private vendor contract.	Y	Y
60	1.63	1.60	State	Proviso	<i>School Districts -(Revenue)</i> School districts may sell commercial advertising space on the outside of inside of district owned activity buses. Revenue generated from the sale of commercial advertising space shall be retained by the school district.	N	N
61	1.64	1.61	State	Proviso	<i>School Districts -(Suspension of Consent)</i> The requirements of Section 59-19-250 of the 1976 Code, as amended, which requires the consent of a governing board of a county in order for school trustees to sell or lease school property whenever they deem it expedient to do so are suspended for the current FY.	N	N
62	1.66	1.62	State	Proviso	Full Day 4k- (Allocation and Data) Eligible students in districts with a poverty rating of 70% or greater will be able to participate in full day 4K at a rate of \$4,210 per pupil. New providers may receive up to \$1,000 per child for up to 6 children and not more than \$10,000 for equipment. Private providers may be reimbursed \$550 per eligible pupil for transportation. EOC will receive \$300,000 to evaluate the program. SDE to assign SUNS.	Y	Y
63	1.67	1.63	State	Proviso	<i>School Districts -(Allocation)</i> Per pupil allocation based on students scoring not met on third grade assessment; portion allocated for transportation; \$700,000 portion allocated to SDEfor community partnerships; SDE may use up to 20% for transportation	Y	Y
64	1.69	1.64	State	Proviso	<i>School Districts (Restriction on Financial Support of Interscholastic Entities)</i> A public school district supported by state funds shall not use the funds or permit any school within the district to use any funds to join, affiliate with, pay dues or fees to, or in any way financially support any interscholastic athletic association, body, or entity unless the constitution, rules, or policies of the association, body, or entity contain certain requirements.	N	N
65	1.72	1.65	State	Proviso	<i>Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, Department of Education, and School Report Card Administrators (Information Sharing)</i> For the current fiscal year, school districts must permit both the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics to collaborate with individual schools and their staff to share information with students and families about the educational opportunities offered at the respective Governor's Schools, through avenues including school visits, informational presentations, and posters.	N	N

66	1.74	1.66	State	Proviso	<i>School Districts - (Allocation; Establish Guidelines, Report)</i> Funds appropriated for Reading Coaches must be allocated to school districts by the SDE as follows: (1) for each elementary school in which 20% or more of the students scored Not Met on the reading and research test in the most recent year for which such data are available, the school district shall be eligible to receive the lesser of either up to \$62,730 or the actual cost of salary and benefits for a full-time reading coach; and (2) for each elementary school in which fewer than 20% of the students scored Not Met on the reading and research test during the same period, the school district shall be eligible to receive the lesser of either up to \$31,365 or 50% of the actual cost of salary and benefits for a full-time reading coach. A school district must provide local support for state funds provided under this paragraph. School districts may use existing local funds currently used for reading assistance as the local support. Districts may not supplant except for districts that use local funds in the prior fiscal year to support reading.	Y	Y
67	1.75	Deleted	State	Proviso	<i>School Districts (Passage of Funding)</i> - For FY 15-16, charter schools sponsored by a local school district and located in a district receiving transition funds must receive transition funds from the local district in an amount equal to any reduction in funds received by the school due to the changes in the EFA formula. If the amount of transition funds for the charter schools exceeds the school district's allotment of transition funds, transition funds will be reduced pro rata for all parties.		
68	1.76	1.68	State	Proviso	<i>School District - (Allocation)</i> Any school receiving state funds shall be required to allow a military dependent student who has transferred from their resident school district to another school district to participate in a sport that was not offered in the resident school district. Should a school fail to comply with this provision, the SDE shall withhold 1% of their total state allocation.	Y	Y
69	1.77	1.69	State	Proviso	<i>State Board of Education - (Required Plan of Action)</i> For the current fiscal year, if a high school has a graduation rate below sixty percent, using appropriated funds a local school district board of trustees must provide a report detailing a plan to increase the graduation rate in accordance with the provisions of the Education Accountability Act to the State Board of Education.	N	N
70	1.78	1.70	State	Proviso	School Districts, Education Oversight Committee - <i>(Creation and Purpose of Pilot Program)</i> There is created the SC Community Block Grants for Education Pilot Program. The purpose of this matching grants program is to encourage and sustain partnerships between a community and its local public school district or school for the implementation of innovative, state-of-the-art education initiatives and models to improve student learning.	N	N
71	1.80	1.71	State	Proviso	SDE may carryforward funds appropriated for the Board and the Board may use the funds for educational projects.	Y	Y
72	1.81	1.72	State	Proviso	SDE may retain funds from the sale of any bus shop (except Union) and boat and expend the funds for transportation purposes.	N	Y
73	1.82	Deleted	State	Proviso	Districts receiving transition payments in the prior year are eligible to receive one half of the prior year payment in the current fiscal year provided the EFA reduction is NOT due to a decrease in ADM.		
74	1.84	1.74	State	Proviso	FS may use up to \$75,000 in CDEPP carry forward to purchase electronic devices. FS may purchase one device for up to 10 centers to use for assessment purposes. FS shall report on expenditures to the Chairman of Senate Finance and the Chairman of the House Ways and Means Committee.	N	N
75	1.85	1.75	State	Proviso	SDE shall convene a stakeholder group to make recommendations on the statewide salary schedule to include extending the STEPs to 30 years, increasing the base salary cell and local salary schedules.	Y	Y
76	1.88	1.76	State	Proviso	Teachers certified at the secondary level may teach in grades 7-12 in the area of certification. Districts shall report to SDE and CERRA on teachers and courses.	N	N
77	1.89	1.77	State	Proviso	SDE shall create a list of instructional materials that have been approved by the State Board. Funds may not be flexed and may be used to reimburse districts for science kits. May include materials and devices. Carryforward authority.	Y	Y
78	1.91	Deleted	State	Proviso	SDE may transfer any unspent transition funds to the EFA		
79	1.92	1.79	State	Proviso	FS may retain \$2,000,000 in unexpended CDEPP for enhancement of the 4K program. No later than August 1, 2015 First Steps must transfer \$4,250,000 to SDE for full-day 4K, \$2,000,000 to EOC for Community Block Grants. Any other funds remaining must be transferred to SDE for 4K.	Y	Y
80	1.93	Deleted	State	Proviso	SDE shall evaluate literacy initiatives across all grades to include professional development and early literacy.		
81	1.94	1.81	State	Proviso	SDE may withhold \$350,000 of the K-12 Technology Initiative Funds to provide technical assistance to districts.	Y	Y
82	1.95	?	State	Proviso	FS study committee shall review administration of FS and report to the GA by January 1, 2016.		
83	1.96	1.82	State	Proviso	FS shall submit a report to the Chairman of Senate Finance, the Chairman of Ways and Means and the Governor on detailed steps to improve the IDEA Part C delivery program and to address the OSEP interventions.		
84	1.97	Deleted	State	Proviso	Districts must publish the title and publisher of all health education materials. If a district is found to be non compliant the department may withhold 1% of the SHFA funds.		
85	1.98	1.84	State	Proviso	Personally identifiable information of teachers and teacher candidates collected by the department shall be treated as a personnel record and not subject to public disclosure.	Y	N
86	1.99	1.85	State	Proviso	A local board of education may engage a hearing officer who is an attorney and is not a member or employee of the district and board to conduct a dismissal hearing. The board must uphold the decision of the hearing officer if there is just cause for dismissal and must issue a decision affirming or withdrawing the suspension or dismissal within 30 days. May be appealed to the circuit court.	N	N
87		1.87		Proviso	See link for language: http://www.scstatehouse.gov/sess121_2015-2016/appropriations2016/tap1b.htm#s1a		

88		1.88		Proviso	(SDE: Technology Technical Assistance) Funds appropriated to the Department of Education for Technology Technical Assistance must be used to increase the capacity of districts who are or were the original trial and plaintiff school districts in the Abbeville law suit. Funds shall be used by the department to assist school districts in procuring appropriate technology to include devices and infrastructure in accordance with the recommendations made by the technology review team to begin to build capacity to offer online testing and increased access. For the current fiscal year districts and individual public charter schools may request a waiver from the State Board of Education from the requirement that all assessments be administered online.	Y	N
89		1.90			(SDE-Highly Qualified Teachers) For the current fiscal year teacher certification requirements for highly qualified educators aligned to No Child Left Behind shall be suspended. The department shall report to the General Assembly by February 1 on the updated <u>Federal requirements under the Every Student Succeeds Act</u> .	N	Y
90		1.91		Proviso	(SDE: Teacher Salaries Increase) For Fiscal Year 2016-17, the Department of Education is directed to increase the statewide salary schedule by two percent. A local school district board of trustees must provide all certified teachers paid on the teacher salary schedule a two percent salary increase. Districts are to provide this increase using the district salary schedule utilized the prior fiscal year as its base. School districts shall utilize the additional funds made available from the Education Finance Act appropriation to provide one percent of the required two percent increase. Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all eligible certified teachers employed by the district by an amount equal to a step on the salary schedule for any teacher entering the 23rd year if the district's salary schedule does not go beyond 22 years. Application of this provision must be applied uniformly for all eligible certified teachers. If a school district believes it will be unable to provide the required additional step without incurring a deficit, it may apply to the State Board of Education for a waiver from this requirement. For purposes of this provision teachers shall be defined by the Department of Education using the Professional Certified Staff (PCS) System.	Y	N
91		1.92		Proviso	(SDE: Facilities Tracking System and Assessment Assistance) Of the funds appropriated to the department for Facilities Assessments and Efficiency Studies, the department is directed to issue a RFP to contract with one or more vendors to complete the reviews. The Facilities Assessments shall include, at a minimum: (1) facilities use and management; (2) energy management; (3) site review when needed; and (4) any technology needs and infrastructure as aligned to the district technology plan and the district technology assessment. The Efficiency Studies shall include, at a minimum: (1) overhead; (2) human resources; (3) procurement; (4) financial management; and (5) transportation and must be aligned to any diagnostic review that may be conducted in the district to avoid duplication. The Assessments and Studies shall be first conducted in school districts which are or were the Abbeville Plaintiff District and prioritized according to the prior year poverty index and for districts that have not had an efficiency study or facility assessment completed in the last two years. The completed Assessments and Studies shall be provided to each local school board of trustees and shall inform funding decisions for facilities and potential school or district consolidation. The department shall make the Assessments and the Studies available on the department website.	Y	Y
92		1.93		Proviso	(SDE: Assistance Funding) For the current fiscal year, any funds appropriated to the Department of Education to assist districts that are or were Plaintiffs in the Abbeville law suit and funding appropriated to the department to provide technical assistance to underperforming districts may not be transferred to any other program, are not subject to flexibility, and may be carried forward and expended for the same purposes.	N	N
93		1.94		Proviso	(SDE: Reporting and Procurement) Any state agency or school for which the department acts as the fiscal agent must comply with any state and federal reporting requirements using agency procedures and shall follow all state procurement laws.	N	N
94		1.95		Proviso	(SDE: Abbeville Equity Districts Comprehensive Report) Of the appropriations and provision of services that are provided in the current fiscal year's budget for the Abbeville equity districts, the Department of Education must submit a comprehensive report to the General Assembly by January 1, 2017 on the current allocation of funds to the Abbeville equity districts and the provision of services to these districts.	Y	Y
95		1.96		Proviso	(SDE: Coding Curriculum) Of the funds appropriated to the department for coding, the department shall develop or secure a basic computer science course that must include coding. The department shall recommend introductory keyboarding and computer skills be taught in elementary and primary schools.	Y	Y
96	1A.1	1A.1	State	Proviso	<i>School Districts</i> - (<u>Appropriation/Transfer Authorization</u>) The amounts appropriated herein for aid to subdivisions or allocations to school districts shall not be transferred or reduced and must be expended in accordance with the intent of the appropriation.	N	N
97	1A.3	1A.2	State	Proviso	<i>School Districts</i> -(<u>Carry Forward</u>) Funds provided for the development of the African-American History curricula may be carried forward into the current fiscal year. For FY 2014-15 not less than 70% of the funds carried forwarded must be expended for the development of additional instructional materials by nonprofit organizations selected through a competitive bids process by the SDE.	Y	N
98	1A.4	1A.3	State	Proviso	<i>School Districts</i> -(<u>Oversee Evaluation</u>) SDE is directed to oversee the evaluation of teachers at the School for the Deaf and the Blind, the John de la Howe School and DJJ under the ADEPT model.	Y	N
99	1A.5	1A.4	State	Proviso	Non-School District Teacher Salary Allocations - (<u>Eligibility of Teacher Salaries for Part 1A, Section 1, XII.F.2</u>) Each state agency which does not contain a school district but has instructional personnel shall receive an allocation from the line item "Alloc. EIA-Teacher/Other Pay" in Part A, Section 1, XII.F.2. for teachers salaries based on the following formula: Each state agency shall receive such funds as are necessary to adjust the pay of all instructional personnel to the appropriate salary provided by the salary schedules of the school district in which the agency is located.	N	N

100	1A.6	1A.5	State	Proviso	<i>Senate Finance Committee and House Ways and Means Committee-</i> <u>(Report; Allocation-Carry Forward)</u> Of the funds appropriated for the Work-Based Learning Program, \$75,000 shall be used by the SDE to provide for regional professional development in contextual methodology techniques and integration of curriculum, and professional development in career guidance for teachers and guidance counselors and training mentors.	Y	Y
101	1A.7	1A.6	State	Proviso	House and Senate Education Committees, State Board of Education, and Education Oversight Committee - <u>(Appropriation and Operation of Program)</u> Of the funds appropriated in Part 1A, Section 1, XII.F.2. for the Teacher Recruitment Program, the SC Commission on Higher Education (CHE) shall distribute a total of 92% to the Center for Educator Recruitment, Retention, and Advancement (CERRA-SC) for a state teacher recruitment program, of which at least 78% must be used for the Teaching Fellows Program specifically to provide scholarships for future teachers, and of which 22% must be used for other aspects of the state teacher recruitment, including the Teacher Cadet Program and \$166,302 which must be used for specific programs to recruit minority teachers; and shall distribute 8% to SC State University to be used only for the operation of their established general education programs.	N	N
102	1A.8	1A.7	State	Proviso	State Agencies and Entities Referenced in Part 1A, Section 1, XII.F.2, SC Department of Education - <u>(Appropriations Disbursements)</u> Notwithstanding the provisions of Sections 2-7-66 and 11-3-50, SC Code of Laws, it is the intent of the General Assembly that funds appropriated in Part 1A, Section 1, XII.F.2. Other State Agencies and Entities shall be disbursed on a quarterly basis by the Department of Revenue directly to the state agencies and entities referenced except for the Teacher Loan Program, Centers of Excellence, the EOC and School Technology, which shall receive their full appropriation at the start of the fiscal year from available revenue.	N	NY=
103	1A.9	1A.8	State	Proviso	<i>School Districts</i> - <u>(Disbursement of Funds, Carry Forward)</u> Funds appropriated for Arts Curricula shall be used to support innovative practices in arts education curriculum. Funds must be distributed by competitive grant process. 33% shall be made available for professional development.	Y	N
104	1A.10	1A.9	State	Proviso	<i>School Districts</i> - <u>(Disbursement of Funds)</u> up to \$275 - for all certified public school teachers, certified special school classroom teachers, certified media specialists, and certified guidance counselors who are employed by a school district or a charter school as of November 30th of the current fiscal year may receive reimbursement to offset expenses incurred by them for teaching supplies/materials. Any classroom teacher may claim a refundable income tax credit of up to \$275.	Y	N
105	1A.11	1A.10	State	Proviso	<i>School Districts</i> - <u>(Sponsor)</u> SDE sponsors State Teacher of the Year Program. Of the funds provided herein for Teacher of the Year awards, each district Teacher of the Year shall receive an award of \$1,000. In addition, the State Teacher of the Year shall receive an award of \$25,000, and each of the four Honor Roll Teachers of the Year will receive an award of \$10,000. These awards shall not be subject to SC income taxes.	Y	N
106	1A.12	1A.11	State	Proviso	<i>Education Oversight Committee</i> - <u>(Revenue Collection, Retainage, and Expenditure)</u> The EOC may collect, retain, and expend revenue from conference registration and fees; charges for materials supplied to local school districts or other entities not otherwise mandated to be provided by state law; and other activities or functions sponsored by the committee including public awareness campaign activities. Any unexpended revenue from these sources may be carried forward into the current fiscal year and expended for the same purposes.	N	N
107	1A.13	1A.12	State	Proviso	<i>General Assembly and the EOC</i> - <u>(Report)</u> With the funds appropriated to DOE, DOE will assist schools with an absolute rating of below average or at-risk in designing and implementing technical assistance school renewal plans and in brokering for technical assistance personnel as needed and as stipulated in the plan. No more than 5% of the total amount appropriated for technical assistance services to schools with an absolute rating of below average or at-risk may be retained and expended by the department for implementation and delivery of technical assistance services. Using previous report card data, DOE shall identify priority schools. Up to \$6,000,000 of the total funds appropriated for technical assistance shall be used by DOE to work with those schools identified as priority schools.	Y	Y
108	1A.14	1A.13	State	Proviso	<i>School Districts</i> - <u>(Allocation Reduction)</u> In the event an official EIA revenue shortfall is declared by the BEA, the SDE may reduce any allocation in Section 1A specifically designated by proviso in accordance with the lower BEA's revenue estimate as directed by the Office of State Budget. No allocation for teacher salaries shall be reduced as a result of this proviso.	Y	N
109	1A.15	1A.14	State	Proviso	Committee Chairs (House Ways and Means, Senate Finance, Senate Education, House Education and Public Works) - (Certification/Electronic Copy). All school districts and special schools of this State may transfer and expend funds among appropriated State general funds, revenues, EIA funds, lottery funds, to ensure the delivery of academic and arts instruction to students. Districts may not flex funds to support state MOE for IDEA, EEDA funds and Career and Technology Education Funds. 59-21-310 is suspended. Formative assessments in grades 1,2 & 9, foreign lang program assessment and physical ed assessment are all suspended. SDE must allocate savings out to district on WPU.	N	N
110	1A.16	1A.15	State	Proviso	<i>School Districts</i> - <u>(Carry Forward)</u> SDE is directed to carry forward prior year unobligated teacher salary supplement and related employer contribution funds into the current fiscal year to be used for the same purpose.	Y	N
111	1A.17	1A.16	State	Proviso	<i>Governor, Chair of the Senate Finance Committee, Chair of the House Ways and Means Committee, Chair of the Senate Education Committee, and Chair of the House Education and Public Works Committee</i> - <u>(Report and Carry Forward)</u> SDE must report annually on the effectiveness of dropout prevention programs funded by the Education and Economic Development Act and on the High Schools that Work Programs' progress and effectiveness in providing a better prepared workforce and student success in post-secondary education.	Y	Y
112	1A.18	1A.17	State	Proviso	<i>School Districts</i> - <u>(Carry Forward)</u> SDE is authorized to carry forward into the current fiscal year, prior year state assessment funds and expend them for the same purpose. Reimbursements shall resume in the current fiscal year for PSAT.	N	N

113	1A.19	1A.18	State	Proviso	<u>(Report Card Printing)</u> The percentage each school district expended on classroom instruction as defined by the SDE's InSite classification for "Instruction" must be printed on the Annual School and District Report Card.	N	N
114	1A.20	1A.19	State	Proviso	<i>School Districts</i> - <u>(Appropriation)</u> The funds appropriated in Part IA, Section 1, XII.A.3 for instructional materials for core curriculum shall be expended consistent with the requirements of Section 59-31-600 of the 1976 Code requiring the development of higher order thinking skills and critical thinking which should be integrated throughout the core curriculum instructional materials. The evaluation criteria used to select instructional materials shall include a weight of up to 10% of the overall criteria to the development of higher order thinking skills and critical thinking.	N	N
115	1A.21	1A.20	State	Proviso	<i>School Districts</i> - <u>(Approval of Technology Plans)</u> SDE shall approve district technology plans that specifically address and incorporate certified staff technology competency standards. The SDE's professional development tracking, prescriptive and electronic portfolio system for certified staff is the preferred method for demonstrating technology proficiency as this system is aligned to the International Society for Technology in Education (ISTE) teacher standards. Evidence that districts are meeting the requirement is a prerequisite to expenditure of a district's technology funds.	Y	N
116	1A.22	1A.21	State	Proviso	EOC - (EAA Funds) To support implementation of the accountability program, the EOC may carry forward unexpended Education Accountability Act Funds authorized specifically for the administration of the EOC.	N	N
117	1A.23	1A.22	State	Proviso	<i>School Districts</i> - <u>(Allocation)</u> EIA funds allocated for the provision of four-year-old kindergarten shall be utilized for the provision of services to age-eligible children qualifying for free or reduced-price lunch or Medicaid and children with documented developmental delays or medically documented disabilities.	Y	N
118	1A.24	1A.23	State	Proviso	<i>School Districts</i> - <u>(Appropriation)</u> The SDE, schools, and districts shall ensure that resources are utilized to improve student achievement in reading/literacy. 50% of the appropriation shall be directed toward acquisition of reading proficiency. 50% of the funds shall be allocated to school districts based on the number of WPU's in each school district in proportion to the statewide WPU's using the 135-day count of the prior school year.	Y	Y
119	1A.25	1A.24	State	Proviso	<i>School Districts</i> - <u>(Appropriation)</u> EIA funds appropriated for students at academic risk of school failure, which include funds for Act 135 Academic Assistance, summer school, reduce class size, alternative schools, parent support and family literacy, must be allocated to school districts based on the poverty index of the district as documented on the most recent district report card, which measures student eligibility for the free or reduced price lunch program and Medicaid; and the number of students not in poverty or eligible for Medicaid but who fail to meet state standards on state standards-based assessments in either reading or mathematics.	Y	Y
120	1A.26	1A.25	State	Proviso	<i>School Districts</i> - <u>(Appropriation, Post on Website)</u> Of the funds appropriated for professional development, up to \$500,000 may be expended for gifted and talented teacher endorsement and certification activities. The balance of EIA funds appropriated for professional development must be allocated to districts based on the number of WPU's in each school district in proportion to the statewide weighted pupil units using the 135 day count of the prior school year. No more than 25% of the funds appropriated for professional development may be retained by the SDE for the administration and provision of other professional development services.	Y	Y
121	1A.27	1A.26	State	Proviso	<i>School Districts</i> - <u>(Appropriation)</u> Up to \$5,400,000 shall be used for assessments to determine eligibility of students for gifted and talented programs and for the cost of Advanced Placement and International Baccalaureate exams.	Y	N
122	1A.28	1A.27	State	Proviso	<i>House Ways and Means Committee, House Education Public Works Committee, Senate Finance Committee and Senate Education Committee</i> - <u>(Summary Report)</u> Each school district must collect information from both the student and the school including why the student has enrolled in Adult Education and whether or not the student is pursuing a GED or Diploma. The school district must then provide a quarterly report to the SDE and must include the unique student identifier. The SDE will provide summary information to the legislature.	Y	Y
123	1A.29	1A.28	State	Proviso	<i>Clemson University</i> - <u>(Appropriation/Transfer)</u> Funds appropriated in Part IA, Section XII.F.2 for Clemson Agriculture Education Teachers must be transferred to Clemson University PSA to fund summer employment of agriculture teachers and to cover state-mandated salary increases on that portion of the agriculture teachers' salaries.	N	N
124	1A.30	1A.29	State	Proviso	<i>National Board Certified Teachers</i> - <u>(Disbursement of Supplement)</u> Public school classroom teachers or classroom teachers employed at the special schools who are certified by the SBE and who complete the application process on or after July 1, 2010 shall be paid a \$5,000 salary supplement in the year of achieving certification.	Y	N
125	1A.31	1A.30	State	Proviso	Eligible students in districts with a poverty index of 70% or greater. The EOC shall conduct an annual evaluation of the program.	Y	Y
126	1A.32	1A.31	State	Proviso	<i>School Districts</i> - <u>(Appropriation)</u> Funds appropriated in Part IA, Section 1, XII.A.1 Aid to Districts shall be dispersed to school districts based on the number of WPU's.	Y	N
127	1A.33	1A.32	State	Proviso	<i>Francis Marion University Center of Excellence</i> - <u>(Allocation)</u> \$350,000 to expand statewide training for individuals who teach children of poverty.	N	N
128	1A.34	1A.33	State	Proviso	<i>General Assembly and Governor</i> - <u>(Appropriation, Transfer, Estimate of the IDEA MOE Requirement)</u> Prior to the dispersal of Aid to Districts-in Section XII.A.1 funding, the SDE shall direct funds to school districts and special schools for support of programs/services for students with disabilities, to meet the MOE for IDEA. Funds provided for the MOE for IDEA may not be transferred to any other purpose.	Y	Y

129	1A.35	1A.34	State	Proviso	<i>Private sector statewide trade association or educational foundation providing nationally certified programs in career and technology education</i> -(<u>Appropriation, Develop Goals</u>) \$800,000 as direct grants. SDE must award a minimum of one grant of at least \$150,000 in at least four of specified career clusters. The Office of Career and Technology Education of the SDE will develop goals with each career cluster on the number of new schools using the industry-based curriculum and partnered with that career cluster organization.	Y	Y
130	1A.36	1A.35	State	Proviso	<i>EOC</i> -(<u>Report</u>) Agencies and other entities receiving funds appropriated in Part 1A, Section 1, XII.F.2. will continue to report annually to the EOC.	N	N
131	1A.37	1A.36	State	Proviso	<i>ETV</i> - (<u>Funding Requirements</u>) Of the funds appropriated in Part 1A, Section 1, XII.F.2. SC ETV must provide training and technical support on the educational resources available to teachers and school districts.	N	N
132	1A.38	1A.37	State	Proviso	<i>School Districts</i> -(<u>Appropriation</u>) Funds appropriated for Career and Technology Education may be utilized to purchase textbooks, instructional materials and other consumables used in classroom instruction.	Y	N
133	1A.39	1A.38	State	Proviso	<i>School Districts</i> -(<u>Appropriation</u>) The statewide minimum teacher salary schedule used in FY 2012-2013 will continue to be used in FY 15-16. Funds appropriated in Part 1A, Section 1, XII.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50 (b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists.	Y	N
134	1A.40	1A.39	State	Proviso	(<u>Data Collection</u>)) With the funds appropriated to the SDE for PowerSchool and data collection, the SDE will begin in the current fiscal year to collect data from schools and school districts on the number of students who had previously dropped out of school and who reenrolled in a public school or adult education to pursue a high school diploma.	Y	Y
135	1A.41	1A.40	State	Proviso	<i>School Districts</i> -(<u>Appropriation, Carry Forward</u>) SDE, school districts, the DJJ and special schools of the state may continue implementation of the ADEPT program. Unexpended funds appropriated for this purpose may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purposes.	Y	Y
136	1A.44	1A.41 - DELETED	State	Proviso	DELETED <i>School Districts</i> -(Appropriation) SDE shall institute a plan reviewing the strengths and weaknesses of students on national assessments such as the SAT, ACT, WorkKeys, GED, Advanced Placement exams, and International Baccalaureate exams. The SDE shall use reports that analyze student strengths and weaknesses to provide guidance to local school districts.		
137	1A.45	1A.42	State	Proviso	<i>National Board Certified (NBC) Teachers</i> - (<u>Appropriation/Salary Supplement/Transfer</u>) Public school classroom teachers or classroom teachers employed at the special schools who are certified by the SBE and who complete the NBC application process on or after July 1, 2010 shall be paid a \$7,500 salary supplement beginning July 1st in the year following the year of achieving certification, beginning with 2009 applicants.	N	N
138	1A.46	1A.43	State	Proviso	<i>University of South Carolina College of Education</i> (<u>Center for Educational Partnerships Funding Initiatives</u>) The funds provided to the Center for Educational Partnerships at the College of Education at the University of South Carolina will be used to create a consortium of educational initiatives and services to schools and communities.	N	N
139	1A.47	1A.44	State	Proviso	(Inclusion) - All EIA-funded entities that provide professional development and science programming to teachers and students should be included in the state's science, technology, engineering and mathematics education strategic plan.	N	N
140	1A.49	1A.45	State	Proviso	General Assembly (<u>Funds Appropriated and Carried Forward</u>) Of the funds appropriated and carried forward from the prior fiscal year, the Education Oversight Committee is directed to participate in public-private partnerships to promote innovative ways to transform the assessment of public education in South Carolina that support increased student achievement in reading and college and career readiness.	N	N
141	1A.50	1A.46	State	Proviso	<i>Chair of House Ways and Means Committee, Chair of House Education and Public Works Committee, Chair of Senate Finance Committee and the Chair of Senate Education Committee</i> -(<u>Report</u>) of any districts that failed to submit an updated school safety plan.	N	N
142	1A.53	1A.47	State	Proviso	<i>School Districts</i> -(<u>Carry Forward</u>) Funds provided for the Education and Economic Development Act may be carried forward into the current fiscal year to be expended for the same purposes by the SDE, school districts, and special schools.	N	N
143	1A.54	1A.48	State	Proviso	<i>School Districts</i> - (<u>Appropriation</u>) Funds appropriated from the EEDA for Regional Education Centers must not be less than \$108,500.	Y	N
144	1A.55	1A.49	State	Proviso	<i>Teach for America SC</i> - (Report) School Districts that partner with Teacher For America SC are required to provide to Teach for America information on the prior year's academic achievement of student who were directly taught by Teach For America corps members.	Y	N
145	1A.56	1A.50	State	Proviso	Chairman of the Senate Finance Committee, Chairman of House Ways and Means Committee, and Education Oversight Committee (<u>Funding and Reporting</u>) Of the funds appropriated in Section 1A, XII.F, Partnerships, Education Oversight Committee (A85), \$350,000 must be transferred in quarterly installments form the EOC to the SC Autism Society for the Autism Parent-School Partnership program.	N	N
146	1A.58	1A.51	State	Proviso	(<u>Evaluations and Monitoring</u>) The Center for Educator Recruitment, Retention and Advancement (CERRA) must complete periodic evaluations of the institutions currently hosting a Teacher Fellows (TF) program and ensure that the TF programs at the current host institutions continue to meet the requirements for a TF program as set by the CERRA Board of Directors.	N	N
147	1A.59	1A.52	State	Proviso	Surplus - EOC - \$900,000; Allendale County School District - \$150,000; Modernize Vocational Equipment - \$1,501,307; Assessment/Testing - \$7,300,000; Digital Music Materials (Quaver) - \$625,000. Excess must be used for Instructional Materials --- These numbers have changed - see link http://www.scstatehouse.gov/sess121_2015-2016/appropriations2016/tap1b.htm#s1a	Y	Y

148	1A.60	1A.53	State	Proviso	<i>House Way and Means Committee, House Education and Public Works Committee, the Senate Finance Committee and the Senate Education Committee - (Reports/Summary)</i> The district must require each charter school to submit a student attendance report for the 5th, 45th, 90th and 135th days. Reporting requirements shall include both ADM and WPU membership and for virtual schools why the students are enrolled/withdrew.	Y	N
149	1A.61	1A.54	State	Proviso	<i>SC Public Charter School District Funding- (Appropriations)</i> Funds must be allocated in the following manner to students at charter schools within the SC Public Charter School District or at any approved institution of higher education sponsoring a public charter school. Pupils enrolled in virtual charter schools sponsored by the South Carolina Public Charter School District or institutions of higher education shall receive \$1,900 per weighted pupil and pupils enrolled in brick and mortar charter schools sponsored by the South Carolina Public Charter School District or institutions of higher education shall receive \$3,600 per weighted pupil.	Y	N
150	1A.62	1A.55	State	Proviso	(Funding Requirements) Of the funds appropriated to the Education Oversight Committee for Partnerships for Innovation, \$500,000 must be allocated to support up to 3 low-achieving schools in designing and planning for implementation innovative, research-based strategies focused on recruiting and retaining highly effective teachers and on increasing time-on-task through the amount of time, the quality of instruction and the engagement of students.	N	N
151	1A.63	DELETED (1A.56)	State	Proviso	DELETED <i>SC Public Charter School District- (Carry Forward)</i> - The South Carolina Public Charter School District must use up to \$3,000,000 in prior year carry forward funds to hold its schools harmless from any reduction in funds as a result of changes to the EFA weightings in the current fiscal year.		
152	1A.64	1A.57	State	Proviso	(Allocation) Of the funds appropriated to the Education Oversight Committee for Partnerships for Innovation, at least \$400,000 shall be allocated to the TransformSC public-private project.	N	N
153	1A.65	DELETED (1A.58)	State	Proviso	DELETED Palmetto Priority School Designation - Of the funds appropriated for EAA-Technical Assistance, up to \$2,200,000 must be expended to provide \$200,000 to each school that was designated by the SDE as a Palmetto Priority School in the prior year, but did not receive an allocation of EIA technical assistance funds in the prior fiscal year.		
154	1A.66	1A.59	State	Proviso	<i>Chair of House Ways and Means Committee, Chair of House Education and Public Works Committee, Chair of Senate Finance Committee, Chair of Senate Education Committee and Education Oversight Committee -(Report)</i> SDE and First Steps to Readiness must acquire unique student identifiers or SUNS numbers for each student enrolled in the CDEPP program no later than the 45th day and must provide a report to Legislative Committees by November 1. The SDE and the Office of First Steps to School Readiness must provide any information required by the Education Oversight Committee for the annual CDEPP report no later than November 30.	Y	Y
155		1A.60		Proviso	SDE-EIA: BabyNet Early Intervention Autism Therapy) The \$814,348 in funds appropriated in this act to the Office of First Steps to School Readiness for BabyNet Autism Therapy must be used only to increase the BabyNet autism therapy provider hourly rate and the individual hourly pay of line therapists during the current fiscal year. The Office of First Steps must consult with the Department of Disabilities and Special Needs regarding the implementation of these increases. The Office of First Steps must ensure that, prior to payment, these line therapists meet all current state requirements. It is the intent of the General Assembly that these monies be used solely for the purpose of increasing the BabyNet autism therapy provider rate to \$13.58 per hour or the current Medicaid rate, whichever is higher, and the hourly pay to individual line therapists being increased to a minimum of \$10.00 per hour. Quarterly, the Office of First Steps must send a letter to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee reporting on their compliance with the requirements of this proviso. The report must include information regarding the expenditure of state funds as well as the receipt and expenditure of Federal Medicaid funds associated with the program.	Y	N
156		1A.61		Proviso	(SDE-EIA: Charter School Funding-Chartered by Institution of Higher Education) Pupils enrolled in a brick and mortar charter school authorized by an approved institution of higher education located in this state shall receive \$3,600 per weighted pupil and pupils enrolled in a virtual charter school authorized by an approved institution of higher education located in this state shall receive \$1,900 per weighted pupil from the funds appropriated in Part IA, Section VIII.G. - South Carolina Public Charter School - Institution of Higher Education. Any unexpended funds, not to exceed ten percent of the prior year appropriation, must be carried forward from the prior fiscal year and expended for the same purpose. Any unexpended funds exceeding ten percent of the prior year appropriation must be transferred to the Charter School Facility Revolving Loan Program established in Section 59-40-175, of the 1976 Code.	Y	N
157	1A.71	1A.62	State	Proviso	\$4,000,000 of the funds appropriated in Section XII.3 for Professional Development must be allocated to the districts on the 135 ADM for technology professional development. Districts must report on these activities by June 15.	N	N
158	1A.72	DELETED - (1A.63)	State	Proviso	SDE is authorized to use up to \$4,500,000 of available carry forward to purchase electronic devices and digital content. SDE may select up to 6 districts to participate which must develop a plan that must be presented to the local board on a form created by SDE. Plans must be submitted no later than July 25th to SBE and notice must be given no later than August 15th. SDE must provide a report outlining implementation no later than December 15th to Chairman of Senate Education, Senate Finance, House Education House Ways and Means.	Y	Y
159	1A.73	1A.64	State	Proviso	CERRA shall develop a teacher recruitment and retention program to assist underserved districts (turnover rate 12% or more) recruit and retain teachers. The incentives will be developed in consultation with EOC and SDE and shall include at a minimum salary supplements, education subsidies, professional development and mentorship.	N	N
160	1A.74	1A.65	State	Proviso	SDE shall direct \$500,000 from Reading (1A.XII.A.3) to Project Read	Y	Y

161	1A.75	1A.66	State	Proviso	<i>School Districts - (Allocation; Establish Guidelines, Report)</i> Funds appropriated for Reading Coaches must be allocated to school districts by the SDE as follows: (1) for each elementary school in which 20% or more of the students scored Not Met on the reading and research test in the most recent year for which such data are available, the school district shall be eligible to receive the lesser of either up to \$62,730 or the actual cost of salary and benefits for a full-time reading coach; and (2) for each elementary school in which fewer than 20% of the students scored Not Met on the reading and research test during the same period, the school district shall be eligible to receive the lesser of either up to \$31,365 or 50% of the actual cost of salary and benefits for a full-time reading coach. A school district must provide local support for state funds provided under this paragraph. School districts may use existing local funds currently used for reading assistance as the local support. Districts may not supplant except for districts that use local funds in the prior fiscal year to support reading.	Y	N
162	1A.76	1A.67	State	Proviso	SDE shall create a list of instructional materials that have been approved by the State Board. Funds may not be flexed and may be used to reimburse districts for science kits. May include materials and devices. Carryforward authority.	Y	Y
163	1A.77	1A.68	State	Proviso	SDE may utilize up to \$800,000 from full day 4K funding to identify three formative assessments that will analyze the early literacy skills of publically funded students. Districts and private providers will administer one of the assessments by the 45th day through a \$15 allocation per student.\$2,000,000 of the funds appropriated for half day 4K shall be used to administer the Developmental Reading Assessment 2nd Edition PLUS to assess the early language and literacy skills of students entering kindergarten and must be administered once during the first and last 45 days of school. Results must inform interventions and SDE must report results of both using Unique Student Identifiers to EOC.	Y	Y
164	1A.78	1A.69	State	Proviso	CERRA with SDE and CHE shall conduct a study to determine the number of teachers available and the number needed in school years 2017-2027. Data must include specific projections on number needed and subject area to include critical need areas.	Y	Y
165	1A.79	DELETED (1A.70)	State	Proviso	SDE, in consultation with the EOC, shall procure assessments for grades 3-8 that will meet state and federal accountability requirements. An assessment for grade 11 that meets the requirements of Act 155 of 2014 shall also be procured	Y	Y
166	1A.80	1A.71	State	Proviso	By August 1 First Steps shall transfer \$4,250,000 of CDEPP carryforward to SDE for full day 4K and if there are any funds remaining they shall be transferred to SDE	N	N
167		1A. 72		Proviso	(SDE-EIA: College and Career Readiness) Funds appropriated to the Department of Education for District College and Career Readiness Assistance must first be used to increase the capacity of districts that are or were the original trial and plaintiff school districts in the Abbeville law suit. Funds shall be used by the department to provide assistance to districts using appropriately experienced educators with demonstrated effectiveness in instructional leadership. Support shall include professional development, standards and learning support, instructional support, data analysis and leadership development resources to ensure that educators are equipped with the tools to provide students with high quality, personalized learning that supports the Profile of the South Carolina Graduate. The department shall report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on how these funds were expended.	Y	Y
168		1A. 73		Proviso	(SDE-EIA: Industry Certifications/Credentials) The funds appropriated for Industry Certifications/Credentials must be allocated to school districts based upon the number of national industry exams administered in the prior schoolyear. The department will identify the national industry exams that will be funded based upon the job availability in the state. School districts may carry forward funds from the prior fiscal year into the current fiscal year and expend the funds for the cost of national industry exams. The department shall work with the Department of Commerce, the Department of Employment and Workforce, state and local chambers of commerce and economic development offices and the Tech Board to ensure that students are aware of the industry required credentials for current job availability in the state organized by region.	Y	Y
169		1A. 74		Proviso	(SDE-EIA: Career and Technical Equipment Funding) Funds appropriated for Modernize Career and Technical Equipment will be distributed to school districts and multi-district career centers based on the prior year actual student enrollment for career and technology education courses, with no district or multi-district career center receiving less than \$50,000. Funds may be expended for the purchase of career and technical equipment, the up fitting of facilities and the purchase of consumables. Each district must include in the district plan submitted to the Office of Career and Technology Education information on other career and technical equipment available. The district must include, at a minimum, equipment located at the career center and at the technical college, information on the alignment of equipment to current industry jobs and needs in the state as recommended by career and technical program advisory committees. District plans must include charter schools within the school district offering at least one career and technical education completer program. School districts and career centers may carry forward unexpended funds to be used for the same intended purposes to up fit career and technical facilities and replace career and technical program consumables.	N	N
170		1A. 75		Proviso	(SDE-EIA: Digital Learning) Of the funds appropriated to the Education Oversight Committee for Partnerships for Innovation, \$1,600,000 will be authorized to be utilized to enter into one-year memoranda of agreements with public and private entities to pilot computer science initiatives in schools and school districts. The initiatives must focus on improving the digital literacy skills of students and teachers, expanding opportunities for students to learn coding, or providing computer science curriculum. To this end, at least \$1,300,000 must be authorized for schools or school districts that have poverty indices of eighty percent or greater based on the poverty index utilized the prior fiscal year that was student eligibility for the free or reduced price lunch program and Medicaid, or are a trial or plaintiff district in the Abbeville equity lawsuit. In these districts, the EOC will pilot a program that provides school districts with digital learning tools, digital resources, the curriculum foundry, technical support, and professional development.		

171		1A. 76		Proviso	(SDE-EIA: South Carolina IT Academy) Of the funds appropriated for the South Carolina IT Academy, the Department of Education shall procure an IT Academy for public schools statewide in the coming school year. The IT Academy must offer certification opportunities for educators to receive Teacher Certification Exams and for students to receive certifications in an office suite of products in the middle grades and programming credentials in high school. The procurement shall include official curriculum, e-learning, E-books, exams, software and lesson plans.		
172		1A. 77		Proviso	(SDE-EIA: Family Connection South Carolina) Funds appropriated in Part IA, Section 1, VIII.E, Partnerships, for Family Connection South Carolina (H63), shall be transferred in quarterly installments from the Department of Education to Family Connection South Carolina. Funds shall be used to provide support to families of children with disabilities. Support shall include, home visits, transition assistance, education assistance, parent support and parent training. The department shall establish guidelines through which Family Connection South Carolina shall provide planning documents to the department not later than July 15 of the current fiscal year, and quarterly reporting of expenditures thereafter; and a performance report submitted annually.	Y	Y
173		1A. 78		Proviso	(SDE-EIA: Low Achieving Schools) Of the funds appropriated to the Education Oversight Committee for Partnerships for Innovation, \$500,000 shall be allocated to parent support initiatives and afterschool programs in historically underachieving communities.	N	N
174		1A. 79		Proviso	(SDE-EIA: Teacher Salaries Increase) For Fiscal Year 2016-17, the Department of Education is directed to increase the statewide salary schedule by two percent. A local school district board of trustees must provide all certified teachers paid on the teacher salary schedule a two percent salary increase. Districts are to provide this increase using the district salary schedule utilized the prior fiscal year as its base. School districts shall utilize the additional funds made available from the Teacher Salary Supplement appropriation to provide one percent of the required two percent increase. Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all eligible certified teachers employed by the district by an amount equal to a step on the salary schedule for any teacher entering the 23rd year if the district's salary schedule does not go beyond 22 years. Application of this provision must be applied uniformly for all eligible certified teachers. If a school district believes it will be unable to provide the required additional step without incurring a deficit, it may apply to the State Board of Education for a waiver from this requirement. For purposes of this provision teachers shall be defined by the Department of Education using the Professional Certified Staff (PCS) System.	Y	Y
175		1A. 80		Proviso	(SDE-EIA: College Readiness Assessments) For the current fiscal year, with the funds appropriated for assessment, the Department of Education is directed to manage the administration of the same college readiness assessment that was administered in the prior fiscal year to students in grade 11. The assessment, or an alternate college readiness measure approved by the department as set forth by the student's Individualized Education Program, must be administered to all students in grade 11. For the purposes of administering the assessment, "eleventh grade students" is defined as students in the third year of high school after their initial enrollment in the ninth grade. Valid accommodations must be provided according to the student's IEP/504 plan. If a student also chooses to use the results of the college readiness assessment for post-secondary admission or placement, the student, his parent, or his guardian must indicate that choice in compliance with the testing vendor's deadline to ensure that the student may receive allowable accommodations consistent with the IEP or 504 plan that may yield a college-reportable score.	Y	Y
176		1A. 81		Proviso	See above link (SDE-EIA: EOC Military-Connected Children) Of the funds allocated for Partnerships for Innovation, the Education Oversight Committee is directed to expend \$100,000 to initiate in at least two school districts with high military density, a pilot program that will provide training, services, resources and research to teachers, counselors, mental health professionals, school nurses, service providers and military parents. The objective of the pilot is to increase the level of educational quality and support for military-connected children. The training and services must be provided by a non-profit entity that is an NBCC-Approved Continuing Education Provider and is an authorized provider by the international Association for Continuing Education and Training (IACET). Pursuant to its responsibilities under Act 289 of 2014, the Education Oversight Committee will report on the expenditure of these funds and post-training evaluations in its annual report on the educational performance of military-connected children.	N	N
177		1A. 82		Proviso	(SDE-EIA: STEM Labs) Of the funds appropriated for customized STEM labs, the Education Oversight Committee shall work with the Department of Education, Office of Standards and Learning to solicit interested middle schools from the Abbeville trial and plaintiff districts to participate in implementing a STEM based curriculum. The pilot sites will receive a customized 6th - 8th grade STEM curriculum designed to address the needs of local industry. The curriculum provided will be aligned to state standards and certified by ACT WorkKeys and will include hands-on, problem based student labs. The curriculum will also be certified by ACT WorkKeys. Teachers in the pilot sites will receive ongoing, year-long professional development on cross curricular STEM implementation that will be aligned to state standards as well and the district strategic plan.	Y	Y
178		1A. 83		Proviso	(SDE-EIA: Baby Net Financial Audit Reimbursement) For Fiscal Year 2016-17, of the funds appropriated or carried forward, First Steps to School Readiness is directed to reimburse the Department of Education up to \$50,000 for the costs of the financial audit of Baby Net.	N	N
179		1A. 84		Proviso	(SDE-EIA: Assistance Funding) For the current fiscal year, any funds appropriated to the Department of Education to assist districts that are or were Plaintiffs in the Abbeville law suit and funding appropriated to the department to provide technical assistance to underperforming districts may not be transferred to any other program, are not subject to flexibility, and may be carried forward and expended for the same purposes.	Y	N

180		1A. 85		Proviso	(SDE-EIA: Report Cards) With the funds appropriated for assessment and the achievement results obtained from these assessments, the Education Oversight Committee shall not calculate absolute or growth performance ratings for the 2016-17 school year for schools or districts. Instead, the Education Oversight Committee shall determine the format of a transitional report card released to the public in the fall of 2016 that will also identify underperforming schools and districts. These transitional reports will, at a minimum, include the following: (1) school, district and statewide student assessment results in reading and mathematics in grades 3 through 8; (2) high school and district graduation rates; and (3) measures of student college and career readiness at the school, district, and statewide level. These transitional reports shall inform schools and districts, the public, and the Department of Education of school and district general academic performance and assist in identifying potentially underperforming schools and districts and in targeting technical assistance support and interventions in the interim before ratings are issued.	Y	Y
181				Proviso			
182	SECTION 3		State	Proviso			
183	3.1		State	Proviso	SDE shall report by October 1 on the adopted procedures to monitor expenditures of lottery funds that are allocated to districts and other recipients and department guidelines shall be reported to the EBO. Additionally SDE shall report to EBO, Chariman of Senate Finance and the Chairman of the Ways and Means Committee on the amount disbursed to each entity in the prior fiscal yar.	Y	Y
184	3.6		State	Proviso	<i>School Districts</i> -(<u>Appropriation</u>)		
185	SECTION 7		State	Proviso			
186	7.6		State	Proviso	EOC, SDE, SIG shall prescribe the reporting measures to be followed by the school and shall report to the Governor, Senate Finance and Ways and Means on recommendations for improving services to students.	Y	Y
187	SECTION 91		State	Proviso			
188	91.24		State	Proviso	<i>House Education and Public Works Committee, House Ways and Means Committee, Senate Education Committee and Senate Finance Committee</i> -(<u>Report</u>) Of the funds appropriated in XII.E.2. for Technology the K-12 Technology Initiative partnership shall provide a report, describing the state's efforts to facilitate the cost effective provision of connectivity and internet bandwidth to schools. The report must detail information on the expenditure of the K-12 Technology funds by each district as well as a list of the districts requesting flexibility in the use of those funds. The report shall be submitted no later than June 1, 2016.	N	N
189	91.27		State	Proviso	The Senate shall compose a committee that will review and study the effects of Act 388 on the various classes of property. The study committee will provide a report with findings and recommendations to the GA by Juen 30, 2016.	N	N
190	91.29		State	Proviso	Departments upon Legislative request shall immediately provide requested information to to the President Pro Tempore of the Senate and the Speaker of the House in any form they shall require any information requested in relation to their respective affairs or activities.	N	N
191	SECTION 93		State	Proviso			
192	93.36		State	Proviso	General Services must distribute the proceeds fro mthe sale of the Union county Bus Shop equally to the Union County School District and Union County.	Y	N
193	SECTION 98		State	Proviso			
194	98.14		State	Proviso	State Treasurer is directed to to transfer all funds from the Governor's Teaching School Loan Program to Save the Children for the statewide partnership with local public schools to serve children ages 3-12 in areas of peristent rural poverty. Services are to support pre k and k readiness and increase the reading proficiency of all. Measured success of the partnerships must be reported to the GA.	N	N
195	SECTION 102		State	Proviso			
196	102.4		State	Proviso	SDE shall supply RFA with client level data as determined by the MOA for use in the SC Health and Human Services Data Warehouse. No state agency shall duplicate any responsibilities of this provision.	Y	Y
197	SECTION 117		State	Proviso			
198	117.1		State	Proviso	<i>State Treasurer</i> -(<u>Revenue, Collections, and Income Remittance</u>). <i>Comptroller General and B&CB</i> -(<u>Report</u>) All general state revenues derived from taxation, licenses, fees, or from any other source whatsoever, and all SDE revenues or collections, including income from taxes, licenses, fees, the sale of commodities and services, and income derived from any other SDE or institutional source of activity, must be remitted to the State Treasurer at least once each week, when practical, and must be credited, unless otherwise directed by law, to the General Fund of the State.	Y	Y
199	117.9		State	Proviso	<i>Division of Budget and Analyses and Comptroller General</i> -(<u>Notification of Appropriation Transfers</u>) SDE is authorized to transfer appropriations within programs and within the agency. No such transfer may exceed 20% of the program budget.	Y	Y
200	117.13		State	Proviso	<i>State Human Affairs Commission</i> -(<u>Affirmative Action Plan</u>) The SDE shall submit to the State Human Affairs Commission employment and filled vacancy data by race and sex by October 31, of each year.	Y	Y

201	117.14		State	Proviso	<u>B&CB -(FTE Position Authorization)</u> SDE must have established on the B&CB records all positions authorized in the Act. After that date, the Board shall delete any non-established positions from the official record of authorized full-time equivalent positions.	Y	Y
202	117.15		State	Proviso	<u>State Employees -(Payment of Salaries)</u> Salaries paid to officers/employees of the State, including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for at the prevailing local value and without the purpose or effect of increasing the compensation of said officer/employee. The charge for these items may be payroll deducted at the discretion of the Comptroller General or the CFO at each agency maintaining its own payroll system. All salaries paid by the SDE shall be in accord with a uniform classification and compensation plan, approved by the B&CB, applicable to all personnel of the State Government whose compensation is not specifically fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for personal service is drawn. Salaries of the heads of all agencies of the State Government shall be specifically fixed in this act and no salary shall be paid any agency head whose salary is not so fixed. As long as there is no impact on appropriated funds, state agencies and institutions shall be allowed to spend public funds and/or other funds for designated employee award programs which shall have written criteria approved by the agency governing board or commission.	Y	Y
203	117.18		State	Proviso	<u>(Travel/Business Expenses)</u> Agency heads and deputy commissioners/directors designated by agency heads may receive reimbursements for business expenses incurred while performing their official duties, provided that receipts are presented when seeking reimbursement and justification is submitted to document the time, place, and purpose of the expense as well as the names of the individuals involved. The B&CB shall promulgate regulations governing these expenses.	N	N
204	117.19		State	Proviso	<u>(Per Diem)</u> The per diem allowance of all boards, commissions and committees shall be at the rate of \$35 per day. No full-time officer or employee of the State shall draw any per diem allowance for service on such boards, commissions or committees.	N	N
205	117.20		State	Proviso	<u>(State Employee Travel Expenses)</u> SDE employees while traveling on business, upon presentation of a paid receipt, be allowed reimbursement for actual expenses incurred for lodging, not to exceed the current maximum lodging rates, excluding taxes, established by the U.S. General Services Administration (USGSA). The lodging reimbursement for employees of a school district must also conform to these rates when that employee's travel reimbursement is paid by state funds that are transferred to the school district.	Y	Y
206	117.23		State	Proviso	<u>(Carry Forward Authorization)</u> SDE is authorized to carry forward unspent general fund appropriations from the prior fiscal year into the current fiscal year, up to a maximum of 10% of its original general fund appropriations less any appropriation reductions for the current fiscal year.	Y	Y
207	117.26		State	Proviso	<u>Comptroller General, Senate Finance Committee, the House Ways and Means Committee, and the Statehouse Press Room -(Travel Report)</u> The report must show at a minimum the top 10% of employees for whom travel expenses and registration fees were paid within each agency, not to exceed 25 employees per agency. SDE should include position titles for each of the top 25 travelers for each agency. Expenditures must include state, federal and other sources of funds.	Y	Y
208	117.27		State	Proviso	<u>School Districts -(Appropriation, Carry Forward)</u> From the funds appropriated/authorized for the K-12 technology initiative, the SDE, in consultation with the Budget and Control Board's Division of State Information Technology, the State Library, the Educational Television Commission, and a representative from the EOC, shall administer the K-12 technology initiative funds.	Y	N
209	117.29		State	Proviso	<u>Governor, Senate Finance Committee, House Ways and Means Committee, Public -(Accountability Report)</u> Annual accountability reports for the prior fiscal year, as required in Section 1-1-810, must be accessible for the purpose of a zero-base budget analysis and in order to ensure that the Agency Head Salary Commission has the accountability reports for use in a timely manner. Accountability Report guidelines shall require agencies to identify key program area descriptions and expenditures and link these to key financial and performance results measures.	N	N
210	117.30		State	Proviso	<u>(Collection Authorization and Carry Forward)</u>) In lieu of any other provision of law, any state agency may collect a service charge as provided in Section 34-11-70 to cover the costs associated with the processing and collection of dishonored instruments or electronic payments where any amount is not paid by the drawee due to insufficient funds on deposit with the bank or the person upon which it was drawn when presented, or the instrument has an incorrect or insufficient signature on it. Such funds shall be retained and expended by the agency in accordance with this purpose and any unused amount shall carry forward to the following fiscal year.	N	N
211	117.32		State	Proviso	<u>Budget and Control Board -(Report)</u> State agencies may implement, in consultation with the Human Resources Division of the Budget and Control Board, a program to realign resources to include provisions for a separation incentive payment for employees which may include the employer portion of health and dental benefits not to exceed one year. Employees participating in such program shall not be eligible to participate in the Teacher and Employee Retention Incentive (TERI) program.	Y	Y
212	117.33		State	Proviso	<u>(Identification of Alternatives)</u> -As part of its plan for an alternative school, a school district receiving funds from the Department of Education for an alternative school shall identify available alternatives to commitment for children whose truancy is approaching the level of being referred to family court. Each school district's plan under this proviso shall include possible assignment to alternative school for a non-attending child before petitioning the court.	Y	Y

213	117.34		State	Proviso	<i>Chair of the Senate Finance and House of Representatives Ways and Means Committees and the Inspector General</i> - ~~(Report)~~ Each state agency shall provide to the Chairmen of the Senate Finance and House of Representatives Ways and Means Committees and the Inspector General a report detailing the amount of its outstanding debt and all methods it has used to collect that debt. This report is due by the last day of February for the previous calendar year. For purposes of this provision, outstanding debt means a sum remaining due and owed to a state agency by a non-governmental entity for more than sixty (60) calendar days.	Y	Y
214	117.45		State	Proviso	State agencies shall not impose additional parking fees or increases in fees for state employees in the current fiscal year.	N	N
215	117.46		State	Proviso	~~(Authorization, Carry Forward)~~ The GSAH, GSSM, Wil Lou Gray Opportunity School, and John de la Howe School are authorized to charge, collect, expend and carry forward fees charged for facility and equipment rental and registration.	N	N
216	117.47		State	Proviso	~~(Authorization, Carry Forward)~~ Any insurance reimbursement to an agency may be used to offset expenses related to the claim. These funds may be retained, expended, and carried forward.	N	N
217	117.48		State	Proviso	~~B&CB-Human Resources Division~~ - ~~(Organizational Chart)~~ Furnish to the Human Resources Division a current personnel organizational chart, or upon the request of the Division and notification of any change to the agency's organizational structure which impacts an employee's grievance rights within 30 days of such change. The organizational chart shall be in a form prescribed by the Human Resources Division showing all authorized positions, class title, class code, position number and indications as to whether such positions are filled or vacant. The organizational chart shall clearly identify those employees who are exempt from the State ~~Employee Grievance Procedure Act~~ .	N	N
218	117.49		State	Proviso	Agencies shall work with DOA and EBO when restructuring as directed by the General Assembly and changes shall be completed no later than December 31st.	N	Y
219	117.50		State	Proviso	Agencies continue to actively pursue cost savings measures through collaborative efforts and may combine administrative functions.	N	Y
220	117.55		State	Proviso	Agencies are permitted to spend state, federal and other funds to provide selected employees lump sum bonuses, not to exceed \$300 per year based on DOA guidelines. Bonuses shall not be part of the employees base salary and may not be provided to employees earning \$100,000 or more.	N	Y
221	117.58		State	Proviso	~~State Auditor's Office~~ - ~~(Financial Statements Submission)~~ Agencies and other reporting entities required to submit annual audited financial statements for inclusion in the State's Comprehensive Annual Financial Report must comply with the submission dates stipulated in the ~~State Auditor's Office~~ audit contract.	N	Y
222	117.59		State	Proviso	~~State Agency~~ - (Rebate) In addition to the Purchase Card Rebate deposited in the general fund, any incentive rebate premium received by an agency from the Purchase Card Program may be retained and used by the agency to support its operations.	N	N
223	117.65		State	Proviso	~~SC Bar Association~~ - ~~(Dues Authorization)~~ Agencies and offices of the State of SC that employ attorneys are authorized to use other appropriated funds, including General Fund carry forward funds, to pay the costs of mandatory dues owed to the South Carolina Bar Association.	N	Y
224	117.69		State	Proviso	Agency heads may institute a voluntary furlough of not more than 90 days per year for employees and must ensure that the same state benefits remain in place and must cover employee portion of contribution if it would cause an interruption in service.	N	N
225	117.71		State	Proviso	Any RIF must comply with TitleVII of the Civil Rights Act of 1964 or any other applicable state and federal antidiscrimination laws.	N	N
226	117.72		State	Proviso	Agency implementing RIF - Agency head must furlough five days. This will not apply if RIF is based solely on RIF implemented as a result of federal budget cuts or reorganization.	N	N
227	117.74		State	Proviso	~~Committee Chairs~~ (<i>Senate Finance, and House Ways and Means</i>) - ~~(Report)~~ An annual report on the expenditures for Institution for Mental Disease Transition Plan (IMD) by each state child placing agency (SDE, DJJ, the Department of Disabilities and Special Needs, the Department of Mental Health, the Department of Social Services, and the Governor's Office of Executive Policy and Programs- Continuum of Care). The Department of Health and Human Services shall review the numbers of out of home placements by type and by agency each year and make recommendations to the General Assembly.	N	N
228	117.75		State	Proviso	~~Committee Chairs~~ (<i>of the Senate Finance Committee and Chair of the House Ways and Means Committee, Public</i> - ~~(Report)~~ Each state agency must provide and release to the public via the agency's website, a report of all aggregate amounts of fines and fees that were charged and collected by that state agency in the prior fiscal year.	Y	Y
229	117.76	117.77	State	Proviso	In the event that an agency's general funds appropriated are less than in the prior fiscal year or EBO institutes an across the board mid year cut and the agency implements a mandatory furlough the agency shall consider TERI, post-TERI and contract employees before other employees.	N	N
230	117.78		State	Proviso	~~State Employees~~ - ~~(Personnel Cost Savings)~~ During the current FY, whenever classified FTEs become vacant because of employee retirements, it is the intent of the General Assembly that state agencies should realize personnel costs savings of at least 25% in the aggregate when managing these vacancies.	N	N
231	117.81		State	Proviso	No state agency or political subdivision of the state may reduce the compensation, including dismissal, suspension or demotion solely because the employee gave sworn testimony alleging wrong doing to a standing committee, subcommittee or study committee of the Senate or House. This proviso shall apply regardless of when the wrong doing occurred.	N	N
232	117.82		State	Proviso	State agencies must operate in a manner to avoid a year end deficit - shall be monitored by the EBO	N	N
233	117.83		State	Proviso	An employee using a state vehicle to commute to and from home and work shall reimburse at the federal rate unless exempted.	N	N

234	117.85		State	Proviso	(Link to State Procurement Card Statements) All agencies shall be responsible for providing on its website a link of that agency, department, or institution's monthly state procurement card statements or monthly reports containing all or substantially all the same information contained in the monthly state procurement card statements.	N	Y
235	117.86		State	Proviso	(Generation of Revenue by Regulation) For the current FY, if a state agency proposes a regulation that levies or increases a fee, fine, or that otherwise generates revenues, the title to the Joint Resolution which proposes the regulation must indicate that a fee, fine, or revenue source is being proposed.	N	N
236	117.88		State	Proviso	(Civil Conspiracy Defense Cost) For any claim that has not reached a judgment, if a state or local government employee or former state or local government employee is personally sued for civil conspiracy based in part upon a personnel or employment action or decision regarding an employee, the court must, prior to trial, make a final determination whether the action or decision giving rise to the suit was made by the government employee within the scope of their official duty.	N	N
237	117.89		State	Proviso	(Recovery Audits) The B&CB shall contract with one or more firms to conduct recovery audits of payments made by all state agencies to vendors for goods/services. The audits must be designed to detect, document, and recover overpayments and erroneous payments to the vendors and to recommend improved financial and operational practices and procedures. A state agency shall pay, from recovered monies received, the recovery audit firm responsible for obtaining for the agency a reimbursement or payment from a vendor a negotiated fee not to exceed 20% of the funds recovered by that firm.	N	Y
238	117.93		State	Proviso	The General Assembly encourages state agencies, in the event agencies are assessed a base reduction, to endeavor to realize savings through: (1) payroll management, including, but not limited to, furloughs, reductions in employee compensation, and instituting a hiring freeze; (2) eliminate administrative overhead cost that does not directly impact the agency's mission; and as a final option (3) reductions to programmatic funding.	N	N
239	117.99		State	Proviso	Board shall ensure compliance with IDEA Part C and the recommendations in the 2011 audit. Each agency is responsible for reporting compliance with IDEA Part C.	N	N
240	117.100		State	Proviso	Office of State Auditor- (Single Audit Schedule of Federal Expenditures) To ensure timely completion of the of the Statewide Single Audit, state agencies which do not receive a separate audit of federal expenditures, must submit to the Office of the State Auditor a schedule of federal program expenditures no later than August 15 of each year.	N	N
241	117.102		State	Proviso	Governmental entities are prohibited from assessing South Carolina Development Impact Fees on the construction of new elementary, middle, or secondary schools. If a governmental entity violates this prohibition it shall have its Aid to Subdivisions Allocation reduced by the amount of the impact fee.	N	N
242	117.110		State	Proviso	Data Breach Disclosure Requirements - A State agency owning/licensing computerized data or data that includes personal identifying information shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of this State whose personal identifying information was, or is reasonably believed to have been, acquired by an unauthorized person.	N	Y
243	117.115		State	Proviso	Qualifying organization applying for grants must provide documentation that includes description of program and curriculum, training, evidence based curriculum. *FYI for office - not an SDE program	N	N
244	117.118		State	Proviso	B&C Board's Division of Technology (Submission of Plan) By October 1, 2014, all state agencies must submit an information technology plan and an information security plan for Fiscal Year 2014-15 to the Budget and Control Board's Division of Technology.	N	Y
245	117.120		State	Proviso	For Fiscal Year 2015-16, the South Carolina Occupational Information System, its authority, responsibilities, FTE's and funding shall be transferred from the Department of Employment and Workforce to the Department of Education. The Department of Administration and the Office of the Comptroller General shall facilitate and coordinate this transfer.	N	N
246	117.127		State	Proviso	In the current fiscal year, the State Board for Technical and Comprehensive Education, the Department of Commerce, the Department of Education, and the Department of Employment and Workforce, shall survey the workforce development needs of the State to develop a comprehensive workforce development coordination initiative where the technical colleges, school districts, and career centers shall work together to increase pathways to coursework, equipment, and facilities as well as utilizing the EEDA, Dual Credit courses, Adult Education programs and Career and Technology courses and programs, to include the enhancing of existing, or creation of new, subsidized training programs in all regions of South Carolina that will confer the necessary skills and training to prepare students for careers in high-demand fields and critical need positions in businesses and industries experiencing difficulty recruiting and retaining qualified applicants. The survey must include, but is not necessarily limited to, a review and analysis of available labor market information from the Department of Employment and Workforce. This report must be completed no later than September 15, 2015. The State Board for Technical and Comprehensive Education, the Department of Commerce, the Department of Education, and the Department of Employment and Workforce are directed to use the report in order to develop a statewide Pathways program in alignment with the Education and Economic Development Act to facilitate a seamless transition from education to employment in industries with critical workforce shortages. This plan shall include, at minimum, an analysis of program accountability measures and key performance indicators.	Y	Y
247	117.132		State	Proviso	No state funds shall be expended to assist in the United States Refugee Resettlement Program unless the county council of the county where the resettlement is to occur approves the relocation	N	N
248	SECTION 118		State	Proviso			
249	118		State	Proviso	Office of Comptroller General - (Year-End Closeout Documents) The appropriations provided in Part IA of this act as ordinary expenses of the State Government shall lapse on July 31, 2016. State agencies are required to submit all current FY input documents and all electronic workflow for accounts payable transactions to the Office of Comptroller General by July 14, 2016.	N	N
250	118		State	Proviso	B&CB - (Document Submission) provide the Board all documents related to the title and acquisition of the real properties that are occupied or used by the agency or titled in the name of the agency.	N	N

251	118.7		State	Proviso	All agencies are prohibited from using General Fund appropriations to compensate employees who engage in lobbying on behalf of the state agency. Ethics will require agencies to report lobbying activities and show they are not funded with General Funds. Contracts using GF are prohibited.	N	N
252	118.14		State	Proviso	Funds are considered available after September 1, 2015. (a) Secure Vendor for Teacher Evaluation System \$3,000,000 H63 - Department of Education (b) Instructional Materials \$ 14,508,278	N	N

South Carolina Code of Laws Title 59 - Education

Item	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who (customer) the agency must or may serve? (Y/N)	Does the law specify a deliverable (product or service) the agency must or may provide? (Y/N)
254	SECTION 59-1-10	State	Statute	Short title. Chapters 1 to 45 and 53 to 73 of this title shall be known and may be cited as “The South Carolina School Code.”	N	N
255	SECTION 59-1-20	State	Statute	Purpose of South Carolina School Code. The purpose of the South Carolina School Code is to provide for a State system of public education and for the establishment, organization, operation, and support of such State system.		
256	SECTION 59-1-30	State	Statute	Construction. If any section or part of the South Carolina School Code is found to be ambiguous or otherwise subject to more than one interpretation, such section or part shall be liberally construed to the extent that the general purpose of the entire Code and of public education may be advanced.	N	N
257	SECTION 59-1-40	State	Statute	Scope of State system of public education. The State system of public education shall consist of such school systems, schools, institutions, agencies, services, and types of instruction as may be provided and authorized by law, or by rules and regulations of the State Board of Education within limits prescribed by law.	N	N
258	SECTION 59-1-50	State	Statute	Educational achievement goals for high school graduates and students, which codified the Profile of the South Carolina Graduate - Effective May 26, 2016	N	N
259	SECTION 59-1-110	State	Statute	“Private school” defined. “Private school” means a school established by an agency other than the State or its subdivisions which is primarily supported by other than public funds, and the operation of whose program rests with other than publicly elected or appointed officials.	N	N
260	SECTION 59-1-120	State	Statute	“Public school” defined. “Public school” means a school operated by publicly elected or appointed school officials in which the program and activities are under the control of these officials and which is supported by public funds.	N	N
261	SECTION 59-1-130	State	Statute	“Teacher” defined. “Teacher” means any person who is employed either full time or part time by any school district either to teach or to supervise teaching.	N	N
262	SECTION 59-1-140	State	Statute	“Teacher aide” defined. “Teacher aide” means a noncertificated person employed by a school district whose assignment consists of and is limited to assisting a certificated teacher.	N	N
263	SECTION 59-1-150	State	Statute	“Kindergarten,” “elementary school,” “middle school,” “secondary school,” “junior high school,” and “high school” defined. For the purposes of this chapter: (1) “Kindergarten” means any school which provides either education, instruction, or supervision below the first grade to children who will attain the age of five on or before the first day of November of the school year when they begin school. (2) “Elementary school” means any public school which contains grades no lower than kindergarten and no higher than the eighth. (3) “Middle school” means any public school which contains grades no lower than the fifth and no higher than the eighth. (4) “Secondary school” means either a junior high school or a high school. (5) “Junior high school” shall be considered synonymous with the term “high school.” (6) “High school” means any public school which contains grades no lower than the seventh and no higher than the twelfth.	N	N
264	SECTION 59-1-160	State	Statute	“School district” defined. “School district” means any area or territory comprising a legal entity, whose sole purpose is that of providing free school education, whose boundary lines are a matter of public record, and the area of which constitutes a complete tax unit.	N	N
265	SECTION 59-1-170	State	Statute	“State Board” defined. “State Board” means State Board of Education.	N	N
266	SECTION 59-1-180	State	Statute	“State Educational Finance Commission” defined. “State Educational Finance Commission” means the State Board of Education.	N	N
267	SECTION 59-1-190	State	Statute	“State Department” defined. “State Department” means State Department of Education.	N	N
268	SECTION 59-1-200	State	Statute	“Scholastic year” defined. The scholastic year shall begin on the first day of July of each year and end on the thirtieth day of June following.	N	N
269	SECTION 59-1-310	State	Statute	Superintendents of education may administer oaths and probate certain papers. The State Superintendent of Education and the county superintendent of education of the various counties of the State may administer an oath or affirmation to any person and probate any and all papers which may pertain to or be connected with the duties of their respective offices.	N	N

270	SECTION 59-1-320	State	Statute	Display of United States and State flags. The State Board of Education shall make such rules and regulations, not inconsistent with the National Flag Code, for the display of the flag of the United States of America and for the display of the flag of the State at public schools. The person at the head of any public school in the State shall display the flag of the United States and the flag of the State at such times and at such places under such restrictions and rules as may be adopted by the State Board of Education.	Y	Y
271	Sections 330-350 are not included - are these supposed to be left out?					
272	SECTION 59-1-360	State	Statute	Audiovisual properties may be loaned. The State Department of Education is authorized to lend film, filmstrips, recordings or other audiovisual properties to nonpublic institutions of higher learning and to other educational institutions and schools that are eleemosynary in nature.	Y	Y
273	SECTION 59-1-425	State	Statute	Beginning and length of school term; make-up days; waiver; instructional days.	N	N
274	Sections 370-448 are not included - are these supposed to be left out?					
275	SECTION 59-1-449	State	Statute	State Department of Education to report state and local funding requirements to local entities. The State Department of Education shall report no later than May first in each year to all local government entities having the authority to levy school taxes the amount required in the applicable school districts to provide the state required minimum effort and an analysis of all local effort requirements for the applicable districts, including the figures used in the computation of: (1) local salary supplements; (2) Education Finance Act foundation program; and (3) per pupil maintenance of effort.	Y	Y
276	SECTION 59-1-450	State	Statute	Parent education programs. The State Board of Education, through the Department of Education and in consultation with the Education Oversight Committee, shall promulgate regulations for establishing parenting/family literacy programs to support parents in their role as the principal teachers of their preschool children. The programs must provide parent education to parents and guardians who have children ages birth through five years and who choose to participate in the programs and must include intensive and special efforts to recruit parents or guardians whose children are at risk for school failure. The program or programs also should include developmental screening for children and offer parents of children from birth through five years opportunities to improve their education if the parents do not possess a high school diploma or equivalent certificate. The State Board of Education, through the Department of Education and after consultation with the Education Oversight Committee, shall promulgate regulations to implement parenting/family literacy programs in all school districts or consortia of school districts. Priority must be given to serving those parents whose children are considered at risk for school failure according to criteria established by the State Board of Education. From funds appropriated for the programs, an adequate number of those parenting programs funded under the Target 2000 Act shall receive priority in funding for fiscal years 1993 94 and 1994 95 and must be funded at no less than the level received in fiscal year 1992 93 contingent upon their agreeing to provide technical assistance to other districts and schools planning and implementing parenting/family literacy programs in concert with the Department of Education's technical assistance process required in this chapter. Only those projects whose evaluations show them to be most effective may be selected based on criteria developed by the State Department of Education in consultation with the Education Oversight Committee. Beginning in fiscal year 1995 96 for districts with Target 2000 Act parenting programs and in fiscal year 1993 94 for all other school districts and district consortia, funding must be allocated to districts and consortia serving more than two thousand pupils on a base amount of not less than forty thousand dollars with any additional appropriation to be distributed based on the number of free and reduced price lunch	Y	Y

277	SECTION 59 -1-452	State	Statute	Public school employee cost savings program. (A) The Public School Employee Cost Savings Program is established for the purpose of making cash awards to individual school district employees for cost saving ideas which are proven to be workable. The program must be administered by the State Department of Education with the advice and assistance of a special committee to screen suggested ideas and recommend those with potential merit to be implemented and evaluated. The committee must be composed of: (1) one member who is serving on a public school board, appointed by the State Board of Education upon the recommendation of the South Carolina School Boards Association; (2) one member who is serving as a public school superintendent, or district financial administrator, appointed by the State Board of Education upon the recommendation of the South Carolina Association of School Administrators; (3) one member who is serving as a public school principal, career and technology center director, or school administrator, appointed by the State Board of Education; (4) one public school teacher with a minimum of fifteen years service, appointed by the State Board of Education upon the recommendation of the South Carolina Education Association; (5) one public school teacher with a minimum of fifteen years service, appointed by the State Board of Education upon the recommendation of the Palmetto State Teachers Association; (6) two members appointed by the State Superintendent of Education; and (7) five private sector business persons, who hold no public office, one appointed by the Governor, one appointed by the Chairman of the Senate Finance Committee, one appointed by the Chairman of the House Ways and Means Committee, one appointed by the Chairman of the House Education and Public Works Committee, and one appointed by the Chairman of the Senate Education Committee. (B) Committee members shall serve three year terms except that of those initially appointed, four shall serve initial terms of one year, four shall serve initial terms of two years, and four shall serve initial terms of three years, these initial terms to be determined by lot at the first meeting of the committee. A	Y	Y
278	SECTION 59-1-454	State	Statute	Parental involvement program; parent/teacher conferences. (A) The State Department of Education shall develop a parental involvement program for use in elementary and secondary schools with grades four through eight. The purpose of the program is to improve parental participation in their child's school progress, ensure a smooth transition between the various levels of schooling and phases of education, increase communication between the school, parent, and child, provide greater accountability between the parent, school, and child, and lessen the possibility on all levels that parents are only provided opportunity to react to problems involving their child after such problems occur. (B) The parental involvement program should include such activities as regular visitation by parents to their child's school, involving parents, teachers, and administrators in school training sessions on such issues as communication between the school, parent, and child, student discipline, importance of homework, the taking and understanding of standardized testing and test scores, and general literacy. (C) Teachers shall maintain a record signed by the parent and teacher of parent conferences annually that identify the date, time, and response of parent/teacher conferences.	Y	Y
279	SECTION 59-1-470	State	Statute	Distribution of funds for deferred compensation. Funds appropriated by the General Assembly for a deferred compensation employer matching contribution must be distributed by the State Department of Education to school districts for the purpose of providing an employer matching contribution for eligible school district employees making contributions to deferred compensation plans offered by the South Carolina Deferred Compensation Commission or, after December 31, 2013, the South Carolina Public Employee Benefit Authority, or other approved and qualified plans of other providers. These funds must be distributed in a manner consistent with the provisions of Section 8 23 110. The employer matching contribution by the school district may not exceed three hundred dollars for each eligible employee a year.	Y	Y
280	SECTION 59-1-475	State	Statute	Continuing education on domestic violence; adoption as part of curriculum by school districts. (A) The Department of Education and the South Carolina Coalition Against Domestic Violence and Sexual Assault, with the review and approval of Department of Social Services, shall develop guidelines and materials for continuing education concerning domestic and family violence including, but not limited to: (1) the nature, extent, and causes of domestic and family violence; (2) issues of domestic and family violence concerning children; (3) prevention of the use of violence by children; (4) sensitivity to gender bias and cultural, racial, and sexual issues; (5) the lethality of domestic and family violence; (6) legal issues relating to domestic violence and child custody. (B) Each school district shall adopt a curriculum for continuing education on domestic and family violence for teachers and appropriate staff based on the guidelines and materials developed by the department pursuant to subsection (A) which must be submitted to the department for approval. No expense shall be incurred by the school districts to administer the implementation of this curriculum.	Y	Y

281	SECTION 59-1-490	State	Statute	Data use and governance policy. (A) The provisions of this section must be known and may be cited as the “South Carolina Department of Education Data Use and Governance Policy”. (B) The policy of the State Department of Education with respect to use and governance of student data is to ensure that all data collected, managed, stored, transmitted, used, reported, and destroyed by the department is done so in a way to preserve and protect individual and collective privacy rights and ensure confidentiality and security of collected data. In developing this policy, the State strives to: (1) maintain compliance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g, at a minimum; and (2) be mindful that the appropriate use of data is essential to accelerating student learning, program and financial effectiveness and efficiency, and policy development. (C) The State Department of Education shall not collect individual student data directly from students or families, except as required to meet its obligations under the Individuals with Disabilities Education Act. Each student is assigned a unique student identifier upon enrollment into the student management system to ensure compliance with the privacy rights of the student and his parents or guardians. No personally identifiable individual student data may be shared in federally required reporting. (D) All data elements collected and transferred from the South Carolina State Department of Education to the United States Department of Education must be based on the reporting requirements contained in EDFacts as provided by the United States Department of Education, or other federal laws and regulations, and only may include aggregated data with no personally identifiable data. (E) Data collected by the State Department of Education must be maintained within a secure infrastructure environment. Access to this data must be limited to preidentified staff who are granted clearance related to their job responsibilities of federal reporting, state financial management, program assessment, and policy development. Training in data security and student privacy laws must be provided to these specific individuals on a regular basis in order to maintain their data use clearance along with a signed Data Use Policy assurance of confidentiality and privacy.	Y	Y
282	SECTION 59-1-510	State	Statute	Guidelines and regulations for recruitment and hiring staff in professional areas. Effective with the 1984-85 school year, the Department of Education shall establish guidelines and regulations to ensure that school districts recruit and hire staff in professional areas including, but not limited to, the employment of teachers, the employment of administrators, teachers’ aides, and other personnel needed to implement the provisions of the South Carolina Education Improvement Act of 1984 on the basis of qualifications and merit. The Department shall further monitor the implementation of the South Carolina Education Improvement Act of 1984 to ensure that minority educators and minority school districts receive equal and fair treatment under each program and each section of the South Carolina Education Improvement Act of 1984.	Y	Y
283	SECTION 59-1-520	State	Statute	Intervention by State Department of Education for non compliance. Failure by any school district to develop affirmative action plans or otherwise adhere to the provisions of the South Carolina Education Improvement Act of 1984 is cause for intervention by the State Department of Education to take the corrective steps as may be necessary.	Y	Y
284	SECTION 59-1-525	State	Statute	Grant program to enhance teaching of grade specific standards and increase K-5 performance in core academic areas; criteria. The State Department of Education shall implement a schoolwide grant program to enhance the teaching of the grade specific standards adopted by the State Board of Education and to increase the academic performance of students in grades K-5 in the core academic areas of reading, mathematics, social studies, and science. The grant shall include an evaluation component to measure the success of increasing student performance and the teaching of the standards. Of the reading, mathematics, social studies, and science appropriation for this purpose from lottery proceeds each year, \$500,000 must be used for teacher in service training and professional development related to Project Read. The awarding of grants shall be based upon their ability to promote the goals of providing every student with the competencies to: (1) read, view, and listen to complex information in the English language; (2) write and speak effectively in the English language; (3) solve problems by applying mathematics; (4) conduct research and communicate findings; (5) understand and apply scientific concepts; (6) obtain a working knowledge of world, United States, and South Carolina history, government, economics, and geography; and (7) use information to make decisions. Additionally, grants shall be awarded based upon the likelihood that receiving such grants shall strengthen the above referenced skills and increase the academic performance of students in the core academic areas. In the awarding of grants every effort should be made to ensure that all geographic areas of the State are represented. First priority shall be given to acceptable grants from schools rated as below average or unsatisfactory and grants designed to increase academic performance of historically underachieving students.	Y	Y
285	Chapter 2?					

286	SECTION 59-3-10	State	Statute	Election, bond and compensation of State Superintendent of Education. The State Superintendent of Education shall be elected at each general election in the same manner as other State officers and shall enter upon the duties of his office at the time prescribed by law. Before entering upon the duties of his office he shall give bond for the use of the State in the penal sum of five thousand dollars, with good and sufficient sureties, to be approved by the Governor, conditioned for the faithful and impartial performance of the duties of his office, and he shall also, at the time of giving bond, take and subscribe the oath prescribed in Section 26 of Article III of the Constitution of the State, which shall be endorsed upon the back of the bond. The bond shall be filed with the Secretary of State, and by him recorded and, when so recorded, shall be filed with the State Treasurer. The Superintendent of Education shall receive as compensation for his services such sum as the General Assembly shall by law provide, payable monthly out of the State Treasury, and his traveling expenses, not exceeding three hundred dollars, shall be paid out of the State Treasury upon duly itemized accounts rendered by him.	N	N
287	SECTION 59-3-20	State	Statute	Vacancy in office. In case a vacancy occurs in the office of State Superintendent of Education, from any cause, such vacancy shall be filled by the Governor, by and with the advice and consent of the Senate, and the person so appointed shall qualify within fifteen days from the date of such appointment or else the office shall be deemed vacant. If the vacancy occur during the recess of the Senate, the Governor shall fill the same by appointment until the Senate can act thereon.	N	N
288	SECTION 59-3-30	State	Statute	General duties. The State Superintendent of Education shall: (1) Serve as secretary and administrative officer to the State Board of Education. (2) Have general supervision over and management of all public school funds provided by the State and Federal Governments. (3) Organize, staff and administer a State Department of Education which shall include such division and departments as are necessary to render the maximum service to public education in the State. (4) Keep the public informed as to the problems and needs of the public schools by constant contact with all school administrators and teachers, by his personal appearances at public gatherings and by information furnished to the various news media of the State. (5) Have printed and distributed such bulletins, manuals, and circulars as he may deem necessary for the professional improvement of teachers and for the cultivation of public sentiment for public education, and have printed all forms necessary and proper for the administration of the State Department of Education. (6) Administer, through the State Department of Education, all policies and procedures adopted by the State Board of Education. (7) Assume such other responsibilities and perform such other duties as may be prescribed by law or as may be assigned by the State Board of Education.	N	Y
289	SECTION 59-3-40	State	Statute	Delivery of property to successor. The State Superintendent of Education shall deliver to his successor, within ten days after the expiration of his term of office, all books, papers, documents and other property belonging to his office.	N	N
290	SECTIONS 59-3-50 to 59-3-70	State	Statute	Repealed by 2004 Act No. 195, Section 2, eff January 1, 2005.		
291	SECTION 59-3-80	State	Statute	Cooperation with Federal Government in program for children of working mothers. The State Department of Education shall have the power to cooperate with the Federal Government, its agencies or instrumentalities, in the administration of an educational program for the care of pre school children, ages two to six, and children of school age who are without home care during the day before and after school hours due to employment of their mothers. The State Department of Education shall receive and expend all funds made available to the Department by the Federal Government for administration, supervision and coordination of state and local programs to meet such needs.	Y	Y
292	SECTION 59-3-90	State	Statute	In service training programs for teachers. The State Department of Education shall provide recommendations and assist districts in conducting in service training programs for teachers based on the findings and research it derives from the study of effective schools and classrooms and from district plans developed in accordance with Section 59 139 10. All of the school districts of this State must have implemented an on going, long range professional development training program in support of effective schools and classrooms and as indicated by district plans no later than the 1994 95 school year.	Y	Y

293	SECTION 59-3-100	State	Statute	Allocation of Qualified School Construction Bonds authorized by American Recovery Act of 2009 among school districts. (A)(1) Issuance authority for Qualified School Construction Bonds (QSCB) obligations allotted to the State pursuant to the provisions of 26 U.S.C. Section 54F(d)(1) and any issuance authority allocated pursuant to 26 U.S.C. Section 54F(d)(2) to school districts of the State and not used by them shall be allocated by the State Superintendent of Education to one or more of the school districts, or county boards of education on behalf of one or more school districts of the State. In that regard, the State Superintendent of Education shall allocate sixty percent of the state's QSCB issuance authority to or on behalf of school districts having the lowest capital financing resources, measured in terms of assessed value per pupil, not to exceed twenty million dollars per school district and forty percent of the state's QSCB issuance authority to or on behalf of school districts having an ability to expeditiously issue bonds demonstrated through a high credit rating and timely start and completion of a project, not to exceed ten million dollars per school district. Any remaining QSCB allocations shall be awarded on a pro rata basis to school districts that originally requested more than the maximum amount in a QSCB allocation. School districts allocated issuance authority under 26 U.S.C. Section 54F(d)(2)(E)(i) are not eligible for allocation of issuance authority under this paragraph (A). When two or more school districts are proposing a joint construction rehabilitation of a qualified project, the priority level for the project must be based on the priority level of the joint partner having the lowest assessed value per pupil. (2) The State may not issue a QSCB obligation. For purposes of Article X, Section 15, of the South Carolina Constitution, a QSCB obligation shall be considered general obligation debt. A school district may not use the proceeds of a QSCB obligation for the purposes stated in Section 14003(b) of the American Recovery and Reinvestment Act of 2009. (B) The State Superintendent of Education is authorized to establish for each allocation of issuance authority a schedule for issuance of QSCB obligations, giving due regard for the time required to initiate and hold bond referendums, and may reallocate issuance authority or any portion of issuance authority to another school district or county board of education if the schedule is not kept.	Y	Y
294	Chapter 4?					
295	SECTION 59-5-10	State	Statute	Composition and organization of State Board of Education. The State Board of Education shall be composed of one member from each judicial circuit. The members shall serve terms of four years and until their successors are elected and qualify, except of those first elected, the members from the fifth, tenth and fourteenth circuits shall serve terms of one year; the members from the first, sixth, eighth and twelfth circuits shall serve terms of two years and the members from the fourth, seventh, ninth and eleventh circuits shall serve terms of three years. The terms of all members shall commence on January first following their election. The legislative delegations representing the counties of each judicial circuit shall meet upon written call of a majority of the members of the delegations of each judicial circuit at a time and place to be designated in such call for the purpose of electing a member of the Board to represent such circuit. A majority present, either in person or by written proxy, of the members of the county legislative delegations from a given circuit shall constitute a quorum for the purpose of electing a member, but no person shall be declared elected who shall fail to receive a majority vote of all the members of the county legislative delegations from the circuit. The joint county legislative delegations of each circuit shall be organized by the election of a chairman and a secretary and such joint legislative delegations shall, subject to the provisions herein, adopt such rules as they deem proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and secretary of the joint county legislative delegations of each circuit shall immediately transmit the name of the person elected to the Secretary of State who shall forthwith issue to such person, after he has taken the usual oath of office, a certificate of election as a member of the State Board of Education. The Governor shall thereupon issue a commission to such person and pending such issuance the certificate of election shall be a sufficient warrant to such person to perform all of the duties and functions of his office. Any vacancy shall be filled in the same manner as the original appointment for the unexpired portion of the term. Representation of a given judicial circuit on the State Board of Education shall be rotated among the	N	N
296	SECTION 59-5-20	State	Statute	Persons eligible for membership; oath. Any person shall be eligible for membership on the Board who is a registered elector of this State, and each member of the Board shall take the oath prescribed in the Constitution of South Carolina before entering upon the duties of his office.	N	N
297	SECTION 59-5-30	State	Statute	Compensation of members. The members of the Board shall receive as compensation a per diem and mileage as is provided for members of the General Assembly.	N	N
298	SECTION 59-5-40	State	Statute	Meetings of Board; quorum; seal. The Board shall meet on the call of its chairman or upon the request of a majority of its members at the office of the State Superintendent of Education or at such other place as may be designated in the call. A majority of the Board shall constitute a quorum for transacting business. The official seal of the State Superintendent of Education shall be used for the authentication of the acts of the Board.	N	N
299	SECTION 59-5-50	State	Statute	Records, papers and effects of Board; minutes of proceedings. The secretary shall be custodian of the records, papers and effects of the Board and shall keep the minutes of its proceedings. Such records, papers and minutes shall be kept in the office of the State Superintendent of Education and shall be open to inspection by the public.	N	N

300	SECTION 59-5-60	State	Statute	General powers of Board. The State Board of Education shall have the power to: (1) Adopt policies, rules and regulations not inconsistent with the laws of the State for its own government and for the government of the free public schools. (2) Annually approve budget requests for the institutions, agencies, and service under the control of the Board as prepared by the State Superintendent of Education prior to being submitted to the Governor and to the General Assembly. (3) Adopt minimum standards for any phase of education as are considered necessary to aid in providing adequate educational opportunities and facilities. (4) Prescribe and enforce rules for the examination and certification of teachers. (5) Grant State teachers' certificates and revoke them for immoral or unprofessional conduct, or evident unfitness for teaching. (6) Prescribe and enforce courses of study for the free public schools. (7) Prescribe and enforce the use of textbooks and other instructional materials for the various subjects taught or used in conjunction within the free public schools of the State, both high schools and elementary schools in accordance with the courses of study as prepared and promulgated by the Board. (8) Appoint such committees and such members of committees as may be required or as may be desirable to carry out the orderly function of the Board. (9) Cooperate fully with the State Superintendent at all times to the end that the State system of public education may constantly be improved. (10) Assume such other responsibilities and exercise such other powers and perform such other duties as may be assigned to it by law or as it may find necessary to aid in carrying out the purpose and objectives of the Constitution of the State.	Y	Y
301	SECTION 59-5-61	State	Statute	Secondary occupational career and technology education courses for school district. The State Board of Education, through local school districts and area career and technology centers, shall establish, maintain, and operate secondary occupational vocational education courses for secondary school students in public schools in accordance with guidelines and standards established by the board and in accordance with federal laws pertaining to career and technology education. The board shall approve secondary occupational career and technology education courses.	Y	Y
302	SECTION 59-5-63	State	Statute	Duty free lunch periods for teachers. The State Board of Education shall promulgate regulations directing the principal of each elementary school having grades one through six to develop and implement a plan which shall equitably apportion lunchroom duty among the teachers so that each teacher has as many duty free lunch periods as may be reasonable in order to insure the safety and welfare of students and staff. The implementation of the plan shall not impose additional costs on the school districts. The regulations shall direct that the plan be in effect for the 1984 85 school year.	N	
303	SECTION 59-5-65	State	Statute	Powers and responsibilities of State Board of Education. The State Board of Education shall have the power and responsibility to: (1) Establish on or before August 15, 1985, regulations prescribing minimum standards of conduct and behavior that must be met by all pupils as a condition to the right of pupils to attend the public schools of the State. The rules shall take into account the necessity of proper conduct on the part of all pupils in order that the welfare of the greatest possible number of pupils shall be promoted notwithstanding that the rules may result in suspension or expulsion of pupils, provided, however, that disciplinary procedures shall be in compliance with Public Law 94 142. (2) Promulgate on or before August 15, 1985, regulations prescribing a uniform system of minimum enforcement by the various school districts of the rules of conduct and behavior. (3) Promulgate rules prescribing scholastic standards of achievement. The rules shall take into account the necessity for scholastic progress in order that the welfare of the greatest possible number of pupils shall be promoted. School districts may impose additional standards of conduct and may impose additional penalties for the violation of such standards of behavior, provided, however, that disciplinary procedures shall be in compliance with Public Law 94 142; (4) Establish on or before July 1, 1985, regulations prescribing a uniform system of enforcement by the various school districts of the state compulsory attendance laws and regulations promulgated pursuant to Section 59 65 90. (5) Promulgate regulations to ensure that all secondary schools, with the exception of career and technology schools and secondary schools whose enrollment is entirely handicapped, offer a clearly defined college preparatory program as specified by the State Board of Education. (6) Promulgate regulations to ensure that each school district in its secondary school or career and technology center shall establish clearly defined career and technology programs designed to provide meaningful employment. (7) By January 1, 1986, establish criteria for promotion of students to the next higher grade.	Y	Y

304	SECTION 59-5-67	State	Statute	Reduction of paper work; computerization; grants for improving teaching practices and procedures. (A) The State Department of Education shall provide for continuous training for district personnel to operate the computers provided and for continuous selection and evaluation of software. (B) The State Board of Education, acting through the State Department of Education, shall establish and administer a competitive grant program whereby teachers will be awarded grants for the purpose of improving teaching practices and procedures within the budgetary limitations authorized by the General Assembly. The respective local school districts shall act as the fiscal agent for the grants. For purposes of this section the term “teacher” includes teachers, librarians, guidance counselors, and media specialists.	Y	Y
305	SECTION 59-5-68	State	Statute	Uniform grading scale. The General Assembly finds that given the fact the State provides substantial financial academic assistance to students of the State based on cumulative grade point averages and districts currently use a variety of grading scales, it is in the best interest of the students of South Carolina for a uniform grading scale to be developed and adopted by the State Board of Education to be implemented in all public schools of the State. Therefore, the State Board of Education is directed to establish a task force comprised of superintendents, principals, teachers, and representatives of school boards and higher education no later than June 30, 1999. The task force shall make recommendations to the board including, but not limited to, the following: consistent numerical breaks for letter grades; consideration of standards to define an honors course; appropriate weighting of courses; and determination of courses and weightings to be used in the calculation of class rank. The task force shall report its findings to the State Board of Education no later than December 1, 1999. The State Board of Education shall then adopt and school districts of the State shall begin using the adopted grading scale no later than the 2000 2001 school year.	Y	Y
306	SECTION 59-5-69	State	Statute	Implementation of regulations concerning South Carolina Education Improvement Act. The State Board of Education and the Commission on Higher Education in performing the duties and responsibilities assigned to them in the South Carolina Education Improvement Act of 1984 are authorized to promulgate regulations necessary to implement these provisions.	N	Y
307	SECTION 59-5-70	State	Statute	Hearings. (A) The board may, in its discretion, designate one or more of its members to conduct any hearing in connection with any responsibility of the board and to make a report on any such hearing to the board for its determination. (B) The board in its discretion may also designate a hearing officer for the purpose of hearing matters relating to the suspension or revocation of teacher certificates. The hearing officer shall then make a recommendation to the board for final action.	N	N
308	SECTION 59-5-71	State	Statute	Repealed by 2003 Act No. 89, Section 7, eff July 23, 2003.		
309	SECTION 59-5-75	State	Statute	Out of field permits and teaching. The State Board of Education shall review and make any necessary revisions to regulations to define the criteria for an out of field permit and for school districts to report out of field teaching for teachers who are not teaching one hundred percent of the time in their areas of certification or in a field in which the teachers have twelve or more academic hours from a regionally, state, or nationally accredited program, with special provisions made for phasing in middle level certification.	Y	Y
310	SECTION 59-5-85	State	Statute	Teacher evaluation program standards and procedures. The State Board of Education and the Department of Education shall review and refine, as necessary, the professional performance dimensions in the state's teacher evaluation program (ADEPT) established in Section 59 26 30(B) to ensure the dimensions are consistent with nationally recognized performance based accreditation standards and certification standards of the National Board for Professional Teaching Standards certification standards. National board certified teachers shall be included in this review. A report on the changes to the dimensions must be provided to the Education and Public Works Committee of the House of Representatives and the Education Committee of the Senate no later than September 1, 2001. The Department of Education shall implement a pilot program to develop procedures and obtain information for including student achievement as a component in the teacher evaluation program (ADEPT). No fewer than five school districts must participate in the development and pilot of the procedures. At least one district designated as impaired is to be included in the pilot if the district chooses. The development of the program is to begin no later than September 1, 2000. A report on the progress of the project and recommendations concerning its implementation is due to the Education Committee of the Senate and the Education and Public Works Committee of the House of Representatives by March 1, 2001. Further, the Department of Education shall develop guidelines for the teacher induction program, established in Section 59 26 20, which shall include sustained long term coaching and assistance. Information on best practices in teacher induction programs must be disseminated to school districts. By July 1, 2000, the State Department of Education shall adopt criteria for the selection and training of teachers who serve as mentors for new teachers as a part of the induction program.	Y	Y

311	SECTION 59-5-90	State	Statute	Powers and duties of State Educational Finance Commission and State Schoolbook Commission devolved upon Board. All powers and duties provided by law for the State Educational Finance Commission and the State Schoolbook Commission are hereby devolved upon the State Board of Education.	N	Y
312	SECTION 59-5-95	State	Statute	Panels created to review accreditation requirements; membership; duties. The State Board of Education and the Commission on Higher Education shall appoint a collegial panel of middle grade classroom teachers and teacher preparation faculty to review the National Council for Accreditation of Teacher Education (NCATE) accreditation requirements and recommend any additional training standards and needs for middle grade teacher preparation and professional development courses. The panel shall be a continuing body, shall include representatives of professional organizations, and shall: (1) review the state's academic standards in the four core academic areas and current teaching courses; (2) determine the knowledge and skills needed by teachers at the middle grades level to teach these standards and assess student progress in learning the standards; (3) establish syllabi to guide the development of high quality teacher preparation courses; and (4) develop assessments to determine the strengths and weaknesses of the curriculum.	N	Y
313	SECTION 59-5-100	State	Statute	Powers and duties of State Educational Finance Commission devolved upon Board; general duties. The Board of Education, as successor to the State Educational Finance Commission, shall disburse such funds as are provided by the General Assembly and shall have such further powers as are committed to it by this Title. It shall promote the improvement of the school system and its physical facilities. It shall make plans for the construction of necessary public school buildings. It shall make surveys incident to the acquisition of sites for public schools. It shall seek the more efficient operation of the pupil transportation system. It shall effect desirable consolidations of school districts throughout the entire State. And it shall make provision for the acquisition of such further facilities as may be necessary to operate the public school system in an efficient manner.	N	Y
314	SECTION 59-5-110	State	Statute	Powers and duties of State Educational Finance Commission devolved upon Board; survey of school system. As soon as practicable the Board of Education, as successor to the State Educational Finance Commission, shall make a survey of the entire school system, which shall set forth the needs for new construction, new equipment, new transportation facilities and such other improvements as are necessary to enable all children of the State to have adequate and equal educational advantages.	Y	Y
315	SECTION 59-5-120	State	Statute	Powers and duties of State Educational Finance Commission devolved upon Board; rules and regulations. The Board of Education, as successor to the State Educational Finance Commission, shall prescribe and promulgate, in the manner provided by law, reasonable rules and regulations to carry out the provisions of Sections 59 5 100 and 59 5 110, Chapter 21 of this Title, Article 3 of Chapter 67 of this Title and Articles 1 and 5 of Chapter 71 of this Title and such rules and regulations shall have the full force and effect of law.	N	Y
316	SECTION 59-5-130	State	Statute	Members shall not contract with Board. It shall be unlawful for any member of the Board to make any contract or to be pecuniarily interested in any contract or otherwise make a profit from any contract with the State Board of Education. Any member violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars or be imprisoned not less than three months nor more than twelve months, or both. He shall also forfeit the amount of such claim or of his interest in such claim. The violation of this section shall constitute sufficient cause for removal of the member from office.	N	N

317	SECTION 59-5-135	State	Statute	Governor’s Institute of Reading; functions; funding. (A) The General Assembly finds that: (1) reading is the most important academic skill and the basis for success in school and work; (2) test results indicate that a significant portion of South Carolina students score below the fiftieth percentile on nationally normed achievement tests; and (3) it is necessary and proper to establish a comprehensive long term commitment to improve reading as well as overall academic performance. (B) There is created within the State Department of Education the Governor’s Institute of Reading. The purpose of the institute is to create a collaborative effort to mobilize education, business, and community resources to ensure that all children learn to read independently and well by the end of the third grade. The purpose of the institute also is to mobilize efforts to improve the reading abilities of students in the middle grades and accelerate the learning of students reading below grade level. The Governor’s Institute of Reading is based upon a collaborative effort of education professionals and reading experts and designed to promote reading in every school district. To accomplish this mission, the institute shall: (1) review the best practices in the teaching of reading; (2) provide teachers with professional development and support for implementing best practices in the teaching of reading; and (3) award competitive grants to school districts for designing and providing a comprehensive approach to reading instruction based on best practices. The State Board of Education shall develop guidelines for administering and allocating funds for the Governor’s Institute of Reading. Grants must be awarded, beginning with fiscal year 1999 2000, to districts for implementing programs designed to achieve exemplary reading. The department may carry forward any unexpended appropriations to be used for this same purpose from fiscal year to fiscal year.	Y	Y
318	SECTION 59-5-140	State	Statute	South Carolina Opportunity School, John De La Howe School and South Carolina School for the Deaf and Blind required to meet State standards. Academic and career and technology training provided by the South Carolina Opportunity School, the John De La Howe School, and the South Carolina School for the Deaf and the Blind must meet standards prescribed by the State Board of Education based upon standards prescribed by the South Carolina Department of Education for the academic and career and technology programs of these schools. The board may prescribe additional requirements as necessary. The State Superintendent of Education shall administer the standards related to the high school and elementary school programs. Reports from the State Department of Education, evaluating the education program and indicating whether or not the program meets the standards as prescribed, must be made directly to the board of each institution at regularly scheduled meetings. State Department of Education supervisory personnel must be utilized for evaluating the programs and reporting to each board.	Y	Y
319	SECTION 59-5-150	State	Statute	Awards for civic contribution to public education. The State Board of Education shall initiate an award program to recognize business and industries, civic organizations, school improvement councils, and individuals contributing most significantly to public education.	Y	Y
320	SECTION 59-5-160	State	Statute	Graduation of children who are new to South Carolina. (A) In order to facilitate the on time graduation of children of families who have moved to South Carolina during the child’s twelfth grade year, the State Board of Education may: (1) waive specific courses required for graduation if those courses were not specifically required for graduation in the student’s most recent state of residence; however, the state board may not waive the number of courses required in ELA, math, and science. If a student does not have sufficient course credit to be issued a South Carolina diploma, the state board, to the extent possible, shall provide an alternative means of acquiring required coursework so that the student could receive a South Carolina high school diploma and graduation may occur on time; and (2) may accept exit exams, end of course exams, or alternative testing required for graduation from the sending state in lieu of South Carolina testing requirements for graduation provided that all portions of these exams necessary for graduation from the sending state have been satisfactorily met. (B) In the event the alternatives provided in subsection (A) cannot be accommodated after all alternatives have been considered, the State Board of Education shall work with other state boards and departments of education to help facilitate the receipt of a diploma from the sending state if the student meets the graduation requirements of that state. (C) The State Board of Education shall develop guidelines and subsequent regulations to comply with the provisions of this section.	Y	Y

321	SECTION 59-6-10	State	Statute	Appointment of committee. (A) In order to assist in, recommend, and supervise implementation of programs and expenditure of funds for the Education Accountability Act and the Education Improvement Act of 1984, the Education Oversight Committee is to serve as the oversight committee for these acts. The Education Oversight Committee shall: (1) review and monitor the implementation and evaluation of the Education Accountability Act and Education Improvement Act programs and funding; (2) make programmatic and funding recommendations to the General Assembly; (3) report annually to the General Assembly, State Board of Education, and the public on the progress of the programs; (4) recommend Education Accountability Act and EIA program changes to state agencies and other entities as it considers necessary. Each state agency and entity responsible for implementing the Education Accountability Act and the Education Improvement Act funded programs shall submit to the Education Oversight Committee programs and expenditure reports and budget requests as needed and in a manner prescribed by the Education Oversight Committee. The committee consists of the following persons: (1) Speaker of the House of Representatives or his designee; (2) President Pro Tempore of the Senate or his designee; (3) Chairman of the Education and Public Works Committee of the House of Representatives or his designee; (4) Chairman of the Education Committee of the Senate or his designee; (5) Governor or his designee; (6) Chairman of the Ways and Means Committee of the House of Representatives or his designee; (7) Chairman of the Finance Committee of the Senate or his designee; (8) State Superintendent of Education or the superintendent's designee who shall be an ex officio	N	N
322	SECTION 59-6-15	State	Statute	Business Education Partnership for Excellence in Education; Business Education Subcommittee. (A) There is created the Business Education Partnership for Excellence in Education and a permanent standing subcommittee of the partnership for the purpose of reviewing the implementation of the South Carolina Education Improvement Act of 1984 and recommending other major education initiatives. The Business Education Partnership for Excellence in Education consists of the following persons: (1) Thirty two prominent civic and business leaders of which fourteen are appointed by the Governor; six appointed by the State Superintendent of Education; three appointed by the Speaker of the House of Representatives; three appointed by the President of the Senate; three appointed by the Chairman of the Education and Public Works Committee of the House of Representatives; and three appointed by the Chairman of the Education Committee of the Senate; (2) Twenty educators of which eight are appointed by the State Superintendent of Education; four appointed by the Governor; two appointed by the Speaker of the House of Representatives; two appointed by the President of the Senate; two appointed by the Chairman of the Education and Public Works Committee of the House of Representatives; and two appointed by the Chairman of the Education Committee of the Senate; (3) Lieutenant Governor or his designee; (4) Chairman of the Committee on Children or his designee; (5) Chairman of the Education Oversight Committee or his designee; (6) The Governor and State Superintendent of Education shall serve as ex officio members. The term of office of the members of the Business Education Partnership must be four years except that of those first appointed an equal number must serve terms of two, three, and four years respectively as determined by lot. Except in those cases where the term of a member of the Business Education Subcommittee has not expired, no member of the Business Education Partnership may serve more than two consecutive terms. The number of appointments provided for in items (1) and (2) above must be reduced proportionately by the membership requirements of subsection (B).	N	N
323	SECTION 59-6-16	State	Statute	Leadership network. The State Board of Education in consultation with the Business Education Subcommittee shall appoint a leadership network of representatives from the private sector. The leadership network shall assist the State Board of Education business education partnership program by: (1) promoting business education partnerships, (2) evaluating business education partnerships, (3) disseminating the benefits of business education partnerships, and (4) formulating recommendations on goals and activities for the business education partnership program. The leadership network shall meet at least quarterly and make regular reports to the Business Education Subcommittee, State Board of Education, and Education Oversight Committee.	Y	Y
324	SECTION 59-6-17	State	Statute	School attendance as requirement for licensing for operation of motor vehicle. The Business Education Subcommittee in consultation with the Education Oversight Committee shall study requiring school attendance as a condition of licensing for the privilege of the operation of a motor vehicle and shall provide a report to the General Assembly by January 1, 1990.	N	N

325	SECTION 59-6-20	State	Statute	Public Accountability Division. The State Board of Education and State Superintendent of Education must establish within the State Department of Education a special unit at the division level called the Public Accountability Division. This special unit must be eliminated on July 1, 1991. The unit head shall hold a position comparable to a deputy superintendent and must be under the direct supervision of and shall report to the State Superintendent of Education. The deputy superintendent must provide all reports to the Governor, Education Oversight Committee, Business Education Partnership for Excellence in Education, Business Education Subcommittee, and State Board of Education, and respond to any inquiries for information. The Business Education Subcommittee shall serve as a screening committee for the selection of the unit head. The screening committee shall recommend for consideration three applicants. Final selection of the unit head must be made by the State Superintendent of Education after consulting with the Governor. All other positions must be filled following current state personnel and State Department of Education employment procedures. The new unit is responsible for planning, monitoring, and reviewing programs developed under the Education Improvement Act and shall provide information, recommendations, and an annual assessment of the Education Improvement Act to the Governor, Education Oversight Committee, and Business Education Subcommittee. The operating procedures for the new unit are the same as the operating procedures for the three established divisions in the State Department of Education. The Business Education Subcommittee shall review and approve all products produced by the new unit and make recommendations to the State Board of Education for final approval.	Y	Y
326	SECTION 59-6-30	State	Statute	Reports by State Board of Education; Business Education Subcommittee to report to Business Education Partnership; recommendations by Partnership; Business Education staff to serve Business Education Partnership. The State Board of Education shall provide an assessment of the South Carolina Education Improvement Act of 1984 for consideration by the Business Education Subcommittee and the General Assembly. A special assessment shall be provided on March 1, 1985. Commencing in 1985, an annual assessment must be provided by December first of each year and an appropriate amount of funding must be provided for this purpose. The Business Education Subcommittee shall provide a report on the assessment to the Business Education Partnership, and the partnership shall submit its recommendations to the General Assembly prior to February first. The staff of the Business Education Subcommittee shall serve as the primary staff to the Business Education Partnership and may solicit the assistance of the staffs of the House Education and Public Works Committee, the Senate Education Committee, the Education Oversight Committee, the Public Accountability Division, and the Governor's Office.	Y	Y
327	SECTION 59-6-100	State	Statute	Accountability Division established within Education Oversight Committee; selection of executive director. Within the Education Oversight Committee, an Accountability Division must be established to report on the monitoring, development, and implementation of the performance based accountability system and reviewing and evaluating all aspects of the Education Accountability Act and the Education Improvement Act. The Education Oversight Committee will employ, by a majority vote, for a contract term of three years an executive director for the Accountability Division. The director must be chosen solely on grounds of fitness to perform the duties assigned to him and must possess at least the following qualifications: a demonstrated knowledge of public education, experience in program evaluation, and experience in a responsible managerial capacity. No member of the General Assembly nor anyone who will have been a member for one year previously will be contracted to serve as director. The director will have the authority to employ, with the approval of the subcommittee, professional and support staff as necessary to carry out the duties of the division, which shall be separate from the administrative staff of the Education Oversight Committee.	N	N

328	SECTION 59-6-110	State	Statute	Duties of Accountability Division. The division must examine the public education system to ensure that the system and its components and the EIA programs are functioning for the enhancement of student learning. The division will recommend the repeal or modification of statutes, policies, and rules that deter school improvement. The division must provide annually its findings and recommendations in a report to the Education Oversight Committee no later than February first. The division is to conduct in depth studies on implementation, efficiency, and the effectiveness of academic improvement efforts and: (1) monitor and evaluate the implementation of the state standards and assessment; (2) oversee the development, establishment, implementation, and maintenance of the accountability system; (3) monitor and evaluate the functioning of the public education system and its components, programs, policies, and practices and report annually its findings and recommendations in a report to the commission no later than February first of each year; and (4) perform other studies and reviews as required by law. The responsibilities of the division do not include fiscal audit functions or funding recommendations except as they relate to accountability. It is not a function of this division to draft legislation and neither the director nor any other employee of the division shall urge or oppose any legislation. In the performance of its duties and responsibilities, the division and staff members are subject to the statutory provisions and penalties regarding confidentiality of records as they apply to students, schools, school districts, the Department of Education, and the Board of Education.	N	N
329	SECTION 59-6-120	State	Statute	Collaboration between Accountability Division and other agencies. The State Department of Education, the State Board of Education, and the school districts and schools shall work collaboratively with the Division of Accountability to provide information needed to carry out the responsibilities and duties of its office. The Division of Accountability may call on the expertise of the state institutions of higher learning and any other public agencies for carrying out its functions and may coordinate and consult with existing agency and legislative staff.	Y	Y
330	SECTION 59-10-10	State	Statute	Standards established; status reports to parents; decrease in student to physical education teacher ratio. (A) The goal of this article is to provide every elementary student with the equivalent of thirty minutes of physical activity daily. Beginning in the 2006 07 school year, students in kindergarten through fifth grade must be provided a minimum of one hundred fifty minutes a week of physical education and physical activity. In 2006 07, a minimum of sixty minutes a week must be provided in physical education, and as Section 59 10 20 is phased in, the minimum time for physical education must be increased to ninety minutes a week. The certified physical education teacher to student ratio is designed to provide students in kindergarten through fifth grade with scheduled physical education either every day or on alternate days throughout the school year and must be based on the South Carolina Physical Education Curriculum Standards. The student to teacher ratio in a physical education class may not exceed the average student to teacher ratio of 28 to 1. An individual student's fitness status must be reported to his parent or guardian during a student's fifth grade, eighth grade, and high school physical education courses. The physical activity must be planned and coordinated by the Physical Education Activity Director pursuant to Section 59 10 30. (B) A student may be exempted from these physical education and activity requirements required by subsection (A) by seeking a waiver as outlined in Section 59 29 80(B). (C) During each year of implementation of the reduced student to physical education teacher ratio, each district shall report to the State Department of Education by June fifteenth, the number of minutes of physical education instruction and the minutes of additional physical activity students receive daily with a total for the week. The report must be listed by elementary school and by individual class and grade level. The State Department of Education shall provide a summary of this information to the General Assembly by December first of each year of implementation. (D) The implementation of decreased student to teacher ratio and increased instruction in physical education pursuant to Section 59 10 20 is not intended to replace or reduce time dedicated to instruction in the arts taught by certified arts specialists.	Y	Y
331	SECTION 59-10-20	State	Statute	Student to certified physical education teacher ratios. (A) Beginning with the 2006 07 school year, the student to certified physical education teacher ratio in the elementary schools of the State must be 700 to 1. (B) Beginning with the 2007 08 school year, the student to certified physical education teacher ratio in the elementary schools of the State must be 600 to 1. (C) Beginning with the 2008 09 school year, the student to certified physical education teacher ratio in the elementary schools of the State must be 500 to 1.	N	N

332	SECTION 59-10-30	State	Statute	Designation of Physical Education Activity directors. (A) Each elementary school shall designate a physical education teacher to serve as its Physical Education Activity Director. The Physical Education Activity Director shall plan and coordinate opportunities for additional physical activity for students that exceed the designated weekly student physical education instruction times that may include, but not be limited to, before, during, and after school dance instruction, fitness trail programs, intramural programs, bicycling programs, walking programs, recess, and activities designed to promote physical activity opportunities in the classroom. (B) In schools having dance education specialists, instruction based on the South Carolina Dance Curriculum Standards and the dance components of the South Carolina Physical Education Standards may be used to satisfy one fourth of the required physical education minutes. (C) Noncertified or adult volunteers may assist in implementing or supervising these structured physical activities if approved by the district superintendent. If volunteers are used, appropriate liability insurance must be provided. The director annually shall submit to the principal a report outlining the additional physical activities for students.	N	N
333	SECTION 59-10-40	State	Statute	Professional development. Appropriate professional development must be provided to teachers and volunteers on the importance of physical activity for young children and the relationship of activity and good nutrition to academic performance and healthy lifestyles.	N	N
334	SECTION 59-10-50	State	Statute	Administration of South Carolina Physical Education Assessments; scoring effectiveness. (A) Each public school in this State shall administer the South Carolina Physical Education Assessment. Assessment of students in second grade, fifth grade, eighth grade, and high school must be used to assess the effectiveness of the school's physical education program and its adherence to the South Carolina Physical Education Curriculum Standards. The State Department of Education shall develop a procedure for calculating a district and school physical education program effectiveness score. The district and school physical education effectiveness score must be reported to the education community through the district and school report card. (B) The physical education teachers in a school that receives an unsatisfactory program effectiveness score pursuant to subsection (A), will be provided professional development activities designed to assist the school in improving its programs' effectiveness.	Y	Y
335	SECTION 59-10-60	State	Statute	Age appropriate equipment. Each district shall make every effort to ensure that the schools in its district have age appropriate equipment and facilities to implement the physical education curriculum standards.	N	N
336	SECTION 59-10-210	State	Statute	Funding for licensed nurses for elementary schools. Beginning with the 2007 08 school year, the General Assembly, annually in the General Appropriations Act, shall appropriate funds to the Department of Education to provide licensed nurses for elementary public schools. The State Department of Education shall make these funds available through a grant program and shall distribute the funds to the local school districts on a per school basis.	Y	Y
337	SECTION 59-10-220	State	Statute	Adoption of universal precautions for bloodborne disease exposure; notice By January 1, 2012, each school district shall adopt the Centers for Disease Control and Prevention (CDC) recommendations on universal precautions for bloodborne disease exposure and shall communicate written notice of these procedures to each school within the district. The notice must provide information regarding education and training in the areas of infection control, universal precautions, and disinfection and sterilization techniques.	N	N
338	SECTION 59-10-310	State	Statute	Establishment of elementary school food service meals and competitive foods requirements. In an effort to promote optimal healthy eating patterns, the State Board of Education by policy shall establish requirements for elementary school food service meals and competitive foods based upon the recommendations outlined in the State Department of Education Task Force on Student Nutrition and Physical Activity Report, National School Lunch Act, and the most recent applicable Dietary Guidelines for Americans.	Y	Y
339	SECTION 59-10-320	State	Statute	Coordinated school health models; implementation; evaluation of effectiveness. (A) The State Department of Education shall make available to each school district a coordinated school health model designed to address health issues of children. The program must provide for coordinating the following eight components: safe and healthy environment, physical education, health education, staff wellness, health services, guidance and health, nutrition services, and parent and community involvement. The Department of Education shall notify each school district of the availability of professional development opportunities and provide technical assistance for implementing the coordinated school health model. (B) The Department of Education shall develop or adopt an assessment program to evaluate district and school health education programs. At a minimum, the assessment must be designed to determine program effectiveness and adherence to South Carolina Health and Safety Education Curriculum Standards. The State Department of Education shall begin piloting health education assessments in the 2006 07 school year with implementation in the 2008 09 school year.	Y	Y

340	SECTION 59-10-330	State	Statute	Coordinated School Health Advisory Council (CSHAC); development of health wellness plan; health and nutrition policies. (A) Each school district shall establish and maintain a Coordinated School Health Advisory Council (CSHAC) to assess, plan, implement, and monitor district and school health policies and programs, including the development of a district wellness policy to begin implementation in the 2006 07 school year. The council must be composed of members of the community, school representatives, students, parents, district food service employees, and school board members. (B) Each district, in collaboration with the CSHAC, shall develop a school health improvement plan that addresses strategies for improving student nutrition, health, and physical activity and includes the district's wellness policy. The district health improvement plan goals and progress toward those goals must be included in the district's strategic plan required pursuant to Section 59 20 60. (C) Each school board of trustees shall establish health and nutrition policies for its elementary schools designed to limit vending sales and sales of foods and beverages of minimal nutritional value at any time during the school day except in the case of medical emergency and special occasions celebrated during school hours. However, this policy does not restrict the food that a parent or guardian may provide for his child's consumption at school. A school district board of trustees may adopt a more restrictive policy.	N	N
341	SECTION 59-10-340	State	Statute	Snacks in vending machines. Each district's Coordinated School Health Advisory Council established pursuant to Section 59 10 330 shall determine which snacks may be sold in vending machines in elementary schools.	N	N
342	SECTION 59-10-350	State	Statute	Length of lunch period; factors. Each elementary school shall provide students a minimum of twenty minutes to eat lunch once they have received their food. In determining the total length of the lunch period, time to and from the cafeteria, time to go through the line, and time to bus trays at the end of lunch must be considered.	N	N
343	SECTION 59-10-360	State	Statute	K 5 health curriculum; nutrition component. Health curriculum for students in kindergarten through fifth grade must include a weekly nutrition component.	N	N
344	SECTION 59-10-370	State	Statute	Funding for implementation of chapter. Each phase of implementation of this chapter is contingent upon the appropriation of adequate funding as documented by the fiscal impact statement provided by the Office of State Budget of the State Budget and Control Board. There is no mandatory financial obligation to school districts if state funding is not appropriated for each phase of implementation as provided for in the fiscal impact statement of the Office of the State Budget of the State Budget and Control Board.	N	N
345	SECTION 59-10-380	State	Statute	Food or beverage items sold as fundraiser. Nothing in this article may be construed to prohibit or limit the sale or distribution of any food or beverage item through fundraisers by students, teachers, or groups when the items are intended for sale off the school campus.	N	N
346	Chapter 11, 13, and 15 not included - supposed to be this way?					
347	SECTION 59 16 10	State	Statute	Legislative findings. (A) The General Assembly finds that: (1) through the use of technology, South Carolina can create educational opportunities for the students of this State that may not exist without such technology; and (2) using technology to deliver instruction can provide effective alternatives for credit recovery, meeting graduation requirements, resolving scheduling conflicts, delivering curriculum content when there is a shortage of certified personnel, providing a more flexible and individualized instructional pace, and offering low incidence courses. (B) It is the purpose of the General Assembly, in this chapter to establish the South Carolina Virtual School Program to ensure consistent high quality education for the students of South Carolina utilizing technology delivered courses.	N	N

348	SECTION 59-16-15	State	Statute	Virtual education program; eligibility to enroll; grades; exams; computer equipment and internet access. (A) The State Board of Education is authorized to establish a virtual education program to provide South Carolina students access to distance, online, or virtual learning courses offered for an initial unit of credit. Additionally, the virtual education program shall offer access to credit recovery programs for students who have been identified by a school district as not having received credit for a course previously taken or for students who have been identified by a school district as not likely to receive credit for a course in which the student is currently enrolled. Students may enroll in courses for credit recovery based on policies established by the State Board of Education. The virtual education program shall not award a South Carolina High School diploma. (B) A public, private, or homeschool student residing in South Carolina who is twenty one years of age or younger must be eligible to enroll in the virtual education program. A private school or home school student enrolled in the virtual education program must not be entitled to any rights, privileges, courses, activities, or services available to a public school student other than receiving an appropriate unit of credit for a completed course. (C) Local school districts shall accurately transcribe a student’s final numeric grade to the student’s permanent record and transcript. Home school students and private school students shall receive a certified grade report indicating date, course, and final numeric grade from the virtual education program or an entity approved by the State Board of Education. (D) Students enrolled in an online course for a unit of credit must be administered final exams and appropriate state assessments in a proctored environment. (E) It is not the responsibility of the school, district, or state to provide home computer equipment and Internet access for enrollment in courses provided by the virtual education program. However, nothing in this section shall prohibit a school or district from providing home computer equipment or Internet access to students enrolled in the virtual education program.	Y	Y
349	SECTION 59-16-20	State	Statute	Housing and management of program; standards for courses; instructor certification and training. (A) The South Carolina Virtual School Program shall be housed in and managed by the State Department of Education. The department may contract for distance learning courses, develop courses, or approve courses submitted by entities. (B) Each course offered for a unit of credit shall be reviewed for correlation with the state adopted academic standards prior to being offered. (C) All distance, online, or virtual learning courses offered for a unit of credit must be aligned with the state adopted academic standards, include appropriate course materials, and be approved by the State Department of Education. (D) Instructors must hold a valid teaching certificate in each content area being taught or receive approval from the State Department of Education to teach the course. (E) All virtual schoolteachers must receive appropriate preservice and in service training pertaining to the organization, classroom management, technical aspects, monitoring of student assessment, and other pertinent training from the State Department of Education.	Y	Y
350	SECTION 59-16-30	State	Statute	Definitions As used in this chapter: (1) “Distance learning” means the acquisition of knowledge and skills through mediated information and instruction, encompassing all technologies and other forms of learning at a distance. Distance learning includes online and virtual courses. (2) “Online learning” means learning delivered by web based or internet based technologies. (3) “Proctored” means directly monitored by an adult authorized by the South Carolina Virtual School Program. (4) “Virtual classroom” means the online learning space where students and instructors interact. (5) “School year” means the one hundred eighty days of student instruction required pursuant to Section 59 1 420 and student instruction received as part of a summer school program. (6) “Credit recovery” means self paced, semester long courses that target learning in areas of greatest weakness, allowing nontraditional or at risk students to rapidly complete courses, recover credits, and progress to graduation.	N	N

351	SECTION 59-16-40	State	Statute	Guidelines and regulations. The State Board of Education shall develop guidelines and promulgate regulations to include, but may not be limited to, the following: (1) procedures and criteria to be used for the selection of online courses to be offered for a unit of credit; (2) qualifications and registration requirements of students who may enroll in online courses to include provisions outlining the enrollment of students that have been expelled from school; (3) procedures for private and homeschool students to enroll in courses offered; (4) teacher qualifications and the student to teacher ratio for online courses; (5) appropriateness and provisions for charging tuition and fees; (6) procedures for establishing uniform evaluation of student progress and awarding of the final grade; (7) process for maintaining student records and reporting and recording grades on the student's transcript; (8) procedures and requirements for employment, supervision, and evaluation of teachers; (9) procedures and requirements for supervision, monitoring, assessment, and evaluation of enrolled students; and (10) student expectations.	Y	Y
352	SECTION 59-16-50	State	Statute	Adult education program pilot; recommendations to General Assembly. Through the use of an online pilot program, the State Department of Education shall examine the feasibility of providing services of the South Carolina Virtual School Program to students enrolled in adult education programs and shall make recommendations to the General Assembly no later than January 1, 2008.	Y	Y
353	SECTION 59-16-60	State	Statute	Annual report; contents. Annually, the State Board of Education shall provide the General Assembly a report that shall include, but not be limited to, the following information: (1) list of courses offered through the virtual school; (2) number of local school districts and number of the district students participating in the virtual school; (3) private schools and number of the private school students participating in the virtual school; (4) number of homeschool students participating in the virtual school; (5) success rates for students by courses enrolled in the virtual school; (6) number of students who dropped a course and reasons for dropping; (7) expenditures made for the virtual school; and (8) number of students unable to enroll because of space limitation.	Y	Y
354	SECTION 59-16-70	State	Statute	Review of student records by Education Oversight Committee. At the end of each semester, the State Department of Education shall provide student records, including course grades and performance on state assessments, to the Education Oversight Committee. The Education Oversight Committee shall monitor the impact of credits earned in the virtual school, on the school and district ratings, with particular attention to performance on end of course examinations and graduation rates.	Y	Y
355	SECTION 59-16-80	State	Statute	Implementation contingency. The implementation of the provisions contained in this chapter are contingent upon the appropriation of funds by the General Assembly.	N	N
356	Chapter 17 not included - Supposed to be this way?					
357	SECTION 59-18-100	State	Statute	Performance based accountability system for public education established; "accountability" defined. The General Assembly finds that South Carolinians have a commitment to public education and a conviction that high expectations for all students are vital components for improving academic achievement. It is the purpose of the General Assembly in this chapter to establish a performance based accountability system for public education which focuses on improving teaching and learning so that students are equipped with a strong academic foundation. Accountability, as defined by this chapter, means acceptance of the responsibility for improving student performance and taking actions to improve classroom practice and school performance by the Governor, the General Assembly, the State Department of Education, colleges and universities, local school boards, administrators, teachers, parents, students, and the community.	Y	Y

358	SECTION 59-18-110	State	Statute	Objectives. The system is to: (1) use academic achievement standards to push schools and students toward higher performance by aligning the state assessment to those standards and linking policies and criteria for performance standards, accreditation, reporting, school rewards, and targeted assistance; (2) provide an annual report card with a performance indicator system that is logical, reasonable, fair, challenging, and technically defensible, which furnishes clear and specific information about school and district academic performance and other performance to parents and the public; (3) require all districts to establish local accountability systems to stimulate quality teaching and learning practices and target assistance to low performing schools; (4) provide resources to strengthen the process of teaching and learning in the classroom to improve student performance and reduce gaps in performance; (5) support professional development as integral to improvement and to the actual work of teachers and school staff; and (6) expand the ability to evaluate the system and to conduct in depth studies on implementation, efficiency, and the effectiveness of academic improvement efforts.	Y	Y
359	SECTION 59-18-120	State	Statute	Definitions. As used in this chapter: (1) "Oversight Committee" means the Education Oversight Committee established in Section 59 6 10. (2) "Standards based assessment" means an assessment where an individual's performance is compared to specific performance standards and not to the performance of other students. (3) "Disaggregated data" means data broken out for specific groups within the total student population, such as by race, gender, level of poverty, limited English proficiency status, disability status, or other groups as required by federal statutes or regulations. (4) "Longitudinally matched student data" means examining the performance of a single student or a group of students by considering their test scores over time. (5) "Academic achievement standards" means statements of expectations for student learning. (6) "Department" means the State Department of Education. (7) "Absolute performance" means the rating a school will receive based on the percentage of students meeting standard on the state's standards based assessment. (8) "Growth" means the rating a school will receive based on longitudinally matched student data comparing current performance to the previous year's for the purpose of determining student academic growth. (9) "Objective and reliable statewide assessment" means assessments that yield consistent results and that measure the cognitive knowledge and skills specified in the state approved academic standards and do not include questions relative to personal opinions, feelings, or attitudes and are not biased with regard to race, gender, or socioeconomic status. The assessments must include a writing assessment and multiple choice questions designed to reflect a range of cognitive abilities beyond the knowledge level. Constructed response questions may be included as a component of the writing assessment. (10) "Division of Accountability" means the special unit within the oversight committee established in Section 59 6 100. (11) "Formative assessment" means assessments used within the school year to analyze general strengths	N	N
360	SECTION 59-18-300	State	Statute	Adoption of educational standards in core academic areas. The State Board of Education is directed to adopt grade specific performance oriented educational standards in the core academic areas of mathematics, English/language arts, social studies (history, government, economics, and geography), and science for kindergarten through twelfth grade and for grades nine through twelve adopt specific academic standards for high school credit courses in mathematics, English/language arts, social studies, and science. The standards are to promote the goals of providing every student with the competencies to: (1) read, view, and listen to complex information in the English language; (2) write and speak effectively in the English language; (3) solve problems by applying mathematics; (4) conduct research and communicate findings; (5) understand and apply scientific concepts; (6) obtain a working knowledge of world, United States, and South Carolina history, government, economics, and geography; and (7) use information to make decisions. The standards must be reflective of the highest level of academic skills with the rigor necessary to improve the curriculum and instruction in South Carolina's schools so that students are encouraged to learn at unprecedented levels and must be reflective of the highest level of academic skills at each grade level.	N	Y

361	SECTION 59-18-310	State	Statute	Development or adoption of statewide assessment program to promote student learning and measure student performance. (A) Notwithstanding any other provision of law, the State Board of Education, through the Department of Education, is required to develop or adopt a statewide assessment program to promote student learning and to measure student performance on state standards and: (1) identify areas in which students, schools, or school districts need additional support; (2) indicate the academic achievement for schools, districts, and the State; (3) satisfy federal reporting requirements; and (4) provide professional development to educators. Assessments required to be developed or adopted pursuant to the provisions of this section or chapter must be objective and reliable. (B)(1) The statewide assessment program must include the subjects of English/language arts, mathematics, science, and social studies in grades three through eight, as delineated in Section 59 18 320(B), to be first administered in 2009, and end of course tests for gateway courses awarded units of credit in English/language arts, mathematics, science, and social studies. Student performance targets must be established following the 2009 administration. The assessment program must be used for school and school district accountability purposes beginning with the 2008 2009 school year. The publication of the annual school and school district report card may be delayed for the 2008 2009 school year until no later than February 15, 2010. A student's score on an end of year assessment may not be the sole criterion for placing the student on academic probation, retaining the student in his current grade, or requiring the student to attend summer school. Beginning with the graduating class of 2010, students are required to pass a high school credit course in science and a course in United States history in which end of course examinations are administered to receive the state high school diploma. Beginning with the graduating class of 2015, students are no longer required to meet the exit examination requirements set forth in this section and State Regulation to earn a South Carolina high school diploma. (2) A person who is no longer enrolled in a public school and who previously failed to receive a high	Y	Y
362	SECTION 59-18-320	State	Statute	Review of field test; general administration of test; accommodations for students with disabilities; adoption of new standards. (A) After the first statewide field test of the assessment program in each of the four academic areas, and after the field tests of the end of course assessments of high school credit courses, the Education Oversight Committee, established in Section 59 6 10, will review the state assessment program and the course assessments for alignment with the state standards, level of difficulty and validity, and for the ability to differentiate levels of achievement, and will make recommendations for needed changes, if any. The review will be provided to the State Board of Education, the State Department of Education, the Governor, the Senate Education Committee, and the House Education and Public Works Committee as soon as feasible after the field tests. The Department of Education will then report to the Education Oversight Committee no later than one month after receiving the reports on the changes made to the assessments to comply with the recommendations. (B) After review and approval by the Education Oversight Committee, the standards based assessment of mathematics, English/language arts, social studies, and science will be administered to all public school students in grades three through eight, to include those students as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the Elementary and Secondary Education Act. To reduce the number of days of testing, to the extent possible, field test items must be embedded with the annual assessments. In accordance with the requirements of the federal No Child Left Behind Act, science assessments must be administered annually to all students in one elementary and one middle school grade. The State Department of Education shall develop a sampling plan to administer science and social studies assessments to all other elementary and middle school students. The plan shall provide for all students and both content areas to be assessed annually; however, individual students, except in census testing grades, are not required to take both tests. In the sampling plan, approximately half of the assessments must be administered in science and the other half in social studies in each class. To ensure that school districts maintain the high standard of accountability established in the Education Accountability Act, performance level results reported on school and district report cards must meet	N	N

363	SECTION 59-18-325	State	Statute	College and career readiness assessment; summative assessment. (A) All students entering the eleventh grade for the first time in school year 2014 2015 and subsequent years must be administered a college and career readiness assessment as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the Elementary and Secondary Education Act and that is from a provider secured by the department. In addition, all students entering the eleventh grade for the first time in school year 2014 2015 and subsequent years must be administered a WorkKeys assessment. The results of the assessments must be provided to each student, their respective schools, and to the State to: (1) assist students, parents, teachers, and guidance counselors in developing individual graduation plans and in selecting courses aligned with each student's future ambitions; (2) promote South Carolina's Work Ready Communities initiative; and (3) meet federal and state accountability requirements. (B) Students subsequently may use the results of these assessments to apply to college or to enter careers. The results must be added as part of each student's permanent record and maintained at the department for at least ten years. The purpose of the results is to provide instructional information to assist students, parents, and teachers to plan for each student's course selection. This course selection might include remediation courses, dual enrollment courses, advanced placement courses, internships, or other options during the remaining semesters in high school. (C)(1) To maintain a comprehensive and cohesive assessment system that signals a student's preparedness for the next educational level and ultimately culminates in a clear indication of a student's preparedness for postsecondary success in a college or career and to satisfy federal and state accountability purposes, the Executive Director of the State Budget and Control Board, with the advice and consent of the special assessment panel, shall direct the procurement of a summative assessment system for the 2014 2015 school year, and subsequent years as provided in item (3). The procurement must be completed before September 30, 2014. The summative assessment must be administered to all students in grades three through eight, and if funds are available, administered to students in grades nine and ten.	N	N
364	SECTION 59-18-330	State	Statute	Coordination and annual administration of National Assessment of Education Progress (NAEP). The State Department of Education is directed to coordinate the annual administration of the National Assessment of Education Progress (NAEP) to obtain an indication of student and school performance relative to national performance levels. A school randomly selected by NAEP must comply with the administration of the assessment to obtain an indication of state performance relative to national performance levels.	Y	Y
365	SECTION 59-18-340	State	Statute	PSAT or PLAN tests of tenth grade students; availability; use of results. High schools shall offer state funded PSAT or PLAN tests to each tenth grade student in order to assess and identify curricular areas that need to be strengthened and reinforced. Schools and districts shall use these assessments as diagnostic tools to provide academic assistance to students whose scores reflect the need for such assistance. Schools and districts shall use these assessments to provide guidance and direction for parents and students as they plan for postsecondary experiences.	N	N
366	SECTION 59-18-350	State	Statute	Cyclical review of state standards and assessments; analysis of assessment results. (A) The State Board of Education, in consultation with the Education Oversight Committee, shall provide for a cyclical review by academic area of the state standards and assessments to ensure that the standards and assessments are maintaining high expectations for learning and teaching. At a minimum, each academic area should be reviewed and updated every seven years. After each academic area is reviewed, a report on the recommended revisions must be presented to the Education Oversight Committee and the State Board of Education for consideration. The previous content standards shall remain in effect until the recommended revisions are adopted pursuant to Section 59 18 355. As a part of the review, a task force of parents, business and industry persons, community leaders, and educators, to include special education teachers, shall examine the standards and assessment system to determine rigor and relevancy. (B) For the purpose of developing new college and career readiness English/language arts and mathematics state content standards, a cyclical review must be performed pursuant to subsection (A) for English/language arts and mathematics state content standards not developed by the South Carolina Department of Education. The review must begin on or before January 1, 2015, and the new college and career readiness state content standards must be implemented for the 2015 2016 school year. (C) The State Department of Education annually shall convene a team of curriculum experts to analyze the results of the assessments, including performance item by item. This analysis must yield a plan for disseminating additional information about the assessment results and instruction and the information must be disseminated to districts not later than January fifteenth of the subsequent year.	Y	Y

367	SECTION 59-18-355	State	Statute	Content standards revisions, approval by Education Oversight Committee and General Assembly required. (A)(1) A revision to a state content standard recommended pursuant to Section 59 18 350(A), as well as a new standard or a change in a current standard that the State Board of Education otherwise considers for approval as an accountability measure, may not be adopted and implemented without the: (a) advice and consent of the Education Oversight Committee; and (b) approval by a Joint Resolution of the General Assembly. (2) General Assembly approval required by item (1)(b) does not apply to a revision recommended pursuant to Section 59 18 350(A), other approval of a new standard, and other changes to an old standard if the revision, new standard, or changed standard is developed by the State Department of Education. (B) A revision to an assessment recommended pursuant to Section 59 18 350(A), as well as a new assessment or a change in a current assessment that the State Board of Education otherwise considers for approval as an accountability measure, may not be adopted and implemented without the advice and consent of the Education Oversight Committee. (C) Upon initiating a change to an existing standard, including a cyclical review, the Education Oversight Committee and the Department of Education shall provide notice of their plans and intent to the General Assembly and the Governor. (D) Nothing in this section may be interpreted to prevent the Department of Education, Board of Education, and Education Oversight Committee from considering best practices in education standards and assessments while developing its own standards and assessments.	N	N
368	SECTION 59-18-360	State	Statute	Dissemination of assessment results. Beginning with the 2010 assessment administration, the Department of Education is directed to provide assessment results annually on individual students and schools by August first, in a manner and format that is easily understood by parents and the public. In addition, the school assessment results must be presented in a format easily understood by the faculty and in a manner that is useful for curriculum review and instructional improvement. The department is to provide longitudinally matched student data from the standards based assessments and include information on the performance of subgroups of students within the school. The department must work with the Division of Accountability in developing the formats of the assessment results. Schools and districts are responsible for disseminating this information to parents.	Y	Y
369	SECTION 59-18-370	State	Statute	Renumbered as Section 59 18 360 by 2008 Act No. 282, Section 1, eff June 5, 2008.		
370	SECTION 59-18-500	State	Statute	Omitted by 2008 Act No. 282, Section 1, eff June 5, 2008.		
371	SECTION 59-18-700	State	Statute	Alignment of criteria for instructional materials with educational standards. The criteria governing the adoption of instructional materials must be revised by the State Board of Education to require that the content of such materials reflect the substance and level of performance outlined in the grade specific educational standards adopted by the state board.	N	Y
372	SECTION 59-18-710	State	Statute	Recommendations regarding state's accreditation system. The State Department of Education shall provide recommendations regarding the state's accreditation system to the State Board of Education. The recommendations must be derived from input received from broad based stakeholder groups. In developing the criteria for the accreditation system, the State Board of Education shall consider including the function of school improvement councils and other school decision making groups and their participation in the school planning process.	Y	Y

373	SECTION 59-18-900	State	Statute	Development of comprehensive annual report cards; academic performance ratings; promulgation of regulations. (A) The Education Oversight Committee, working with the State Board of Education, is directed to establish a comprehensive annual report card, its format, and an executive summary of the report card to report on the performance for the individual primary, elementary, middle, high schools, and school districts of the State. The comprehensive report card must be in a reader friendly format, using graphics whenever possible, published on the state, district, and school website, and, upon request, printed by the school districts. The school's ratings on academic performance must be emphasized and an explanation of their significance for the school and the district also must be reported. The annual report card must serve at least five purposes: (1) inform parents and the public about the school's performance; (2) assist in addressing the strengths and weaknesses within a particular school; (3) recognize schools with high performance; (4) evaluate and focus resources on schools with low performance; and (5) meet federal report card requirements. (B) The Education Oversight Committee, working with the State Board of Education and a broad based group of stakeholders, including, but not limited to, parents, business and industry persons, community leaders, and educators, shall determine the criteria for and establish five academic performance ratings of excellent, good, average, below average, and school/district at risk. Schools and districts shall receive a rating for absolute and growth performance. Only the scores of students enrolled in the school at the time of the forty five day enrollment count shall be used to determine the absolute and growth ratings. Graduation rates must be used as an additional accountability measure for high schools and school districts. The Oversight Committee, working with the State Board of Education, shall establish three student performance indicators which will be those considered to be useful for assessing a school's overall performance and appropriate for the grade levels within the school. The student performance levels are: Not Met, Met, and Exemplary. "Not Met" means that the student did	Y	Y
374	SECTION 59-18-910	State	Statute	Cyclical review of accountability system; stakeholders. Beginning in 2013, the Education Oversight Committee, working with the State Board of Education and a broad based group of stakeholders, selected by the Education Oversight Committee, shall conduct a comprehensive cyclical review of the accountability system at least every five years and shall provide the General Assembly with a report on the findings and recommended actions to improve the accountability system and to accelerate improvements in student and school performance. The stakeholders must include the State Superintendent of Education and the Governor, or the Governor's designee. The other stakeholders include, but are not limited to, parents, business and industry persons, community leaders, and educators.	Y	Y
375	SECTION 59-18-920	State	Statute	Report card requirements for charter, alternative, and career and technology schools. A charter school established pursuant to Chapter 40, Title 59 shall report the data requested by the Department of Education necessary to generate a report card. The Department of Education shall utilize this data to issue a report card with performance ratings to parents and the public containing the ratings and explaining its significance and providing other information similar to that required of other schools in this section. The performance of students attending charter schools sponsored by the South Carolina Public Charter School District must be included in the overall performance ratings of the South Carolina Public Charter School District. The performance of students attending a charter school authorized by a local school district must be reflected on a separate line on the school district's report card and must not be included in the overall performance ratings of the local school district, unless there is a mutual agreement to include the scores in the local school district ratings. An alternative school is included in the requirements of this chapter; however, the purpose of an alternative school must be taken into consideration in determining its performance rating. The Education Oversight Committee, working with the State Board of Education and the School to Work Advisory Council, shall develop a report card for career and technology schools.	Y	Y
376	SECTION 59-18-930	State	Statute	Executive summary of report cards; date for issuance; advertising results. (A) The State Department of Education must issue the executive summary of the report card annually to all schools and districts of the State no later than November first. The executive summary shall be printed in black and white, be no more than two pages, use graphical displays whenever possible, and contain National Assessment of Educational Progress (NAEP) scores as well as national scores. The report card summary must be made available to all parents of the school and the school district. (B) The school, in conjunction with the district board, also must inform the community of the school's report card by advertising the results in at least one South Carolina daily newspaper of general circulation in the area. This notice must be published within forty five days of receipt of the report cards issued by the State Department of Education and must be a minimum of two columns by ten inches (four and one half by ten inches) with at least a twenty four point bold headline. (C) If an audited newspaper of general circulation in a school district's geographic area has previously published the entire school report card results as a news item, the requirement of subsection (B) may be waived.	Y	Y

377	SECTION 59-18-950	State	Statute	Criteria for school district and high school ratings. Notwithstanding another provision of law to the contrary, the Education Oversight Committee may base ratings for school districts and high schools on criteria that include graduation rates and other criteria identified by technical experts and appropriate groups of educators and workforce advocates.	N	N
378	SECTION 59-18-1100	State	Statute	Palmetto Gold and Silver Awards Program established; criteria. The State Board of Education, working with the division and the Department of Education, must establish the Palmetto Gold and Silver Awards Program to recognize and reward schools for academic achievement and for closing the achievement gap. Awards will be established for schools attaining high levels of absolute performance, for schools attaining high rates of growth, and for schools making substantial progress in closing the achievement gap between disaggregated groups. The award program must base improved performance on longitudinally matched student data and may include such additional criteria as: (1) student attendance; (2) teacher attendance; (3) graduation rates; and (4) other factors promoting or maintaining high levels of achievement and performance. Schools shall be rewarded according to specific criteria established by the division. In defining eligibility for a reward for high levels of performance, student performance should exceed expected levels of improvement. The State Board of Education shall promulgate regulations to ensure districts of the State utilize these funds to improve or maintain exceptional performance according to their school's plans established in Section 59 139 10. Funds may be utilized for professional development support. Special schools for the academically talented are not eligible to receive an award pursuant to the provisions of this section unless they have demonstrated improvement and high absolute achievement for three years immediately preceding.	Y	Y
379	SECTION 59-18-1110	State	Statute	Grant of flexibility of receiving exemption from regulations; criteria; continuation of and removal from flexibility status. (A) Notwithstanding any other provision of law, a school is given the flexibility of receiving exemptions from those regulations and statutory provisions governing the defined program provided that, during a three year period, the following criteria are satisfied: (1) the school has twice been a recipient of a Palmetto Gold or Silver Award, pursuant to Section 59 18 1100; (2) the school has met annual improvement standards for subgroups of students in reading and mathematics; and (3) the school has exhibited no recurring accreditation deficiencies. (B) Schools receiving flexibility status are released from those regulations and statutory provisions referred to above including, but not limited to, regulations and statutory provisions on class scheduling, class structure, and staffing. (C) To continue to receive flexibility pursuant to this section, a school must annually exhibit school improvement at or above the state average as computed in the school recognition program pursuant to Section 59 18 1100 and must meet the gains required for subgroups of students in reading and mathematics. A school which does not requalify for flexibility status due to extenuating circumstances may apply to the State Board of Education for an extension of this status for one year. (D) In the event that a school is removed from flexibility status, the school is not subject to regulations and statutory provisions exempted under this section until the beginning of the school year following notification of the change in status by the State Department of Education. Subsequent monitoring by the State Department of Education in a school that is removed from flexibility status shall not include a review of program records exempted under this section for the period that the school has received flexibility status or for the school year during which the school was notified of its removal from flexibility status.	Y	Y
380	SECTION 59-18-1120	State	Statute	Grant of flexibility of exemption from regulations and statutes to school designated as school/district at risk; extension to other schools. (A) Notwithstanding any other provision of law, a school designated as school/district at risk while in such status is given the flexibility of receiving exemptions from those regulations and statutory provisions governing the defined program or other State Board of Education regulations, dealing with the core academic areas as outlined in Section 59 18 120, provided that the review team recommends such flexibility to the State Board of Education. (B) Other schools may receive flexibility when their school renewal plan explains why such exemptions are expected to improve the academic performance of the students and the plan meets the approval by the State Board of Education. To continue to receive flexibility pursuant to this section, a school must annually exhibit overall school improvement as outlined in its revised plan and must meet the gains set for subgroups of students in content areas included in the accountability assessments. A school which does not requalify for flexibility status due to extenuating circumstances may apply to the State Board of Education for an extension of this status for one year according to the provisions of Section 59 18 1110(D).	Y	N

381	SECTION 59-18-1130	State	Statute	Use of funds appropriated for professional development. (A) Notwithstanding another provision of law to the contrary, funds appropriated for professional development must be used for certificated instructional and instructional leadership personnel in grades kindergarten through twelve in the academic areas for which State Board of Education standard documents have been approved to better link instruction and lesson plans to the standards and to statewide adopted readiness assessment tests, to develop classroom assessments consistent with the standards and testing measures, and to analyze assessment results for needed modification in instructional strategies. No more than five percent of funds appropriated for professional development may be retained by the State Department of Education for administration of the program; however, a district may choose to purchase professional development services provided by the State Department of Education with the funds allocated to the districts for professional development. Funds also may be expended for certificated instructional and instructional leadership personnel in grades six through twelve to achieve competency in teaching reading to students who score below proficient on the reading component of assessment tests. (B) Two hundred fifty thousand dollars of the funds allocated to professional development must be provided to the State Department of Education to implement successfully the South Carolina Readiness Assessment by creating a validation process for teachers to ensure reliable administration of the assessment, providing professional development on effective utilization, and establishing the relationship between the readiness measure and third grade standards based assessments. Multi day work sessions must be provided around the State during the summer, fall, and winter using staff development days and teacher workdays. Two of the remaining professional development days must be set aside for the specific purpose of preparing and opening schools. District instructional leaders, regional service centers, consortia, development personnel, university faculty, contracted providers, and the resources of the Educational Television Network may be used to implement the professional development initiative. Teachers participating in the program shall receive credit toward recertification according to State Board of Education guidelines. Funds provided for professional development on standards may be carried	Y	Y
382	SECTION 59-18-1300	State	Statute	District accountability system; development and review. The State Board of Education, based on recommendations of the division, must develop regulations requiring that each district board of trustees must establish and annually review a performance based accountability system, or modify its existing accountability system, to reinforce the state accountability system. Parents, teachers, and principals must be involved in the development, annual review, and revisions of the accountability system established by the district. The board of trustees shall ensure that a district accountability plan be developed, reviewed, and revised annually. In order to stimulate constant improvement in the process of teaching and learning in each school and to target additional local assistance for a school when its students' performance is low or shows little improvement, the district accountability system must build on the district and school activities and plans required in Section 59 139 10. In keeping with the emphasis on school accountability, principals should be actively involved in the selection, discipline, and dismissal of personnel in their particular school. The date the school improvement reports must be provided to parents is changed to February first. The Department of Education shall offer technical support to any district requesting assistance in the development of an accountability plan. Furthermore, the department must conduct a review of accountability plans as part of the peer review process required in Section 59 139 10(H) to ensure strategies are contained in the plans that shall maximize student learning.	Y	Y
383	SECTION 59-18-1310	State	Statute	Consolidation of strategic plans and improvement reports; submission dates. The strategic plans and improvement reports required of the public schools and districts in Sections 59 18 1300, 59 18 1500, and 59 20 60 are consolidated and reported as follows: district and school five year plans and annual updates and district programmatic reports, and school reports developed in conjunction with the school improvement council to parents and constituents to include recommendations of Education Accountability Act external review teams as approved by the State Board of Education and the steps being taken to address the recommendations, and the advertisement of this report are due on a date established by the Department of Education, but no later than April thirtieth annually; schools reviewed by external review teams shall prepare a report to the parents and constituents of the school, to be developed in conjunction with the School Improvement Council, and this report must be provided and advertised no later than April thirtieth annually. The school report card narrative in Section 59 18 900 continues on its prescribed date.	Y	Y

384	SECTION 59-18-1500	State	Statute	Schools rated below average or school/district at risk; renewal plan and compensation packages; notice to parents and publication in newspaper; department support; regional workshops. (A) When a school receives a rating of below average or school/district at risk, the following actions must be undertaken by the school, the district, and the board of trustees: (1) The faculty of the school with the leadership of the principal must review its renewal plan and revise it with the assistance of the school improvement council established in Section 59 20 60. The revised plan should look at every aspect of schooling, and must outline activities that, when implemented, can reasonably be expected to improve student performance and increase the rate of student progress. The plan must include actions consistent with each of the alternative researched based technical assistance criteria as approved by the Education Oversight Committee and the State Department of Education and consistent with the external review team report. The plan should provide a clear, coherent plan for professional development, which has been designed by the faculty, that is ongoing, job related, and keyed to improving teaching and learning. A school renewal plan must address professional development activities that are directly related to instruction in the core subject areas and may include the use of funds appropriated for technical assistance to provide compensation incentives in the form of salary supplements to classroom teachers who are certified by the State Board of Education. The purpose of the compensation packages is to improve student achievement and to improve the recruitment and retention of teachers with advanced degrees in schools designated as below average or school/district at risk. If the school renewal plan is approved, the school shall be permitted to use technical assistance funds to provide the salary supplements. A time line for implementation of the activities and the goals to be achieved must be included. (2) Once the revised plan is developed, the district superintendent and the local board of trustees shall review the school's strategic plan to determine if the plan focuses on strategies to increase student academic performance. Once the district board has approved the plan, it must delineate the strategies and support the district will give the plan.	Y	Y
385	SECTION 59-18-1510	State	Statute	Implementation of external review team process; activities and recommendations. (A) When a school receives a rating of school/district at risk or upon the request of a school rated below average, an external review team process must be implemented by the Department of Education to examine school and district educational programs, actions, and activities. The Education Oversight Committee, in consultation with the State Department of Education, shall develop the criteria for the identification of persons to serve as members of an external review team which shall include representatives from selected school districts, respected retired educators, State Department of Education staff, higher education representatives, parents from the district, and business representatives. (B) The activities of the external review team may include: (1) examining all facets of school operations, focusing on strengths and weaknesses, determining the extent to which the instructional program is aligned with the content standards, and recommendations which draw upon strategies from those who have been successful in raising academic achievement in schools with similar student characteristics; (2) consulting with parents, community members, and members of the School Improvement Council to gather additional information on the strengths and weaknesses of the school; (3) identifying personnel changes, if any, that are needed at the school and/or district level and discuss such findings with the board; (4) working with school staff, central offices, and local boards of trustees in the design of the school's plan, implementation strategies, and professional development training that can reasonably be expected to improve student performance and increase the rate of student progress in that school; (5) identifying needed support from the district, the State Department of Education, and other sources for targeted long term technical assistance; (6) reporting its recommendations, no later than three months after the school receives the designation of school/district at risk to the school, the district board of trustees, and the State Board of Education; and (7) reporting annually to the local board of trustees and state board over the next four years, or as	Y	Y
386	SECTION 59-18-1520	State	Statute	Declaration of emergency; hearing; courses of action. If the recommendations approved by the state board, the district's plan, or the school's revised plan are not satisfactorily implemented by the school rated school/district at risk and its school district according to the time line developed by the State Board of Education or if student academic performance has not met expected progress, the principal, district superintendent, and members of the board of trustees must appear before the State Board of Education to outline the reasons why a state of emergency should not be declared in the school. The state superintendent, after consulting with the external review committee and with the approval of the State Board of Education, shall be granted the authority to take any of the following actions: (1) furnish continuing advice and technical assistance in implementing the recommendations of the State Board of Education; (2) declare a state of emergency in the school and replace the school's principal; or (3) declare a state of emergency in the school and assume management of the school.	Y	Y

387	SECTION 59-18-1530	State	Statute	Teacher and principal specialists; recruitment, eligibility, duties, and incentives. (A) Teacher specialists on site may be assigned to an elementary, middle, or high school designated as below average or school/district at risk. Teacher specialists may be placed across grade levels and across subject areas when placement meets program criteria based on external review team recommendations, need, number of teachers receiving support, certification, and experience of the specialist. The Department of Education, in consultation with the Division of Accountability, shall develop a program for the identification, selection, and training of teachers with a history of exemplary student academic achievement to serve as teacher specialists on site. Retired educators may be considered for specialists. (B) In order to sustain improvement and help implement the review team’s recommendations, the specialists will teach and work with the school faculty on a regular basis throughout the school year for up to three years, or as recommended by the review team and approved by the state board. Teacher specialists are limited to three years of service at one school unless the specialist submits application for an extension, the application is accepted by the State Department of Education, and placement is made. Upon acceptance and placement, the specialist can receive the salary and supplement for two additional years but is no longer attached to the home district or guaranteed placement in the home district upon leaving the teacher specialist program. Teacher specialists must teach a minimum of three hours per day on average in team teaching or teaching classes. Teacher specialists shall not be assigned administrative duties or other responsibilities outside the scope of this section. The specialists will assist the school in gaining knowledge of best practices and well validated alternatives, demonstrate effective teaching, act as coach for improving classroom practices, give support and training to identify needed changes in classroom instructional strategies based upon analyses of assessment data, and support teachers in acquiring new skills. School districts are asked to cooperate in releasing employees for full time or part time employment as a teacher specialist. (C) To encourage and recruit teachers for assignment to below average and school/district at risk schools, those assigned to such schools will receive their salary and a supplement equal to fifty percent of the	Y	Y
388	SECTION 59-18-1540	State	Statute	Mentoring program for principals. Each principal continued in employment in schools designated as below average or school/district at risk must participate in a formal mentoring program with a principal. The Department of Education, working with the Education Oversight Committee, shall design the mentoring program. A principal mentor may be employed as a component of the technical assistance strategy.	Y	Y
389	SECTION 59-18-1550	State	Statute	Grant programs for schools designated as below average and for schools designated as unsatisfactory; funding. (A) The State Board of Education, working with the Accountability Division and the Department of Education, must establish grant programs for schools designated as below average and for schools designated as unsatisfactory. A school designated as below average will qualify for a grant to undertake needed retraining of school faculty and administration once the revised plan is determined by the State Department of Education to meet the criteria on high standards and effective activities. In order to implement the school district and school renewal plan, a school must be eligible to receive the technical assistance funding over the next three years in order to implement fully systemic reform and to provide opportunity for building local education capacity. Should student performance not improve, any revisions to the plan must meet high standards prior to renewal of the grant. The revised plan must be reviewed by the district board of trustees and the State Department of Education to determine what other actions, if any, need to be taken. Technical assistance funds previously received must be expended based on the revised plan. If deficient use is determined, those deficiencies must be identified, noted, and corrective action taken before additional funding will be given. (B) A public school assistance fund must be established as a separate fund within the state general fund for the purpose of providing financial support to assist poorly performing schools. The fund may consist of grants, gifts, and donations from any public or private source or monies that may be appropriated by the General Assembly for this purpose. Income from the fund shall be retained in the fund. All funds may be carried forward from fiscal year to fiscal year. The State Treasurer shall invest the monies in this fund in the same manner as other funds under his control are invested. The State Board of Education, in consultation with the commission, shall administer and authorize any disbursements from the fund. The State Board of Education shall promulgate regulations to implement the provisions of this section.	Y	Y

390	SECTION 59-18-1560	State	Statute	School district rated below average; appointment of external review committee; duties; recommendations; composition. (A) When a district receives a rating of below average, the state superintendent, with the approval of the State Board of Education, shall appoint an external review committee to study educational programs in that district and identify factors affecting the performance of the district. The review committee must: (1) examine all facets of school and district operations, focusing on strengths and weaknesses, determining the extent to which the instructional program is aligned with the content standards and shall make recommendations which draw upon strategies from those who have been successful in raising academic achievement in schools with similar student characteristics; (2) consult with parents and community members to gather additional information on the strengths and weaknesses of the district; (3) identify personnel changes, if any, that are needed at the school and/or district level and discuss such findings with the board; (4) work with school staff, central offices, and local boards of trustees in the design of the district's plan, implementation strategies, and professional development training that can reasonably be expected to improve student performance and increase the rate of student progress in the district; (5) identify needed support from the State Department of Education and other sources for targeted long term technical assistance; (6) report its recommendations, no later than three months after the district receives the designation of school/district at risk, to the superintendent, the district board of trustees, and the State Board of Education; and (7) report annually over the next four years to the local board of trustees and state board, or as deemed necessary by the state board, on the district's and school's progress in implementing the plans and recommendations and in improving student performance. (B) Within thirty days, the Department of Education must notify the superintendent and the district board	Y	Y
391	SECTION 59-18-1570	State	Statute	Designation of state of emergency in school district designated as school/district at risk; remedial actions. (A) If recommendations approved by the State Board of Education are not satisfactorily implemented by the school district according to the time line developed by the State Board of Education, or if student performance has not made the expected progress and the school district is designated as school/district at risk, the district superintendent and members of the board of trustees shall appear before the State Board of Education to outline the reasons why a state of emergency must not be declared in the district. (B) The state superintendent, with the approval of the State Board of Education, is granted authority to: (1) furnish continuing advice and technical assistance in implementing the recommendations of the State Board of Education to include establishing and conducting a training program for the district board of trustees and the district superintendent to focus on roles and actions in support of increases in student achievement; (2) mediate personnel matters between the district board and district superintendent when the State Board of Education is informed by majority vote of the board or the superintendent that the district board is considering dismissal of the superintendent, and the parties agree to mediation; (3) recommend to the Governor that the office of superintendent be declared vacant. If the Governor declares the office vacant, the state superintendent may furnish an interim replacement until the vacancy is filled by the district board of trustees. District boards of trustees negotiating contracts for the superintendency shall include a provision that the contract is void should the Governor declare that office of superintendency vacant pursuant to this section. This contract provision does not apply to existing contracts but to new contracts or renewal of contracts; and (4) declare a state of emergency in the school district and assume management of the school district. (C) The district board of trustees may appoint at least two nonvoting members to the board from a pool nominated by the Education Oversight Committee and the State Department of Education. The appointed members shall have demonstrated high levels of knowledge, commitment, and public service, must be recruited and trained for service as appointed board members by the Education Oversight Committee and	Y	Y
392	SECTION 59-18-1575	State	Statute	Technical assistance to underperforming schools and districts. (Effective May 23, 2016)		
393	SECTION 59-18-1580	State	Statute	Continuing review of instructional and organizational practices and delivery of technical assistance by Department of Education. To assist schools and school districts as they work to improve classroom practice and student performance, the Department of Education must increase the delivery of quality technical assistance services and the assessment of instructional programs. The department may need to reshape some of its organization and key functions to make them more consistent with the assistance required by schools and districts in developing and implementing local accountability systems and meeting state standards. The Department of Education must: (1) establish an ongoing state mechanism to promote successful programs found in South Carolina schools for implementation in schools with similar needs and students, to review evidence on instructional and organizational practices considered to be effective, and to alert schools and classroom teachers to these options and the sources of training and names of implementing schools; (2) provide information and technical assistance in understanding state policies, how they fit together, and the best practice in implementing them; and (3) establish a process for monitoring information provided for accountability and for assessing improvement efforts and implementation of state laws and policies which focuses on meeting the intent and purpose of those laws and policies.	Y	Y

394	SECTION 59-18-1590	State	Statute	Reallocation of technical assistance funding. Notwithstanding any other provision of law, and in order to provide assistance at the beginning of the school year, schools may qualify for technical assistance based on the criteria established by the Education Oversight Committee for school ratings and on the most recently available end of year assessment scores. In order to best meet the needs of low performing schools, the funding provided for technical assistance under the Education Accountability Act may be reallocated among the programs and purposes specified in this section. The State Department of Education shall establish criteria for reviewing and assisting schools rated school/district at risk or below average. Funds must be expended on strategies and activities expressly outlined in the school plan. The activities may include, but are not limited to, teacher specialist, principal specialist, curriculum specialist, principal leader, principal mentor, professional development, compensation incentives, homework centers, formative assessments, or comprehensive school reform efforts. The State Department of Education shall provide information on the technical assistance strategies and their impact to the State Board of Education, the Education Oversight Committee, the Senate Education Committee, the Senate Finance Committee, the House of Representatives Education and Public Works Committee, and the House of Representatives Ways and Means Committee annually.	Y	Y
395	SECTION 59-18-1595	State	Statute	Renumbered as Section 59 18 1590 by 2008 Act No. 282, Section 1, eff June 5, 2008.		
396	SECTION 59-18-1600	State	Statute	Parent orientation classes. (A) A school that has received a school/district at risk absolute academic performance rating on its most recent report card shall offer an orientation class for parents. The orientation class must focus on the following topics: (1) the value of education; (2) academic assistance programs that are available at the school and in the community; (3) student discipline; (4) school policies; (5) explanation of information that will be presented on the school's report card issued in November; and (6) other pertinent issues. (B) The school shall offer the orientation class each year the school receives a school/district at risk absolute academic performance rating on the school report card and shall provide parents with written notification of the date and time of the meeting. Schools are encouraged to offer the orientation class at a time in which the majority of parents would be able to attend. Additionally, schools are encouraged to provide orientation classes in community settings or workplaces so that the needs of parents with transportation difficulties or scheduling conflicts can be met. (C) A parent or guardian of each student who is registered to attend the school shall attend the orientation class each year it is offered.	N	N
397	SECTION 59-18-1610	State	Statute	Assistance to districts; monitoring of performance. (Effective June 5, 2016)		
398	SECTION 59-18-1700	State	Statute	Public information campaign; development and approval; funding. (A) An on going public information campaign must be established to apprise the public of the status of the public schools and the importance of high standards for academic performance for the public school students of South Carolina. A special committee must be appointed by the chairman of the Education Oversight Committee to include two committee members representing business and two representing education and others representing business, industry, and education. The committee shall plan and oversee the development of a campaign, including public service announcements for the media and other such avenues as deemed appropriate for informing the public. (B) A separate fund within the state general fund will be established to accept grants, gifts, and donations from any public or private source or monies that may be appropriated by the General Assembly for the public information campaign. Members of the Oversight Committee representing business will solicit donations for this fund. Income from the fund must be retained in the fund. All funds may be carried forward from fiscal year to fiscal year. The State Treasurer shall invest the monies in this fund in the same manner as other funds under his control are invested. The Oversight Committee shall administer and authorize any disbursements from the fund. Private individuals and groups shall be encouraged to contribute to this endeavor.	N	N
399	SECTION 59-18-1910	State	Statute	Homework centers. Schools receiving below average or school/district at risk designations may use technical assistance funds allocated pursuant to Section 59 18 1590 to provide homework centers that go beyond the regular school hours where students can come and receive assistance in understanding and completing their school work. Technical assistance funds provided for these centers may be used for salaries for certified teachers and for transportation costs.	Y	N

400	SECTION 59-18-1920	State	Statute	Modified school year or school day schedule; grant program established; application; implementation plan. (A) The State Board of Education, through the Department of Education, shall establish a grant program to encourage school districts to pilot test or implement a modified school year or school day schedule. The purpose of the grant is to assist with the additional costs incurred during the intersessions for salaries, transportation, and operations, or for additional costs incurred by lengthening the school day. For a district to qualify for a grant, all the schools within a specific feeder zone or elementary to middle to high school attendance area, must be pilot testing or implementing the modified year or day schedule. (B) To obtain a grant, a district shall submit an application to the state board in a format specified by the Department of Education. The application shall include a plan for implementing a modified year or day that provides the following: more time for student learning, learning opportunities that typically are not available in the regular student day, targeted assistance for students whose academic performance is significantly below promotion standards, more efficient use of facilities and other resources, and evaluations of the impact of the modified schedule. Local district boards of trustees shall require students whose performance in a core subject area, as defined in Section 59 18 300, is the equivalent of a “D” average or below to attend the intersessions or stay for the lengthened day and receive special assistance in the subject area. Funding for the program is as provided by the General Assembly in the annual appropriations act. Each grant award for program pilot testing or implementation may not exceed a three year period.	Y	Y
401	SECTION 59-18-1930	State	Statute	Review of state and local professional development; recommendations for improvement. The Education Oversight Committee shall provide for a comprehensive review of state and local professional development to include principal leadership development and teacher staff development. The review must provide an analysis of training to include what professional development is offered, how it is offered, the support given to implement skills acquired from professional development, and how the professional development enhances the academic goals outlined in district and school strategic plans. The Oversight Committee shall recommend better ways to provide and meet the needs for professional development, to include the use of the existing five contract days for in service. Needed revisions shall be made to state regulations to promote use of state dollars for training which meets national standards for staff development. Upon receipt of the recommendations from the comprehensive review of state and local professional development, the State Department of Education shall develop an accountability system to ensure that identified professional development standards are effectively implemented. As part of this system the department shall provide information on the identified standards to all principals and other professional development leaders. Training for all school districts in how to design comprehensive professional development programs that are consistent with the standards also shall be a part of the implementation. A variety of staff development options that address effective teaching and assessment of state academic standards and workforce preparation skills shall be included in the information provided to principals and other professional development leaders to ensure high levels of student achievement.	N	N
402	Chapter 19 not included - supposed to be like this?					
403	SECTION 59-20-10	State	Statute	Short title. This chapter shall be known and may be cited as the “South Carolina Education Finance Act of 1977”.	N	N
404	SECTION 59-20-20	State	Statute	Definitions. As used in this chapter: (1) “Foundation program” means the program proposed to establish substantially equitable current operation funding levels for programs for South Carolina’s public school students, regardless of their geographic location, after the students are transported to school and housed in school plants. (2) “Educational programs or elements of programs not included in the foundation program” means: (a) “Transportation”, which shall mean transportation to and from public schools for the students of South Carolina’s public schools provided by state, local or federal funds, or a combination thereof. (b) “Capital outlay”, which shall mean those funds used for the construction, improving, equipping, renovating or major repairing of school buildings or other school facilities, or the cost of acquisition of land whereon to construct or establish such school facilities in accordance with the definition provided in Section 59 21 310. (c) “Pilot programs”, which shall mean programs of a pilot or experimental nature usually designed for special purposes and for a specified period of time other than those included in the foundation program. (d) “Adult education”, which shall mean public education dealing primarily with students above eighteen years of age not enrolled as full time public school students and not classified as students of technical schools, colleges or universities of the State. (e) “Text books”, which shall mean books distributed under that system of rental and free text books now operated by the Department of Education. (f) “Food service programs”, which shall mean those programs dealing directly with the nutritional welfare of the student, such as the school lunch and school breakfast programs. (g) “Employee benefits”, which shall mean those benefits received by employees of the state public school systems and paid at least in part by the State, such as retirement, social security and health insurance. (3) “Index of taxpaying ability” means an index of a local district’s relative fiscal capacity in relation to that of all other districts of the State based on the full market value of all taxable property of the district	N	N

405	SECTION 59-20-23	State	Statute	Index of taxpaying ability calculation. When an appeal of the assessed value of property assessed pursuant to Section 12 43 220(a) extends for more than two years and the amount in dispute is more than thirty percent of the total of assessed value of property in the school district in which the property under appeal is located, the index of taxpaying ability for the school district must be calculated using the value asserted by the taxpayer in the appeal. If the final settlement of the appeal provides for an assessed value greater than the value asserted in the taxpayer's appeal, the local school district, within twelve months, must remit to the general fund of the State any additional funds received from the State Department of Education due to the utilization of the value of the facility asserted in the taxpayer's appeal. Any funds remitted to the general fund of the State pursuant to this section are considered current fiscal year funds appropriated under the Education Finance Act and must be included in the next distribution of such funds to school districts.	Y	N
406	SECTION 59-20-25	State	Statute	Index of taxpaying ability as applied to area in which a tax increment financing plan is in effect. For the purposes of computing the 'index of taxpaying ability' pursuant to item (3) of Section 3 of Act 163 of 1977 (South Carolina Education Finance Act) for any area in which tax increment financing plan is in effect the value to be used shall be the original assessed value plus any portion of the captured assessed value which is distributed among taxing authorities pursuant to Section 31 8 120.	N	N
407	SECTION 59-20-30	State	Statute	Declaration of legislative purpose. It is the purpose of the General Assembly in this chapter: (1) To guarantee to each student in the public schools of South Carolina the availability of at least minimum educational programs and services appropriate to his needs, and which are substantially equal to those available to other students with similar needs and reasonably comparable from a program standpoint to those students of all other classifications, notwithstanding geographic differences and varying local economic factors. (2) To encourage school district initiative in seeking more effective and efficient means of achieving the goals of the various programs. (3) To establish a procedure for the distribution of a specified portion of the state education funds so as to ensure that the funds are provided on the basis of need to the extent set forth by this chapter in order to guarantee a minimum level of funding for each weighted pupil unit in the State. (4) To make it possible for each school district to provide the defined minimum program within approximately five years from July 2, 1978, and to do so with an equal local tax effort. (5) To establish a reasonable balance between the portion of the funds to be paid by the State and the portion of the funds to be paid by the districts collectively in support of the foundation program. For the initial stage of this program the proportionate state share of the funds for this program shall be approximately seventy percent statewide and the remainder of the program shall be financed from local revenue sources. (6) To require each local school district to contribute its fair share to the required local effort, which is to be in direct proportion to its relative taxpaying ability. (7) To ensure that tax dollars spent in public schools are utilized effectively and to ensure that adequate programs serve all children of the State.	Y	N
408	SECTION 59-20-40	State	Statute	Determination of annual allocations. The annual allocation to each school district for the operation of the foundation program as it relates to the school district shall be determined as follows: (1) Computation of the basic amount to be included for current operation in the foundation program: (a) Each school district shall maintain a program membership of each school by compiling the student membership of each classification. The cumulative one hundred thirty five day average daily membership of each school district by program classification will determine its monetary entitlement. The district's average daily membership (ADM) will be computed, currently maintained, and reported in accordance with the regulations of the State Board of Education. Funds for the state's portion of the per pupil cost of the foundation program shall be disbursed monthly to the various school districts. End of year adjustments in state funds shall be made based on the one hundred thirty five day student average daily membership in each classification. (b) The base student cost shall be established annually by the General Assembly. The base student cost shall be established in such a manner that five years after July 2, 1978, the funding level shall approximate the cost of the defined minimum program as set forth by the State Board of Education. Each year the Office of Research and Statistics of the Revenue and Fiscal Affairs Office shall submit to the Legislature an estimate of the projected rate of inflation for the fiscal year to be budgeted, and the base student cost shall be adjusted to incorporate the inflated cost of providing the Defined Minimum Program. (c) Weightings, used to provide for relative cost differences, between programs for different students are established in order that funds may be equitably distributed on the basis of pupil needs. The criteria for qualifications for each special classification must be established by the State Board of Education according to definitions established in this article and in accordance with Sections 59 21 510, 59 35 10, 59 53 1860, and 59 53 1900. Cost factors enumerated in this section must be used to fund programs approved by the State Board of Education. Pupil data received by the Department of Education is subject to audit by the department. Cost factors or weightings are as follows:	Y	Y

409	SECTION 59-20-41	State	Statute	Inclusion of children admitted to residential institutions of the Department of Mental Health. Notwithstanding any other provision of law: All school districts providing educational services to children admitted or committed to residential institutions of the Department of Mental Health are authorized to count children admitted or committed to residential institutions of the Department of Mental Health from the first day of residency in such institutions, provided, that the first day is within the particular district's school year. The inclusion of these children is for the purpose of participation in the districts' educational programs for handicapped children supported under the Education Finance Act of South Carolina.	N	N
410	SECTION 59-20-50	State	Statute	Certain requirements shall be met; salary schedules. (1) Notwithstanding the computations prescribed in Section 59 20 40, the level of state contributions to each district shall not be reduced to a per pupil level of foundation program funds below that per pupil level of state funding of programs for the fiscal years prior to implementation of this chapter which will be incorporated in the foundation program. Provided, no district shall receive annually an increase in state funds less than the full rate of the inflationary adjustment in the base student cost specified in Section 59 20 40(1)(b). This increase shall be computed annually over and above the amount actually received from the State for the foundation program in the prior fiscal year. Provided, further, after the fiscal year 1982 83 no district shall receive annually an increase in state funds less than four fifths of the inflationary adjustment in the base student cost specified in Section 59 20 40(1)(b). This increase shall be computed annually over and above the amount actually received from the State for the foundation program in the prior fiscal year. Beginning July 1, 1994, no additional school district shall receive hold harmless funds under this subsection due to decreases in student numbers or upward adjustments in the index of taxpaying ability. (2) Notwithstanding any provisions of this chapter, any local school district may increase the local effort above the foundation program funding level as deemed necessary to meet the aspirations of the people of the district. (3) Eighty five percent of the funds appropriated through state and local effort for each weighted classification shall be spent in direct and indirect aid in the specific area of the program planned to serve those children who generated the funds. Districts expending less than the required eighty five percent of the appropriated amount shall be subject to a penalty the following fiscal year in the amount equal to the difference between the amount spent and the required eighty five percent figure. However, this requirement shall not apply to the funds generated by children in the pupil classification "Speech Handicapped Pupils". (4)(a) Each school district shall pay each certified teacher or administrator an annual salary at least equal	N	N
411	SECTION 59-20-55	State	Statute	Proficiency requirements as to employment as teacher. Beginning July 1, 1986, and thereafter, employment may be provided only to teachers who demonstrate minimum knowledge proficiency by meeting one of the criteria outlined in Section 59 20 50(4)(b). The criteria do not have to be met by teachers having twenty five years or more of teaching service as of the effective date of the South Carolina Education Improvement Act of 1984 in order for them to be employed.	N	N
412	SECTION 59-20-60	State	Statute	Spending priority; audits; evaluations and reports; statewide testing programs; Innovation Initiative; improvement councils; Education Finance Review Committee. (1) School districts shall give first spending priority of funds allocated under this chapter to full implementation of the defined minimum program. (2) The State Board of Education shall audit the programmatic and fiscal aspects of this chapter, including the degree to which a school meets all prescribed standards of the defined minimum program and shall report the results in the Annual Report of the State Superintendent of Education. Schools which have been classified as 'dropped' by the defined minimum program accreditation procedures are not eligible for funding in the following fiscal year until an acceptable plan to eliminate the deficiencies is submitted and approved by the State Board of Education. (3) Each school district board of trustees shall cause the district and each school in the district to develop comprehensive five year plans with annual updates to outline the District and School Improvement Plans. Districts which have not begun a strategic planning cycle must do so and develop a plan no later than the 1994 95 school year. Districts which have undertaken such a planning process may continue in their planning cycle as long as the process meets the intent of this section and the long range plans developed or under development can be amended to encompass the requirements of this section. For school year 1993 94, districts may submit either the improvement plan consistent with State Department guidelines or their five year comprehensive plan. The State Board of Education shall recommend a format for the plans which will be flexible and adaptable to local planning needs while encompassing certain state mandates, including the early childhood and academic assistance initiative plans pursuant to Section 59 139 10. All district and school plans must be reviewed and approved by the board of trustees. The District Plan should integrate the needs, goals, objectives, strategies, and evaluation methods outlined in the School Plans. Measures of effectiveness must include outcome and process indicators of improvement and must provide data regarding what difference the strategies have made. Staff professional development must be a priority in the development and implementation of the plans and must be based on an assessment of needs. Long and	Y	Y

413	SECTION 59-20-65	State	Statute	Furnishing by State Board of Education of services and training activities to support school improvement councils. The State Board of Education, acting through the existing School Council Assistance Project at the University of South Carolina, shall provide services and training activities to support school improvement councils and their efforts in preparing an annual school improvement report as required in this section.	Y	Y
414	SECTION 59-20-70	State	Statute	Exemption from statutory provisions relating to fiscal accountability of state agencies, departments and institutions. Notwithstanding any other provisions of law, any school district which complies with the provisions of Section 59 20 60 is exempted from the provisions of Article 15 of Chapter 1 of Title 1 relating to the fiscal accountability of state agencies, departments and institutions.	N	N
415	SECTION 59-20-80	State	Statute	School budgets shall be made public; itemization of salaries. Notwithstanding any other provision of law, each school board of trustees in this State shall annually make available to the general public its budget for that year, which budget shall include an itemized list of the average salaries paid to the superintendents, supervisors, administrators, principals, consultants, counselors and teachers employed by the district. No state aid shall be given to any school district whose board of trustees fails to comply with the provisions of this chapter.	N	N
416	Section 59-21-10 through 59-21-140 not included - supposed to be this way?					
417	SECTION 59-21-150	State	Statute	Reimbursement of district principals, teachers, and instructional supervisors for cost of college courses in field of specialization. Beginning in fiscal year 1985 86, all school district and state agency school employees required by the State Board of Education to hold State Board of Education certification are eligible for tuition reimbursement at a rate consistent with that charged at public colleges and universities every two years for successful completion of a three hour credit course in their field of specialization at a South Carolina public or private college, so long as they work in that field in a South Carolina public school or state agency school for the succeeding year. The reimbursement must be provided by the State from funds appropriated to the State Department of Education.	Y	Y
418	Sections 59-21-160 through 59-21-430 not included					
419	SECTION 59-21-440	State	Statute	Monthly reporting on approved expenditures and compliance with tax reduction requirement. The State Department of Education shall provide a monthly report to the State Board of Education, the Education Oversight Committee, The Committee on Financing Excellence, and the Education Business Partnership on approved expenditures and compliance with the tax reduction requirement.	Y	Y
420	Sections 59-21-450 through 510 not included					
421	SECTION 59-21-520	State	Statute	Supervision and expansion of special education program by State Department of Education. The special education program shall be under the supervision of the State Department of Education. The State Superintendent of Education shall expand the services of the State Department of Education to include through the Division of Instruction a more extensive program of special education for physically and educable mentally handicapped children in the various school districts of the State.	Y	Y
422	SECTION 59-21-530	State	Statute	State Superintendent authorized to employ additional personnel; salaries. The State Superintendent of Education may employ on the staff of the State Department of Education additional personnel, if such be necessary, of suitable professional qualifications, whose duties shall be, under the direction of the State Superintendent of Education, to help develop and supervise the special education program authorized in this article. The State Superintendent of Education is authorized to pay the salary of such additional personnel from the appropriation to the State Department of Education for the hard of hearing and speech program.	Y	Y

423	SECTION 59-21-540	State	Statute	Special educational services for which State aid allowed. The State Superintendent of Education shall reimburse school districts of the State for providing special educational services when in compliance with the provisions of this article and the rules and regulations of the State Board of Education, from the regular appropriations and for teachers' salaries, in such manner as is provided by law. Such State aid shall be allowed as follows: (1) For special educational services for the educable mentally handicapped, State aid shall be allowed (a) for a teacher employed with a minimum average daily attendance of ten enrolled in a self contained class, or (b) a teacher in educable mentally handicapped employed to serve a minimum caseload of twenty six educable mentally handicapped pupils for other instruction in a regular class. (2) For special education services for the trainable mentally handicapped, State aid shall be allowed for a teacher employed with a minimum average daily attendance of eight. (3) For special education for pupils with speech defects, State aid shall be allowed to school districts for speech clinicians (a) on the basis of one clinician per seventy five speech handicapped children with this special aid being allowed notwithstanding the fact that such children may be counted for regular State aid in regular classes, or (b) on the basis of one clinician per one thousand five hundred students where severe speech problems are present requiring more intensified therapy. (4) For special education for emotionally handicapped children, State aid shall be allowed (a) for a teacher employed with a minimum average daily attendance of eight enrolled in a self contained class, or (b) a teacher in emotionally handicapped employed to serve a minimum caseload of twenty six emotionally handicapped pupils enrolled for other instruction in a regular class. (5) For special education for hearing handicapped children, State aid shall be allowed (a) for a teacher with a minimum average daily attendance of six enrolled in a self contained class, or (b) a teacher in hearing handicapped employed to serve a minimum caseload of twelve hearing handicapped pupils enrolled for other instruction in a regular class. (6) For special education for visually handicapped children, State aid shall be allowed (a) for a teacher	Y	Y
424	SECTION 59-21-550	State	Statute	Qualifications of teachers. No person shall be employed as a teacher in the special education program in the State unless such person holds a valid teacher's certificate issued by the State Department of Education and, in addition, possesses such special qualifications as the State Board of Education may require, or holds a comparable certificate in special education as may be developed by the State Board of Education.	Y	Y
425	SECTION 59-21-560	State	Statute	Annual surveys and determination of eligibility for special education services by local school authorities. (1) County superintendents of education, with the cooperation of school boards and other school officials in the various counties of the State and with the special assistance of the county attendance teachers, shall make an annual survey to determine the number of physically and mentally handicapped children in the respective counties and school districts and shall report results of such survey to the State Superintendent of Education in such manner as the State Superintendent of Education may require. (2) It is the responsibility of the local school authorities, with the assistance of the State Department of Education, to determine by tests and special examination what pupils are eligible for special education services. No handicapped child shall be considered eligible for special education services except upon a certified diagnosis of a defect by competent and appropriate professional authorities acceptable to the State Department of Education.	Y	Y
426	SECTION 59-21-570	State	Statute	Districts may operate programs singly or jointly; eligibility of district for State aid. A school district may operate a special education program for children eligible for such services under the provisions of this article and rules and regulations of the State Board of Education, either as a district or jointly with other districts. When proper facilities have been provided and when application has been made to and approved by the State Department of Education, the district will become eligible for State aid as provided in this article.	Y	Y
427	SECTION 59-21-580	State	Statute	Rules, regulations and policies, of State Board of Education. The State Board of Education is directed to establish rules, regulations and policies: (1) For screening, classifying and determining, by use of standardization tests and such psychological and medical services as may be necessary, by qualified personnel, the eligibility of pupils to receive the benefits under the provisions of this article; (2) For determining certification requirements and special qualifications of teachers; (3) For outlining the manner and procedure by which applications for aid and plans for operation may be made and approved; and (4) For other matters not specified herein when necessary to carry out the provisions of this article.	Y	Y
428	SECTION 59-21-590	State	Statute	Confidentiality of data on handicapped children. Names of handicapped children served under this article shall be submitted to the State Department of Education only according to the policies and procedures prescribed by the United States Secretary of Health, Education and Welfare established to protect the confidentiality of data on handicapped children receiving education or related services at public expense.	N	N

429	SECTION 59-21-600	State	Statute	Distribution of funds for educational services to mentally handicapped pupils. Notwithstanding the provisions of Section 59 21 540, and in order to insure adequate educational services for trainable mentally handicapped pupils and profoundly mentally handicapped pupils in South Carolina school districts, the State Board of Education, upon the recommendation of the Education Oversight Committee, through the State Department of Education shall develop a Regulation for distribution of funds appropriated by the General Assembly for this purpose.	Y	Y
430	SECTION 59-21-710	State	Statute	State aid authorized for employment of school psychologist. The State Superintendent of Education is hereby authorized and directed to pay State aid to any county or school district in South Carolina employing a school psychologist under conditions as set forth in this article.	Y	Y
431	SECTION 59-21-720	State	Statute	Psychologists shall have certificates. All school psychologists employed by the counties or school districts shall have a valid certificate issued by the State Board of Education according to regulations established by the Board.	Y	Y
432	SECTION 59-21-730	State	Statute	Payment of State aid; amount. State aid for school psychologists shall be paid from the appropriation for State aid for teachers salaries. The amount of State aid for each psychologist employed shall be determined by the application of the same laws, rules and regulations as pertain to the existing State scale for paying teachers' salaries.	Y	N
433	SECTION 59-21-740	State	Statute	Eligibility for State aid; amount of State aid for which school may otherwise qualify not affected. Any county or school district shall be eligible for State aid for a school psychologist employed for each five thousand pupils enrolled; provided, that each county shall be eligible for State aid for at least one school psychologist. Provided, further, that any district or county may combine with any other school district or county in order to meet the minimum enrollment requirement and for the purpose of securing the services of a school psychologist. When school districts or counties are acting jointly in this respect, State aid shall be paid to the operating units in proportion to the enrollment in these units; provided, further, payments of State aid under the provisions of this article shall have no bearing on the amount of State aid for which a school may otherwise qualify regardless of the fact that pupils with whom the psychologist works may already have been counted for other purposes of State aid.	Y	N
434	SECTION 59-21-750	State	Statute	Psychologist employed by State Department of Education. The State Superintendent of Education shall employ a school psychologist in the State Department of Education in order to properly supervise the work of school psychologists employed by the counties and school districts and also to be available to help counties and school districts unable to employ a school psychologist.	Y	Y
435	SECTION 59-21-760	State	Statute	Rules and regulations. The State Board of Education may promulgate such rules and regulations as may be necessary to carry out the provisions of this article.	Y	Y
436	SECTION 59-21-1010	State	Statute	Disposition and allocation of revenues; special vote required to amend or repeal this section. (A) The revenue derived from Sections 12 36 2620(1) and 12 36 2630(1) must be remitted to the State Treasurer to be credited to the state public school building fund for the purposes provided for in Article 3 of Chapter 21 of Title 59 and any sum above that amount must be placed to the credit of the general fund of the State and must be used for school purposes only. (B) The revenue derived from Sections 12 36 2620(2), 12 36 2630(2), and 12 36 2640(2) must be deposited by the State Treasurer in the South Carolina Education Improvement Act of 1984 Fund as a fund separate and distinct from the general fund of the State. All unappropriated money in this fund and earning on investments from this fund must remain part of the separate fund and must not be deposited in the general fund except as provided for in this section. Money from this fund may be spent only for elementary and secondary school purposes. Any change in the management or use of this fund for other than elementary and secondary education is permitted only by a two thirds vote provided in this section. (C)(1) Upon implementation of the provisions of this section by law, the law may not be amended or repealed except by special vote provided in this section. (2) For purposes of this subsection, a special vote means an affirmative two thirds vote of the total membership of the Senate and an affirmative two thirds vote of the total membership of the House of Representatives. All monies appropriated from the Education Improvement Act of 1984 Fund which are disbursed by the State Department of Education must be appropriated in one division of the section in the annual general appropriations act making appropriations for the State Department of Education.	N	N
437	SECTION 59-21-1020	State	Statute	Department of Education to monitor and audit disbursements; reversion of unexpended appropriations. The State Department of Education shall carefully monitor and audit the disbursement of monies from the South Carolina Education Improvement Act Fund. Any line item appropriation not fully expended for any program under the South Carolina Education Improvement Act of 1984 reverts to the fund.	Y	Y
438	59-21-1030 not inluded					

439	SECTION 59-21-1040	State	Statute	Compensation and employer contributions; funding. The compensation and employer contributions of any new personnel employed for the purpose of implementing specific provisions of the South Carolina Education Improvement Act of 1984 must be paid from funds appropriated for that purpose by the General Assembly from funds derived from increased revenue provided for in the Education Improvement Act of 1984 Fund. This may not be construed to preclude any school district from providing additional compensation and employee contributions for the purpose of implementing specific provisions of the South Carolina Education Improvement Act of 1984. School district employees are not entitled to receive any across the board pay increases or employer contributions provided for other state employees in the annual general appropriation act unless otherwise authorized by the General Assembly in that act.	Y	Y
440	SECTION 59-21-1210	State	Statute	Campus incentive program established; funding. The State Board of Education, in consultation with the Education Oversight Committee, shall develop and implement a campus incentive program to reward faculty members who demonstrate superior performance and productivity. Funds for the campus incentive program must be provided by the General Assembly in the annual general appropriations act.	Y	Y
441	SECTION 59-21-1220	State	Statute	Guidelines for development of program; campus incentive advisory committee; distribution of funds; regulations. The campus incentive program must be developed based on the following guidelines: (1) exceptional improvement in or the maintenance of superior student performance, with consideration given to rewarding schools which demonstrate exceptional improvement or maintenance of superior performance by all the groups of students at various levels of performance; (2) the school must have met or surpassed the goals and strategies outlined in its school improvement report; (3) no faculty member may receive funds under the incentive program unless all the established eligibility criteria are met; (4) faculty, for the purposes of this program, includes principals, assistant principals, vocational education directors, special education teachers, kindergarten teachers, classroom teachers, librarian/media specialists, guidance counselors, psychologists, school nurses, aides, and others as determined by the advisory committee; (5) consideration must be given to using part of each campus incentive reward for faculty use for school improvement for such activities as research, planning meetings, curriculum development, where faculty are paid for their time and effort, and for allowing faculty to consider such uses of the faculty incentive reward; (6) no later than August 1, 1991, a campus incentive advisory committee must be appointed to advise on the development and implementation of the program. The advisory committee must be appointed, after receiving nominations, as set forth in this item, and consists of six at large members, three appointed by the Governor and three appointed by the State Superintendent of Education, and the following members appointed by the State Board of Education: one school board member; two elementary teachers; two middle or junior high school teachers;	Y	Y
442	SECTIONS 59-23-10 to 59-23-190	State	Statute	Repealed by 2003 Act No. 87, Section 2, eff July 16, 2003.		
443	SECTION 59-23-210	State	Statute	Construction, improvement, and renovation of public schools; compliance with the South Carolina School Facilities Planning and Construction Guide; committee members; submission of plans. (A) All construction, improvement, and renovation of public school buildings and property on or after the effective date of this section shall comply with the latest applicable standards and specifications set forth in the South Carolina School Facilities Planning and Construction Guide as published by the South Carolina Department of Education. This guide must be reviewed and updated on an annual basis by a committee appointed by the South Carolina Department of Education. The committee shall consist of a minimum of two architects and one engineer who are all registered in South Carolina and experienced in K 12 design, one K 12 school administrator, one representative of the K 12 construction industry, the State Fire Marshal or his designee, a representative of the Traffic Engineering Division of the South Carolina Department of Transportation, and two representatives of the South Carolina Department of Education. In addition, the Chairman of the House of Representatives Education and Public Works Committee or his designee and the Chairman of the Senate Education Committee or his designee shall also serve as members of the committee, ex officio. (B) All construction, improvement, and renovation of public school buildings and property on or after the effective date of this section must have plans and specifications submitted to the State Superintendent of Education or the superintendent's designee. Approval of the plans and specifications by the State Superintendent of Education or the superintendent's designee must be received before public bidding before the construction can begin. Plans and specifications must be coordinated with county officials such as traffic engineers and zoning administrators.	Y	Y

444	SECTION 59-23-220	State	Statute	Inspections; certificate of approval. All construction, improvements, and renovation of public school buildings and property must be inspected by the State Superintendent of Education or the superintendent's designee for compliance with the applicable codes and standards. A certificate of approval must be obtained from the State Superintendent of Education or the superintendent's designee before a building may be occupied.	Y	Y
445	SECTION 59-23-230	State	Statute	Waiver from applicable school building regulations; property owner permitted to lease building to school board for use as public school. (A) Notwithstanding any other provision of law, the State Superintendent of Education is authorized to grant a waiver from applicable school building regulations relating to building square foot requirements for construction of a new public school building or for the conversion of an existing commercial building into a public school facility. As part of the waiver request, districts must supply documentation of the suitability of the property and justification for the waiver request. (B) The authority granted the State Superintendent of Education under this section is superior to and supersedes provisions of applicable state school building regulations and the authority of a local building official or entity to disapprove the variances granted by the waiver. A provision of fire and life safety standards or specifications must not be waived. (C) The property owner of a building considered appropriate for conversion to a public school by the State Superintendent of Education may lease its building to a local school board of trustees to be used as a public school within the district.	Y	Y
446	SECTION 59-23-240	State	Statute	Inspection of public schools required after waiver of school building regulations granted. All construction, improvements, and renovation of public school buildings and property for which waivers have been granted pursuant to Section 59 23 230 must be inspected by the State Superintendent of Education or the superintendent's designee before occupancy for compliance with the applicable waivers and standards.	Y	Y
447	SECTION 59-23-250	State	Statute	Minimum lot requirements prohibited; acquisitions or additions on existing properties. (A) Notwithstanding another provision of law, a requirement that public schools be constructed on a lot or parcel of certain minimum size is prohibited. (B) School districts must receive approval from the South Carolina Department of Education prior to property acquisition or additions on existing properties.	Y	N
448	Sections 59-24-5, and 15 - 35 not included					
449	SECTION 59-24-10	State	Statute	Assessment of leadership and management capabilities before appointment as principal. Beginning with the school year 1999 2000, before permanent appointment as a principal for an elementary school, secondary school, or career and technology center, a person must be assessed for instructional leadership and management capabilities by the Leadership Academy of the South Carolina Department of Education. A district may appoint a person on an interim basis until the assessment is completed. A report of this assessment must be forwarded to the district superintendent and board of trustees. The provisions of this section do not apply to a person currently employed as principal on the effective date of this section or to a person hired as principal before the beginning of school year 1999 2000.	Y	Y
450	SECTION 59-24-40	State	Statute	Development and adoption of statewide performance standards for principals; annual evaluation of principals; training program for principals receiving unsatisfactory rating. For the purposes of assisting, developing, and evaluating principals, the State Board of Education, through the State Department of Education, shall adopt criteria and statewide performance standards which shall serve as a foundation for all processes used for assisting, developing, and evaluating principals employed in the school districts of this State. The State Department of Education shall select or cause to be developed and the State Board of Education shall promulgate regulations for the evaluation of the performance of all principals based on those criteria and standards. School districts shall use the standards and procedures adopted by the State Board of Education for the purpose of evaluating all principals at least once every three years. The State Department of Education shall ensure that the criteria and standards are valid and reliable and are appropriately administered. Evaluation results must be provided in writing and a professional development plan established based on the principal's strengths and weaknesses and taking into consideration the school's strategic plan for improvement for the purpose of improving the principal's performance. Any principal whose performance on an evaluation is rated unsatisfactory must be evaluated again within one year. Nothing in this section limits or prohibits school districts from setting additional and more stringent standards for the evaluation of principals. A satisfactory rating on the evaluation is one of several criteria for overall performance evaluation and is not sufficient for reemployment as a principal by a school district. The State Department of Education shall review the implementation of the principal evaluation in the school districts for the purpose of providing technical assistance and ensuring the evaluations are appropriately administered. The provisions of this section must be implemented according to the following schedule: 1997 98 school year: Identification of criteria and standards; 1998 99 school year: Development and testing of criteria, standards, and procedures in selected districts; 1999 2000 school year: Statewide implementation.	Y	Y

451	SECTION 59-24-50	State	Statute	Continuous professional development programs. By January 1, 1999, the South Carolina Department of Education's Leadership Academy shall develop, in cooperation with school districts, district consortia, and state supported institutions of higher education, continuous professional development programs which meet national standards for professional development and focus on the improvement of teaching and learning. By July 1, 1999, programs funded with state funds must meet these standards and must provide training, modeling, and coaching on effective instructional leadership as it pertains to instructional leadership and school based improvement, including instruction on the importance of school improvement councils and ways administrators may make school improvement councils an active force in school improvement. The training must be developed and conducted in collaboration with the School Council Assistance Project.	Y	Y
452	SECTION 59-24-60	State	Statute	Requirement of school officials to contact law enforcement authorities when criminal conduct occurs. In addition to other provisions required by law or by regulation of the State Board of Education, school administrators must contact law enforcement authorities immediately upon notice that a person is engaging or has engaged in activities on school property or at a school sanctioned or sponsored activity which may result or results in injury or serious threat of injury to the person or to another person or his property as defined in local board policy.	Y	Y
453	SECTION 59-24-65	State	Statute	Principals' Executive Institute (PEI); program design task force; purpose; governing regulations; focus. The State Department of Education shall establish a Principals' Executive Institute (PEI) with the funds appropriated for that purpose. (1) A task force appointed by the State Superintendent of Education shall begin on or before July 1, 1999, to design this program so that the first class of participants shall begin during school year 1999 2000. The task force shall include, but is not limited to, representatives from the State Department of Education, business leaders, university faculty, district superintendents, school principals, South Carolina Teachers of the Year, representatives from professional organizations, members of the Education Oversight Committee, and appropriate legislative staff. (2) The purpose of the PEI is to provide professional development to South Carolinas principals in management and school leadership skills. (3) By January 1, 2000, the State Board of Education shall establish regulations governing the operation of the PEI. (4) The focus of the first year of the Principals' Executive Institute shall be to serve the twenty seven principals from impaired schools and other experienced principals as identified by the South Carolina Leadership Academy of the Department of Education and as approved by the local public school districts which employ such principals. (5) The creation of the Principals' Executive Institute shall not duplicate the State Department of Educations Leadership Academy programs but shall provide intensive, in depth training in business principles and concepts as they relate to school management and the training and developmental programs for principals mandated under the 1998 Education Accountability Act.	Y	Y
454	SECTION 59-24-80	State	Statute	Formal induction program for first year principals. Beginning with school year 1999 2000, each school district, or consortium of school districts, shall provide school principals serving for the first time as the head building administrators with a formalized induction program in cooperation with the State Department of Education. The State Board of Education must develop regulations for the program based on the criteria and statewide performance standards which are a part of the process for assisting, developing, and evaluating principals employed in the school districts. The program must include an emphasis on the elements of instructional leadership skills, implementation of effective schools research, and analysis of test scores for curricular improvement.	Y	Y
455	SECTION 59-24-100	State	Statute	Establishment and funding of school principal incentive program. The State Board of Education acting with the assistance of the Education Oversight Committee shall cause to be developed and implemented a school principal incentive program to reward school principals who demonstrate superior performance and productivity. Funds for school principal incentive programs must be provided by the General Assembly in the annual general appropriation act.	Y	Y

456	SECTION 59-24-110	State	Statute	Guidelines for development of program; promulgation of regulations; distribution of funds to school districts on per principal basis. The school principal incentive program must be developed based on the following guidelines: (1) The State Board of Education shall identify incentive criteria in school year 1984 85. The State Board shall cause no more than three programs to be developed or selected in nine school districts in school year 1985 86. Pilot testing of no more than these three programs must occur in nine school districts, designated by the State Board upon the recommendation of the Education Oversight Committee, in school year 1986 87 and by regulation implemented statewide beginning with school year 1987 88. (2) No school principals shall receive funds under the incentive program unless the individual meets or exceeds all eligibility standards set out in the district's program. (3) Prior to the 1987 88 school year, the State Board, with the assistance of an advisory committee it appoints, and acting through the State Department of Education, shall establish by regulation an incentive program for rewarding and retaining principals who demonstrate superior performance and productivity. (4) The incentive program shall include: (a) evaluation for instructional leadership performance as it related to improved student learning and development; (b) evaluation by a team which includes school administrators, teachers, and peers; (c) evidence of self improvement through advanced training; (d) meaningful participation of school principals in the development of the plan; and (e) working with student teachers whenever possible. (5) Funds for the school principal incentive program must be distributed to the school districts of the State on a per principal basis. Principal incentive rewards may not exceed five thousand dollars a principal. The State Board of Education shall promulgate regulations that ensure that the districts of the state utilize the funds in an appropriate manner and establish a procedure for redistributing funds from districts that do not require all of their allocations.	Y	Y
457	SECTION 59-24-120	State	Statute	Apprenticeship for principal. The State Board of Education shall establish guidelines for selected school districts of this State to implement programs whereby persons who demonstrate outstanding potential as principals in the opinion of the district may be given the opportunity to serve an apprenticeship as a principal in the selected districts.	Y	Y
458	SECTION 59-24-130	State	Statute	Principal, defined. For purposes of funds appropriated in the annual general appropriations act and program eligibility for the School Principal Incentive Program and the School Administrator Evaluation Program, the term "principal" also includes the administrative head of a career and technology center.	N	N
459	Sections 59-25-10 through 57 not included					
460	SECTION 59-25-110	State	Statute	System for examination and certification of teachers. The State Board of Education, by rules and regulations, shall formulate and administer a system for the examination and certification of teachers.	Y	Y
461	SECTION 59-25-115	State	Statute	Notice to enrollee in teacher education program regarding effect of prior criminal record; criminal records check and fingerprinting requirements. (A) A person enrolled in a teacher education program in South Carolina must be advised by the college or university that his prior criminal record could prevent certification as a teacher in this State in accordance with State Board of Education guidelines. (B) Before beginning full time clinical teaching experience in this State, a teacher education candidate shall undergo a state criminal records check by the South Carolina Law Enforcement Division and a national criminal records check supported by fingerprints by the Federal Bureau of Investigation. The cost associated with the FBI background checks are those of the applicant. Information reported relative to prior arrests or convictions will be reviewed by the State Department of Education, and the State Board of Education when warranted, according to board guidelines. A teacher education candidate with prior arrests or convictions of a serious nature that could affect his fitness to teach in the public schools of South Carolina may be denied the opportunity to complete the clinical teaching experience and qualify for initial teacher certification. An individual who is denied this opportunity as a result of prior arrests or convictions, after one year, may request reconsideration under guidelines established by the State Board of Education. (C) A graduate of a teacher education program applying for initial teacher certification must have completed the FBI fingerprint process within eighteen months of formally applying for initial teacher certification or the fingerprint process must be repeated.	Y	Y
462	SECTION 59-25-120	State	Statute	Examination on United States Constitution and loyalty thereto. All persons applying for certificates authorizing them to become teachers in the public schools of this State shall, in addition to other requirements and before receiving such certificate, be required to pass a satisfactory examination upon the provisions and principles of the Constitution of the United States and shall also satisfy the examining power of their loyalty thereto.	N	N

463	SECTION 59-25-130	State	Statute	Record of teachers' certificates. A full record of all teachers' certificates shall be kept in the State Department of Education showing the name, age, sex, color and date of certificate of each person and such other information as may be desired.	Y	Y
464	SECTION 59-25-140	State	Statute	Fee for duplicate certificate; use of resulting fund. The board of examiners for teachers may charge a fee of fifty cents for every duplicate certificate. The proceeds from such fees shall be deposited with the State Treasurer to be used by the board of examiners to cover the expense and labor of issuing duplicate certificates promptly and to pay the traveling expenses of the director of the board of examiners while in the discharge of his official duties. All disbursements of such fees shall be made only on vouchers approved by the State Superintendent of Education. An itemized statement of such expenditures shall be kept and published in the annual report of the State Superintendent of Education.	Y	Y
465	SECTION 59-25-150	State	Statute	Revocation or suspension of certificate. The State Board of Education may, for just cause, either revoke or suspend the certificate of any person. HISTORY: 1962 Code Section 21 375; 1974 (58) 1928. SECTION 59 25 160. Revocation or suspension of certificate; "just cause" defined. "Just cause" may consist of any one or more of the following: (1) Incompetence; (2) Wilful neglect of duty; (3) Wilful violation of the rules and regulations of the State Board of Education; (4) Unprofessional conduct; (5) Drunkenness; (6) Cruelty; (7) Crime against the law of this State or the United States; (8) Immorality; (9) Any conduct involving moral turpitude; (10) Dishonesty; (11) Evident unfitness for position for which employed; or (12) Sale or possession of narcotics.	Y	Y
466	160 not included					
467	SECTION 59-25-170	State	Statute	Revocation or suspension of certificate; notice to teacher and opportunity for hearing. No person's certificate may be either revoked or suspended unless written notice specifying the cause for either the revocation or suspension has been given to the person by the State Board of Education and a hearing has been afforded such person.	Y	Y
468	SECTION 59-25-180	State	Statute	Revocation or suspension of certificate; notice to district board of trustees. Whenever the State Board of Education either revokes or suspends a certificate of any person it shall immediately notify the chairman of the district board of trustees that employs such person of the revocation or suspension.	Y	Y
469	SECTION 59-25-190	State	Statute	Revocation or suspension of certificate; effect; payment of salary. The revocation or suspension of the certificate of any person shall terminate the employment of such person until such time as a decision is reached concerning the charge against such person; however, such person shall be paid until the final disposition of the case by the State Board of Education.	Y	Y
470	SECTION 59-25-200	State	Statute	Within fifteen days after receipt of notice of revocation or suspension, such person may serve upon the chairman of the State Board of Education or the State Superintendent of Education a written request for either a public or private hearing before the board. The hearing shall be held by the board not less than ten days nor more than twenty days after the request is served, and a notice of the time and place of the hearing shall be given the person not less than four days prior to the date of the hearing. At the hearing, which shall be as summary and as simple as reasonably may be, the parties may appear in person and by counsel, if desired, and may present any testimony, under oath, or other evidence as may be pertinent. Within fifteen days following the hearing, the board shall determine whether there existed just cause for the notice of revocation or suspension and shall render its written order accordingly either affirming, withdrawing, or modifying the notice of revocation or suspension.	Y	Y
471	SECTION 59-25-210	State	Statute	Revocation or suspension of certificate; power of board to issue subpoenas, administer oaths and examine witnesses. The State Board of Education, for the purposes of this article, shall have the power to subpoena witnesses, to administer oaths, and to examine witnesses and such parts of any books and records as relate to the issue or issues involved.	N	Y

472	SECTION 59-25-220	State	Statute	Revocation or suspension of certificate; depositions. Any party to such proceedings may cause to be taken the deposition of witnesses within or without the State and either by commission or de bene esse. Such depositions shall be taken in accordance with and subject to the same provisions, conditions, and restrictions as apply to the taking of like depositions in civil actions at law in the court of common pleas, and the same rules with respect to the giving of notice to the opposite party, the taking and transcribing of testimony, the transmission and certification thereof and matters of practice relating thereto shall apply.	N	N
473	SECTION 59-25-230	State	Statute	Revocation or suspension of certificate; service of notices. Notices to be given by a party shall be served upon the opposite party prior to the filing thereof. All notices shall be served in person or by registered mail.	N	N
474	SECTION 59-25-240	State	Statute	Revocation or suspension of certificate; service of subpoenas; witness fees. The county sheriffs and their respective deputies shall serve all subpoenas of the State Board of Education and shall receive the same fees as are now provided by law for like service. Each witness who appears in obedience to such subpoena shall receive for attendance the fees and mileage of witnesses in civil cases in the courts of the county in which the hearing is held.	N	N
475	SECTION 59-25-250	State	Statute	Revocation or suspension of certificate; powers and duties of court of common pleas; warrant for production of witnesses. (A) Upon application by the State Board of Education, the court of common pleas shall enforce by proper proceedings the attendance and testimony of witnesses and the production of books, papers, and records. The unexcused failure or refusal to attend and give testimony or produce books, papers, and records as may have been required in any subpoena issued by the State Board of Education is a misdemeanor. A person who engages in this conduct, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both. (B) The State Board of Education may issue to the sheriff of the county in which a hearing is held a warrant requiring him to produce at the hearing a witness who has ignored or failed to comply with any subpoena issued by the State Board of Education and properly served upon the witness. The warrant authorizes the sheriff to arrest and produce at the hearing the witness, and it is his duty to do so. The failure of a witness to appear in response to a subpoena may be excused on the same grounds as provided by law for the attendance of witnesses in the courts of this State.	Y	Y
476	SECTION 59-25-260	State	Statute	Revocation or suspension of certificate; appeals. The findings of fact by the State Board of Education are final and conclusive. A person aggrieved by the order of the State Board of Education, within thirty days, may appeal to the Administrative Law Court as provided in Sections 1 23 380(B) and 1 23 600(D), to review errors of law only, by filing with the Administrative Law Court and the State Board of Education notice of appeal. The State Board of Education shall file a certified copy of the record with the Administrative Law Court in accordance with its rules of procedure. An appeal from the order of the Administrative Law Court must be taken in the manner provided by the South Carolina Appellate Court Rules.	N	N
477	SECTION 59-25-270	State	Statute	Revocation or suspension of certificate; reinstatement. If either the State Board of Education, the court of common pleas, the court of appeals, or the Supreme Court of South Carolina reverses the order of revocation or suspension, the person whose certificate had been either revoked or suspended by the state board shall be fully reinstated and shall receive all salary lost as a result of such revocation or suspension of his certificate; provided, however, that where the State Board of Education, within the time prescribed by law, appeals from an order of the court of common pleas reversing an order of revocation or suspension rendered by the State Board of Education, the person whose certificate had either been revoked or suspended by the state board shall not be entitled to be reinstated and to receive all salary lost as a result of his certificate's revocation or suspension by the state board unless and until the Supreme Court or court of appeals affirms the order of the court of common pleas.	N	N
478	SECTION 59-25 280	State	Statute	Crimes warranting revocation, refusal to issue or nonrenewal of certificate. (A) The State Board of Education permanently shall revoke, refuse to issue, or renew a certificate without a hearing, if the holder of or applicant for the certificate pleads guilty, pleads nolo contendere, or is found guilty of the following crimes, whether or not a sentence is imposed and regardless of where the matter was tried: (1) a violent crime as defined in Section 16 1 60; (2) certain offenses related to obscenity, material harmful to minors, child exploitation, and child prostitution, including Sections 16 15 305, 16 15 335, 16 15 345, 16 15 355, 16 15 365, 16 15 385, 16 15 387, 16 15 395, 16 15 405, 16 15 410, 16 15 415, and 16 15 425; or (3) a criminal offense similar in nature to the crimes listed in items (1) and (2) committed in other jurisdictions or pursuant to federal law. (B) A school district may not employ an educator in any capacity whose South Carolina certificate is revoked pursuant to subsection (A).	Y	Y

479	SECTION 59-25-310	State	Statute	Authority to hire individuals with passport certificate issued by the American Board for the Certification of Teacher Excellence (ABCTE). In addition to individuals certified for employment as school teachers pursuant to Article 3 of this chapter, a school district may hire individuals who have received a passport certificate issued by the American Board for the Certification of Teacher Excellence (ABCTE) and who meet the requirements of this article in the content areas of biology, chemistry, English, mathematics, physics, or science. Additional areas of certification may be approved by the State Board of Education upon review of the longitudinal information required in Section 59 25 350.	N	N
480	SECTION 59-25-320	State	Statute	State and national criminal records check. A person who has received a passport certificate issued by the ABCTE must not be hired by a school district in South Carolina without submitting to the State Department of Education, Office of Educator Certification at the time of application a Federal Bureau of Investigation fingerprint card and without having undergone a criminal records check by the South Carolina Law Enforcement Division and a national criminal records check supported by fingerprints and conducted by the Federal Bureau of Investigation pursuant to Section 59 25 115(B) completed within the previous eighteen months.	N	N
481	SECTION 59-25-350	State	Statute	Reports. The State Department of Education shall submit annually by March thirty first to the State Board of Education and the General Assembly the total number of individuals employed in South Carolina with a passport certificate issued by ABCTE by district and nonprivileged information collected on these individuals through the ADEPT reporting system.	Y	Y
482	SECTION 59-25-360	State	Statute	Rights of persons hired pursuant to article. A person who has completed all requirements of this article and has been hired by a school district has the same responsibilities and rights as other teachers hired by the district.	Y	N
483	SECTION 59-25-410	State	Statute	Notification of employment for ensuing year; notification of assignment. (A) The boards of trustees of the several school districts annually before May first shall decide and notify, in writing, a teacher, as defined in Section 59-1-130, whom the district employs concerning his reemployment for the ensuing year. If the superintendent fails to notify a teacher who has been employed by a school district for a majority of the current school year of his status for the ensuing year, the teacher is considered to be reemployed for the ensuing year and the board shall issue a contract to him as though the board had reemployed him in the usual manner. Notice of the superintendent's recommendation not to renew an employment contract must be given in writing before May first. (B) On or before August fifteenth, the superintendent, principal, where applicable, or supervisor shall notify the teacher of his tentative assignment for the ensuing school year. (C) This section does not apply to a teacher whose contract of employment or dismissal is under appeal under Section 59-25-450. (D) For purposes of this article, "teacher" means an employee possessing a professional certificate issued by the State Department of Education, except an employee working pursuant to a multiyear contract.	Y	N
484	SECTION 59-25-415	State	Statute	Priority for certified personnel as to rehiring within two years; mailing of notice of intent to rehire. Certified personnel who have taught in a school district for at least one year and who are dismissed for economic reasons have priority for being rehired to fill any vacancy for which they are qualified which occurs within two years from the date of their dismissal. A school district has complied with the requirements of this section by mailing a notice of intent to rehire to the teacher's last known address.	N	N
485	SECTION 59-25-420	State	Statute	Teacher required to notify board of acceptance; opportunity for hearing if not reemployed. Any teacher who is reemployed by written notification pursuant to Section 59 25 410 shall by April twenty fifth first notify the board of trustees in writing of his acceptance of the contract. Failure on the part of the teacher to notify the board of acceptance within the specified time limit shall be conclusive evidence of the teacher's rejection of the contract. Any teacher, receiving a notice that he will not be reemployed for the ensuing year, shall have the same notice and opportunity for a hearing provided in subsequent sections for teachers dismissed for cause during the school year.	N	N

486	SECTION 59-25-430	State	Statute	Dismissal of teachers; grounds; opportunity for hearing; suspension pending resolution of charges. Any teacher may be dismissed at any time who shall fail, or who may be incompetent, to give instruction in accordance with the directions of the superintendent, or who shall otherwise manifest an evident unfitness for teaching; provided, however, that notice and an opportunity shall be afforded for a hearing prior to any dismissal. Evident unfitness for teaching is manifested by conduct such as, but not limited to, the following: persistent neglect of duty, willful violation of rules and regulations of district board of trustees, drunkenness, conviction of a violation of the law of this State or the United States, gross immorality, dishonesty, illegal use, sale or possession of drugs or narcotics. Notwithstanding the provisions of Section 59 25 450, when any teacher is charged with a violation of the law of this State or the United States which upon conviction may lead to, or be cited as a reason for, dismissal, such teacher may be suspended pending resolution of the charges and receive his usual compensation during the suspension period, such compensation not to exceed the term of his teaching contract. If the teacher is convicted, including pleading guilty or nolo contendere to the charges, he may then be subject to dismissal proceedings. If no conviction results, his suspension shall be terminated.	N	N
487	SECTION 59-25-440	State	Statute	Written notice to teacher of possible dismissal; school administrator required to make reasonable effort to assist teacher in corrective measures; reasonable time for improvement required. Whenever a superior, principal, where applicable, or supervisor charged with the supervision of a teacher finds it necessary to admonish a teacher for a reason that he believes may lead to, or be cited as a reason for, dismissal or cause the teacher not to be reemployed he shall: (1) bring the matter in writing to the attention of the teacher involved and make a reasonable effort to assist the teacher to correct whatever appears to be the cause of potential dismissal or failure to be reemployed and, (2) except as provided in Section 59 25 450, allow reasonable time for improvement.	N	N
488	SECTION 59-25-450	State	Statute	Suspension of teachers; reinstatement. Whenever a superintendent has reason to believe that cause exists for the dismissal of a teacher and when he is of the opinion that the immediate suspension of the teacher is necessary to protect the well being of the children of the district or is necessary to remove substantial and material disruptive influences in the educational process, in the best interest of the children in the district, the superintendent may suspend the teacher without notice or without a hearing. The superintendent shall notify the teacher in writing of the suspension. Such written notice shall include the cause for suspension and the fact that a hearing before the board is available to the teacher upon request provided such request is made in writing within fifteen days as prescribed by Section 59 25 470. The salary of a suspended teacher shall cease as of the date the board sustains the suspension. If sufficient grounds for suspension are not subsequently found, the teacher shall be reinstated without loss of compensation.	N	N
489	SECTION 59-25-460	State	Statute	Notice of dismissal; conduct of hearing. No teacher shall be dismissed unless written notice specifying the cause of dismissal is first given the teacher by the District Board of Trustees and an opportunity for a hearing has been afforded the teacher. Such written notice shall include the fact that a hearing before the board is available to the teacher upon request provided, such request is made in writing within fifteen days as prescribed by Section 59 25 470. Any such hearing shall be public unless the teacher requests in writing that it be private. The District Board of Trustees may issue subpoenas requiring the attendance of witnesses at any hearing and, at the request of the teacher against whom a charge is made, shall issue such subpoenas, but it may limit the number of witnesses to be subpoenaed in behalf of the teacher to not more than ten. All testimony at any hearing shall be taken under oath. Any member of the board may administer oaths to witnesses. The board shall cause a record of the proceedings to be kept and shall employ a competent reporter to take stenographic or stenotype notes of all of the testimony. If the board's decision is favorable to the teacher, the board shall pay the cost of the reporter's attendance and services at the hearing. If the decision is unfavorable to the teacher, one half of the cost of the reporter's attendance and services shall be borne by the teacher. Either party desiring a transcript of the hearing shall pay for the costs thereof.	N	N

490	SECTION 59-25-470	State	Statute	Request for hearing; time and place of hearing; rights of teacher; determination by board. Within fifteen days after receipt of notice of suspension or dismissal, a teacher may serve upon the chairman of the board or the superintendent a written request for a hearing before the board. If the teacher fails to make such a request, or after a hearing as herein provided for, the District Board of Trustees shall take such action and shall enter such order as it deems lawful and appropriate. The hearing shall be held by the board not less than ten nor more than fifteen days after the request is served, and a notice of the time and place of the hearing shall be given the teacher not less than five days prior to the date of the hearing. The teacher has the privilege of being present at the hearing with counsel and of cross examining witnesses and may offer evidence and witnesses and present any and all defenses to the charges. The board shall order the appearance of any witness requested by the teacher. The complainants shall initiate the introduction of evidence in substantiation of the charges. Within ten days following the hearing, the board shall determine whether the evidence showed good and just cause for the notice of suspension or dismissal and shall render its decision accordingly, either affirming or withdrawing the notice of suspension or dismissal.	N	N
491	SECTION 59-25-480	State	Statute	Appeals; costs and damages. The decision of the district board of trustees shall be final, unless within thirty days thereafter an appeal is made to the court of common pleas of any county in which the major portion of such district lies. Notice of the appeal and the grounds thereof shall be filed with the district board of trustees. The district board shall, within thirty days thereafter, file a certified copy of the transcript record with the clerk of such court. Any appeal from the order of the circuit court shall be taken in the manner provided by the South Carolina Appellate Court Rules. If the decision of the board is reversed on appeal, on a motion of either party the trial court shall order reinstatement and shall determine the amount for which the board shall be liable for actual damages and court costs. In no event shall any liability extend beyond two years from the effective date of dismissal. Amounts earned or amounts earnable with reasonable diligence by the person wrongfully suspended shall be deducted from any back pay.	N	N
492	SECTION 59-25-490	State	Statute	Depositions. Any party to such proceedings may cause to be taken the depositions of witnesses within or without the State and either by commission or de bene esse. Such depositions shall be taken in accordance with and subject to the same provisions, conditions and restrictions as apply to the taking of like depositions in civil actions at law in the court of common pleas; and the same rules with respect to the giving of notice to the opposite party, the taking and transcribing of testimony, the transmission and certification thereof and matters of practice relating thereto shall apply.	N	N
493	SECTION 59-25-500	State	Statute	Service of subpoenas; witness fees. The county sheriffs and their respective deputies shall serve all subpoenas of the district board and shall receive the same fees as are now provided by law for like service. Each witness who appears in obedience to such subpoenas shall receive for attendance the fees and mileage of witnesses in civil cases in courts of the county in which the hearing is held.	N	N
494	SECTION 59-25-510	State	Statute	Service of notices. All notices to be given under this article by the district board shall be given to both parties and the notices herein required to be given by a party shall be served upon the opposite party prior to the filing thereof. All such notices may be served by registered mail.	N	N
495	SECTION 59-25-520	State	Statute	Powers and duties of court of common pleas; warrant for production of witnesses. The court of common pleas shall, on application of the district board, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and records and shall have the power to punish as for contempt of court, by a fine or imprisonment or both, the unexcused failure or refusal to attend and give testimony or produce books, papers and records as may have been required in any subpoena issued by the district board. The district board may issue to the sheriff of the county in which any hearing is held a warrant requiring him to produce at the hearing any witness who shall have ignored or failed to comply with any subpoena issued by the district board and duly served upon such witness. Such a warrant shall authorize the sheriff to arrest and produce at the hearing such witness, and it shall be his duty to do so; but the failure of a witness so to appear in response to any such subpoena may be excused on the same grounds as provided by law in the courts of this State as to the attendance of witnesses and jurors.	N	N
496	SECTION 59-25-530	State	Statute	Unprofessional conduct; breach of contract. Any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be deemed guilty of unprofessional conduct. A breach of contract resulting from the execution of an employment contract with another board within the State without the consent of the board first employing the teacher makes void any subsequent contract with any other school district in South Carolina for the same employment period. Upon the formal complaint of the school board, substantiated by conclusive evidence, the State board shall suspend or revoke the teacher's certificate, for a period not to exceed one calendar year. State education agencies in other states with reciprocal certification agreements shall be notified of the revocation of the certificate.	N	N

497	SECTION 59-25-710	State	Statute	Teacher discriminated against in fixing salary may file complaint. Any school teacher who may feel that he has been discriminated against on any ground or for any cause whatsoever by a board of trustees in fixing the salary of such teacher, in the exercise of the wide discretion conferred upon trustees by law in the fixing of teachers' salaries, may file a complaint for the purpose of having such discrimination abated and in so doing shall follow the procedure hereinafter set out.	N	N
498	SECTION 59-25-720	State	Statute	Complaint filed with county board. Such teacher may at any time, during the period for which he has been employed, file with the county board of education of the county in which the school is located a complaint in writing which shall set forth briefly the manner and method by which the alleged discrimination is claimed to have occurred. Any number of teachers that are employed by the same school district may join in the filing of a complaint.	N	N
499	SECTION 59-25-730	State	Statute	Hearing on complaint. Upon the filing of such complaint, the county board of education shall fix a date for the hearing thereof and at least ten days prior to the date fixed shall notify the complainant and the board of trustees of the school district in which the teacher is employed of the time and place of such hearing. It shall set forth in such notice the grounds of such alleged discrimination.	N	N
500	SECTION 59-25-740	State	Statute	Process and procedure shall be summary and simple. The process and procedure under this article shall be as summary and simple as reasonably may be. The county board of education shall have the power, for the purpose of this article, to subpoena witnesses, to administer oaths and to examine such parts of any books and records as relate to the questions involved. Any party to such proceedings may cause to be taken the depositions of witnesses within or without the State and either by commission or de bene esse. Such depositions shall be taken in accordance with and subject to the same provisions, conditions and restrictions as apply to the taking of like depositions in civil actions at law in the court of common pleas, and the same rules with respect to the giving of notice to the opposite party, the taking and transcribing of testimony, the transmission and certification thereof and matters of practice relating thereto shall apply.	N	N
501	SECTION 59-25-750	State	Statute	Service of subpoenas; witness fees. The county sheriffs and their respective deputies shall serve all subpoenas of the county board and shall receive the same fees as are now provided by law for like service. Each witness who appears in obedience to such subpoena shall receive for attendance the fees and mileage of witnesses in civil cases in courts of the county in which the hearing is held.	N	N
502	SECTION 59-25-760	State	Statute	Service of notices. All notices to be given under this article by either the county board or the State Board shall be given to both parties and the notices herein required to be given by a party shall be served upon the opposite party prior to the filing thereof. All of such notices may be served by registered mail.	N	N
503	SECTION 59-25-770	State	Statute	Powers and duties of court of common pleas; warrant for production of witnesses. The court of common pleas shall, on application of the county board, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and records and shall have the power to punish as for contempt of court, by a fine or imprisonment or both, the unexcused failure or refusal to attend and give testimony or produce books, papers and records as may have been required in any subpoena issued by the county board. The county board may issue to the sheriff of the county in which any hearing is held a warrant requiring him to produce at the hearing any witness who shall have ignored or failed to comply with any subpoena issued by the county board and duly served upon such witness. Such warrant shall authorize the sheriff to arrest and produce at the hearing such witness, and it shall be his duty so to do. But the failure of a witness so to appear in response to any such subpoena may be excused on the same grounds as provided by law in the courts of this State as to the attendance of witnesses and jurors.	N	N
504	SECTION 59-25-780	State	Statute	Hearing; decision. The hearing before the county board shall be open to the public and shall be stenographically reported, and the county board may contract for the reporting of such hearing. The county board shall hear the parties at issue and their attorneys, if any, and shall determine the matter in a summary manner setting forth its findings and conclusions in writing. If it shall find that such teacher shall have been discriminated against, it shall require the board of trustees to discontinue such discrimination. The county board shall give notice by registered mail to both parties of its decision.	N	N
505	SECTION 59-25-790	State	Statute	Basis of decision. The county board, in passing upon such matters, is hereby vested with full discretion to the same extent as if the duty of fixing salaries of teachers had been originally imposed upon the county board and shall have the right to take into consideration changed conditions arising since the issuance of the certificates held by the teachers involved and other facts that will be helpful in rendering a just decision.	N	N

506	SECTION 59-25-800	State	Statute	Reclassification of all teachers in district. The county board may, in determining whether or not a discrimination exists, recommend that the State Board of Education require all teachers in the district to be examined and recertified under the procedure then in force for the certification of teachers as to their qualifications and may thereupon require the trustees of such district to classify such teachers in accordance with such recertification for the purpose of fixing their salaries, to the end that the salaries of such teachers shall be based upon the value of the services rendered, it being found as a fact that each grade of teachers' certificates now outstanding is held by teachers of greatly varying efficiency, abilities and accomplishments. Should no appeal be taken from a decision of the county board making such recommendation, the State Board of Education shall carry out such recommendation.	Y	Y
507	SECTION 59-25-810	State	Statute	Appeal to State Board of Education. Within thirty days after the receipt of any such notice of such decision of the county board, any party thereto shall have the right to appeal to the State Board of Education by filing a notice of appeal, stating the grounds thereof, with the county board of education. Upon such appeal being filed, the county board, within thirty days thereafter, shall file a full and complete certified transcript of the proceedings had before it with the State Board of Education. Upon receipt of such appeal, the State Board of Education shall fix a time and place for the hearing thereof and give notice, by registered mail, to the parties involved. Such appeal shall be heard upon the transcript of the proceedings from the county board and such other investigation and additional testimony as the State Board may elect to take, all of which, if taken, shall be reported and made a part of the record. The State Board of Education shall review all questions of law and fact and, in determining the matter, exercise its discretion as an original duty imposed upon it. All powers and remedies herein conferred on county boards as to subpoenaing witnesses, enforcing attendance, taking and production of evidence and other procedural matters are hereby conferred upon the State Board.	Y	Y
508	SECTION 59-25-820	State	Statute	Reclassification on order of State Board of Education. The State Board of Education, upon its own initiative, in the accomplishment of justice in the matter, may require all teachers in the district from which the appeal came to be examined and recertified under the procedure then in force for the certification of teachers as to their qualifications and shall thereupon require the trustees of such district to classify such teachers in accordance with such recertification for the purpose of fixing their salaries, to the end that the salaries of such teachers shall be based upon the value of services rendered.	Y	Y
509	SECTION 59-25-830	State	Statute	Finality of findings of fact by State Board of Education; appeal on errors of law. The findings of fact by the State Board of Education are final and conclusive as to all parties, but any party, within thirty days, may appeal to the Administrative Law Court as provided in Section 1 23 380(B) and Section 1 23 600(D), to review error of law only, by filing with the State Board of Education and the Administrative Law Court notice of the appeal and of the grounds for the appeal. The state board shall file a certified copy of the record with the Administrative Law Court in accordance with its rules of procedure. A party may have judicial review of the decision of the administrative law judge as provided by law.	Y	Y
510	SECTION 59-25-840	State	Statute	Filing of unappealed decision; enforcement. Any decision of either the county board or the State Board which shall become final by reason of no appeal being taken therefrom as herein provided shall be filed in the office of the clerk of court of the county in which the complaint arose within ten days after such decision becomes final by the board rendering the decision. Any party thereto shall have the right to apply to the circuit court of such county for the enforcement of such decision and the court shall enforce such decision in the same manner as judgments of such court are enforced.	N	N
511	SECTION 59-25-850	State	Statute	Compensation received prior to filing of complaint not affected. Nothing contained herein shall give any teacher any right to claim compensation in addition to that received for the period prior to the filing of the complaint with the county board as provided in Section 59 25 720.	N	N
512	SECTION 59-25-860	State	Statute	Costs; fees of clerks of boards. Costs shall be taxed in the proceedings authorized hereunder by the respective boards in accordance with the procedure and limitations applicable to taxing costs in a civil action at law in the court of common pleas. The clerk of each board shall be allowed the same fees as clerks of court of the county in which the proceedings arose, and any other fees or costs allowed by law in the court of common pleas in actions at law, and which are taxable as costs, shall apply in the proceedings before the boards and be taxable as costs. The costs so taxed of both parties shall be paid by the State Board of Education.	N	N

513	SECTION 59-26-10	State	Statute	Intent; guidelines for implementation. It is the intent of this chapter to provide for a fair, cohesive, and comprehensive system for the training, certification, initial employment, evaluation, and continuous professional development of public educators in this State. The following guidelines, which further constitute the intent of this chapter must be adhered to by all state and local officials, agencies, and boards in interpreting and implementing the provisions of this chapter so that the system provided for herein shall: (a) upgrade the standards for educators in this State in a fair, professional, and reasonable manner; (b) assure that prospective teachers have basic reading, mathematics, and writing skills; (c) improve the educator training programs and the evaluation procedures for those programs; (d) assure that prospective teachers know and understand their teaching areas and are given assistance toward the achievement of their potential; (e) assure that school districts implement a comprehensive system for assisting, developing, and evaluating teachers employed at all contract levels.	N	Y
514	SECTION 59-26-20	State	Statute	Duties of State Board of Education and Commission on Higher Education. The State Board of Education, through the State Department of Education, and the Commission on Higher Education shall: (a) develop and implement a plan for the continuous evaluation and upgrading of standards for program approval of undergraduate and graduate education training programs of colleges and universities in this State; (b) adopt policies and procedures which result in visiting teams with a balanced composition of teachers, administrators, and higher education faculties; (c) establish program approval procedures which shall assure that all members of visiting teams which review and approve undergraduate and graduate education programs have attended training programs in program approval procedures within two years prior to service on such teams; (d) render advice and aid to departments and colleges of education concerning their curricula, program approval standards, and results on the examinations provided for in this chapter; (e) adopt program approval standards so that all colleges and universities in this State that offer undergraduate degrees in education shall require that students successfully complete the basic skills examination that is developed in compliance with this chapter before final admittance into the undergraduate teacher education program. These program approval standards shall include, but not be limited to, the following: (1) A student initially may take the basic skills examination during his first or second year in college. (2) Students may be allowed to take the examination no more than four times. (3) If a student has not passed the examination, he may not be conditionally admitted to a teacher education program after December 1, 1996. After December 1, 1996, any person who has failed to achieve a passing score on all sections of the examination after two attempts may retake for a third time any test section not passed in the manner allowed by this section. The person shall first complete a remedial or developmental course from a post secondary institution in the subject area of any test section not passed and provide satisfactory evidence of completion of this required remedial or developmental course to the	Y	Y
515	SECTION 59-26-30	State	Statute	Cognitive assessments for teachers and teacher certification; examinations; regulations. (A) In the area of cognitive assessments for teachers and teacher certification, the State Board of Education, acting through the State Department of Education, shall: (1) adopt a basic skills examination in reading, writing, and mathematics that is suitable for determining whether students may be admitted fully into an undergraduate teacher education program. The examination must be designed so that results are reported in a form that shall provide colleges, universities, and students with specific information about his strengths and weaknesses. Procedures, test questions, and information from existing examinations must be validated in accordance with current legal requirements. The passing score on the examination shall be set at a level that reflects the degree of competency in the basic skills that, in the judgment of the State Board of Education, a prospective school teacher reasonably is expected to achieve; (2) adopt nationally recognized teaching examinations that measure the cognitive teaching area competencies desired for initial job assignments in typical elementary and secondary schools in this State. The examinations shall contain a minimum amount of common or general knowledge questions. They shall be designed so that results are reported in a form that provide a student with specific information about the student's strengths and weaknesses. Procedures, test questions, and information from existing examinations and lists of validated teacher competencies are used to the maximum extent in the development of the examinations. An examination that is completely developed by an organization other than the special project may be considered for use as a whole only if the State Board of Education concludes that the development and maintenance of a specific area test is impractical or would necessitate exorbitant expenses. The examinations must be validated. The teaching examinations must be developed or selected only for those areas in which State Board of Education approved area examinations are not available; (3) use nationally recognized specific teaching area examinations approved by the State Board of Education for certification purposes. The qualifying scores on the area examinations shall be set at the	Y	Y

516	SECTION 59-26-40	State	Statute	Induction, annual and continuing contracts; evaluations; termination of employment for annual contract teacher; hearing. (A) A person who receives a teaching certificate as provided in Section 59 26 30 may be employed by a school district under a nonrenewable induction contract. School districts shall comply with procedures and requirements promulgated by the State Board of Education relating to aid, supervision, and evaluation of persons teaching under an induction contract. Teachers working under an induction contract must be paid at least the beginning salary on the state minimum salary schedule. (B) Each school district shall provide teachers employed under induction contracts with a formalized induction program developed or adopted in accordance with State Board of Education regulations. (C) At the end of each year of the three year induction period, the district may employ the teacher under another induction contract, an annual contract, or may terminate his employment. If employment is terminated, the teacher may seek employment in another school district at the induction contract level. At the end of the three year induction contract period, a teacher shall become eligible for employment at the annual contract level. At the discretion of the local school district in which the induction teacher was employed, the district may employ the teacher under an annual contract or the district may terminate his employment. If employment is terminated, the teacher may seek employment in another school district at the annual contract level. A person must not be employed as an induction teacher for more than three years. This subsection does not preclude his employment under an emergency certificate in extraordinary circumstances if the employment is approved by the State Board of Education. During the induction contract period, the employment dismissal provisions of Article 3, Chapter 19 and Article 5, Chapter 25 of this title do not apply. (D) Annual contract teachers must be evaluated or assisted with procedures developed or adopted by the local school district in accordance with State Board of Education regulations. Teachers employed under an annual contract also must complete an individualized professional growth plan established by the school or district. Professional growth plans must be supportive of district strategic plans and school renewal plans. Teachers must not be employed under an annual contract for more than four years, in accordance	Y	Y
517	SECTION 59-26-45					
518	SECTION 59-26-50	State	Statute	Creation and membership of Educator Improvement Task Force; duties and powers. (a) There is created as an agency of state government the South Carolina Educator Improvement Task Force composed of thirteen members. The State Superintendent of Education with the advice and consent of the State Board of Education shall appoint six members, one of whom may be himself, one of whom must be a public school teacher and one of whom must be a public school administrator. The Governor shall appoint seven members, one from each congressional district and not less than two of whom must be employed at state institutions of higher education and not less than one of whom is a member of a local school board. A vacancy must be filled in the manner of the original appointment. The members shall receive per diem, mileage, and subsistence as provided by law for members of state boards, committees, and commissions to be paid from funds appropriated for the operation of the State Department of Education. Every consideration must be given to insure appropriate racial balance in appointments. (b) The Task Force shall organize by electing such other officers as it deems necessary. Bylaws may be adopted by a majority vote as deemed necessary. (c) The powers and duties of the Task Force shall be as follows: (1) Employ as director of the special project a person who has specific skills and experience to carry out the requirements of this chapter. (2) Exercise supervision over the special project to insure that the intent of this chapter is carried out. (3) Seek input from the public and other state agencies concerning the implementation of this chapter. (4) Confer periodically with the State Board of Education and submit a final report to the Board concerning the implementation of this chapter. The report shall include a plan for the implementation of the responsibilities assigned to the Task Force by this chapter. The Board shall approve or disapprove the implementation plan within forty five days. If the Board disapproves the plan, it shall submit the reasons for disapproval to the Chairman of the Task Force within fifteen days, and the Task Force shall, after consideration of the reasons for the disapproval, submit a revised implementation plan or the original plan with justification therefor to the State Board of Education within thirty days. If the Board then	Y	Y
519	SECTION 59-26-60	State	Statute	Educational Improvement Task Force; appropriation. The General Assembly shall appropriate the necessary funds for operation of the Educator Improvement Task Force.	N	N
520	SECTION 59-26-70	State	Statute	Adjustments in instructional time permitted; foreign language requirements for diploma. The State Board of Education, through the State Department of Education, in order to offer students more instructional time in a particular basic skill, may allow adjustments in the amount of instructional time required in each of the subjects in the State's defined minimum program. No commission or agency of the State shall require any public high school in this State to require foreign language as a prerequisite to receiving a regular high school diploma.	Y	Y

521	SECTION 59-26-85	State	Statute	NBPTS recertification; development of application fee loan program. (A)(1) Teachers who are certified by the National Board for Professional Teaching Standards (NBPTS) before July 1, 2010, shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for National Board certification and NBPTS certified teachers moving to this State are exempted from initial certification requirements and are eligible for continuing contract status and their recertification cycle will be consistent with National Board certification. Teachers receiving national certification from the NBPTS before July 1, 2010, shall receive an increase in pay for the initial ten year National Board certification and no more than one ten year renewal of National Board certification. The pay increase shall be determined annually in the appropriations act. The established amount shall be added to the annual pay of the nationally certified teacher. (2) Teachers who apply on or after July 1, 2010, for certification by the NBPTS shall enter a recertification cycle for their South Carolina certificate and consistent with the initial ten year cycle for National Board certification, and teachers moving to this State who apply for National Board certification on or after July 1, 2010, and subsequently achieve National Board certification are exempted from initial certification requirements and are eligible for continuing contract status and their recertification cycle will be consistent with the initial ten year cycle. Teachers receiving national certification from the NBPTS on or after July 1, 2010, only shall receive an increase in pay for the initial ten years of the certification. The pay increase shall be determined annually in the appropriations act. The established amount shall be added to the annual pay of the nationally certified teacher. (B) The Center for Teacher Recruitment shall develop guidelines and administer the programs whereby teachers applying to the National Board for Professional Teaching Standards for certification before July 1, 2010, may receive a loan equal to the amount of the application fee. One half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the National Board. Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. This subsection does not apply to any application submitted on or after July 1, 2010.	N	N
522	SECTION 59-26-90	State	Statute	Teacher of the year honorarium programs. The State Department of Education shall establish a program for the State Teacher of the Year to include an honorarium of no less than twenty five thousand dollars. In addition, the program is to recognize the four honor roll teachers of the year with awards of no less than ten thousand dollars each and award local district teachers of the year with honoraria of no less than one thousand dollars each.	Y	Y
523	SECTION 59-26-100	State	Statute	Incentives for teachers serving as mentors. The State Board of Education, acting through the Department of Education, shall establish a program whereby schools and school districts may be awarded funds to develop various types of incentives for those teachers who are trained and serve as mentors to new teachers as a part of the induction program established in Section 59 26 20. Among the incentives that may qualify are additional pay, release time, and additional assistance in the classroom. To qualify for these funds, the school or school district must meet the criteria established by the state board.	Y	Y
524	SECTION 59-26-110	State	Statute	Youth suicide prevention teacher training. (A) Beginning with the 2013 2014 school year, the Department of Education shall require two hours of training in youth suicide awareness and prevention as a requirement for the renewal of credentials of individuals employed in a middle school or high school as defined in Section 59 1 150. The required training shall count toward the one hundred twenty renewal credits specified in Department of Education regulations for renewal of credentials. (B)(1) The department shall develop guidelines suitable for training and materials that may be used by schools and districts; however districts may approve materials to be used in providing training for employees. (2) The training required in this section may be accomplished through self review of suicide prevention materials that meet guidelines developed by the Department of Education. (C) No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of the provisions of this section or resulting from any training, or lack of training, required by this section unless the loss or damage was caused by wilful or wanton misconduct. The training, or lack of training, required by the provisions of this section must not be construed to impose any specific duty of care.	Y	Y

525	SECTION 59-27-10	State	Statute	Interstate Agreement on Qualification of Educational Personnel adopted; terms of Agreement. The Interstate Agreement on Qualification of Educational Personnel is hereby adopted by the State of South Carolina and entered into with all jurisdictions legally joining therein, in the form substantially as follows: Interstate Agreement on Qualification of Educational Personnel ARTICLE 1 Purpose, Findings, and Policy 1. The states party to this agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end. 2. The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states of origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower. ARTICLE 2	N	N
526	SECTION 59-27-20	State	Statute	Designated State official. The “designated State official” for this State shall be the State Superintendent of Education. He shall enter into contracts pursuant to Article 3 of the agreement only with the approval of the specific text thereof by the State Board of Education.	N	N
527	SECTION 59-27-30	State	Statute	Copies of contract required to be on file. True copies of all contracts made on behalf of this State pursuant to the agreement shall be kept on file in the office of the State Superintendent of Education and in the office of the Secretary of State.	N	N
528	SECTION 59-28-100	State	Statute	Citation of chapter. This chapter may be cited as the “Parental Involvement in Their Children’s Education Act”.	N	N
529	SECTION 59-28-110	State	Statute	Purpose. It is the purpose of the General Assembly in this chapter to: (1) heighten awareness of the importance of parents’ involvement in the education of their children throughout their schooling; (2) encourage the establishment and maintenance of parent friendly school settings; and (3) emphasize that when parents and schools work as partners, a child’s academic success can best be assured.	N	N
530	SECTION 59-28-120	State	Statute	State agency involvement. The Governor shall require state agencies that serve families and children to collaborate and establish networks with schools to heighten awareness of the importance of parental influence on the academic success of their children and to encourage and assist parents to become more involved in their children’s education.	N	N
531	SECTION 59-28-130	State	Statute	Parental involvement plans; recognition of improvement; establishing criteria for staff training. The State Board of Education shall: (1) require school and district long range improvement plans required in Section 59 139 10 to include parental involvement goals, objectives, and an evaluation component; (2) recognize districts and schools where parental involvement significantly increases beyond stated goals and objectives; and (3) establish criteria for staff training on school initiatives and activities shown by research to increase parental involvement in their children’s education.	Y	Y

532	SECTION 59-28-140	State	Statute	Design of parental involvement and best practices training programs; incorporation into teacher and principal preparation programs. The State Superintendent of Education shall: (1) design parental involvement and best practices training programs in conjunction with higher education institutions and the pre K through grade 12 education community, including parental program coordinators, which shall include: (a) practices that are responsive to racial, ethnic, and socio economic diversity, and are appropriate to various grade level needs; (b) establishment and maintenance of parent friendly school settings; (c) awareness of community resources that strengthen families and assist students to succeed; and (d) other topics appropriate for fostering partnerships between parent and teacher; (2) work collaboratively with the Commission on Higher Education to incorporate parental involvement training into teacher preparation and principal preparation programs consistent with the training provided in subsection (1) of this section. HISTORY: 2000 Act No. 402, Section 1. SECTION 59 28 150. State Superintendent of Education activities to promote parental involvement. The State Superintendent of Education shall: (1) promote parental involvement as a priority for all levels from pre K through grade 12, with particular emphasis at the middle and high school levels where parental involvement is currently least visible; (2) designate a Department of Education staff position whose specific role is to coordinate statewide initiatives to support school and district parental involvement; (3) collect and disseminate to districts and schools practices shown by research to be effective in increasing parental involvement at all grade levels; (4) provide parental involvement staff development training for district and school liaisons, as needed;	Y	Y
533	150 not included					
534	SECTION 59-28-160	State	Statute	Local school board of trustees activities. Each local school board of trustees shall: (1) consider joining national organizations which promote and provide technical assistance on various proven parental involvement frameworks and models; (2) incorporate, where possible, proven parental involvement practices into existing policies and efforts; (3) adopt policies that emphasize the importance, strive to increase and clearly define expectations for effective parental involvement practices in the district schools; (4) provide for all faculty and staff, no later than the 2002 2003 school year, parental involvement orientation and training through staff development with an emphasis on unique school and district needs and after that, on an ongoing basis as indicated by results of evaluations of district and school parental involvement practices and as required by the State Board of Education; (5) provide incentives and formal recognition for schools that significantly increase parental involvement as defined by the State Board of Education; (6) require an annual briefing on district and school parental involvement programs including findings from state and local evaluations on the success of the district and schools' efforts; and (7) include parental involvement expectations as part of the superintendent's evaluation.	N	N
535	SECTION 59-28-170	State	Statute	School district superintendent activities. (A) Each school district superintendent shall consider: (1) designating staff to serve as a parent liaison for the district to coordinate parental involvement initiatives and coordinate community and agency collaboration to support parents and families; (2) requiring each school to designate a faculty contact for parental involvement efforts to work collaboratively with the district coordinator and network with other school faculty contacts; (3) requiring each school principal to designate space within the school specifically for parents which contains materials and resources on the numerous ways parents and schools can and should partner for a child's academic success; and (4) encouraging principals to adjust class and school schedules to accommodate parent teacher conferences at times more convenient to parents and, to the extent possible, accommodate parents in cases where transportation and normal school hours present a hardship. (B) Each school district superintendent shall: (1) include parental involvement expectations as part of each principal's evaluation; (2) include information about parental involvement opportunities and participation in the district's annual report; and (3) disseminate to all parents of the district the expectations enumerated in Section 59 28 180.	N	N

536	SECTION 59-28-180	State	Statute	Parent expectations. Parent involvement influences student learning and academic performance; therefore, parents are expected to: (1) uphold high expectations for academic achievement; (2) expect and communicate expectations for success; (3) recognize that parental involvement in middle and high school is equally as critical as in elementary school; (4) ensure attendance and punctuality; (5) attend parent teacher conferences; (6) monitor and check homework; (7) communicate with the school and teachers; (8) build partnerships with teachers to promote successful school experiences; (9) attend, when possible, school events; (10) model desirable behaviors; (11) use encouraging words; (12) stimulate thought and curiosity; and (13) show support for school expectations and efforts to increase student learning.	N	N
537	SECTION 59-28-190	State	Statute	Education Oversight Committee survey to determine effectiveness of efforts to increase parent involvement. The Education Oversight Committee shall survey parents to determine if state and local efforts are effective in increasing parental involvement. This information shall be used in the public awareness campaign required by the Education Accountability Act to promote the importance of parental involvement. The campaign shall include: (1) advice for parents on how to help their children be successful in school and the importance of nurturing their children's skills and abilities; (2) requests to employers, state agencies, entities, community groups, nonprofit organizations, and faith communities that work with children and families to distribute and display parent advice and other pertinent parent information; (3) promotion of the benefits of increased productivity, loyalty, and sense of community which result from parent friendly workplace policies; (4) ideas and encouragement to employers to adopt parent friendly workplace policies and to provide information on the importance of parents to a child's academic success; (5) recognition of businesses and employers where parent friendly policies have been adopted; and (6) recognition of agencies and faith communities that have supported and increased parental involvement.	N	N
538	SECTION 59-28-200	State	Statute	Development of informational materials. The Education Oversight Committee and the State Superintendent of Education shall develop and publish jointly informational materials for distribution to all public school parents and to teachers. The informational materials for distribution shall include: (1) an explanation of the grade level academic content standards and advice on how parents can help their children achieve the standards and the relationship of the standards to the state assessments; and (2) printed information about the standards and advice relative to parental involvement in their children's education for visible display and use in every public school K 12 classroom.	Y	Y
539	SECTION 59-28-210	State	Statute	Distribution of informational materials. The Education Oversight Committee shall disseminate the informational materials prepared pursuant to Section 59 28 200 to all districts and schools.	N	N
540	SECTION 59-28-220	State	Statute	Development of employer tax credit incentives for paid parent employee release time. The Education Oversight Committee, in cooperation with representatives of the Department of Commerce, the Department of Revenue, and the South Carolina Chamber of Commerce, shall develop recommendations for employer tax credits as incentives to: (1) provide parent employee release time for parent teacher conferences or attendance at their children's academic related events without loss of pay; and (2) develop workplace policies which enable parents to improve their literacy, assist their children with academics, and become more involved in their child's education as a result of employers working with local school officials. Recommendations shall be reported to the Senate Finance and Education Committees, House Ways and Means Committee, and the House Education and Public Works Committee no later than January 1, 2001.	N	N
541	SECTION 59-29 -10	State	Statute	Required subjects. The county board of education and the board of trustees for each school district shall see that in every school under their care there shall be taught, as far as practicable, orthography, reading, writing, arithmetic, geography, English grammar and instruction in phonics, the elements of agriculture, the history of the United States and of this State, the principles of the Constitutions of the United States and of this State, morals and good behavior, algebra, physiology and hygiene (especially as to the effects of alcoholic liquors and narcotics upon the human system), English literature, and such other branches as the state board may from time to time direct.	N	N

542	SECTION 59-29-15	State	Statute	Teaching cursive writing and multiplication tables required. (A) In addition to the requirements that writing and arithmetic be subjects of instruction in each school district pursuant to Section 59 29 10, each school district shall: (1) provide instruction in cursive writing to ensure that students can create readable documents through legible cursive handwriting by the end of fifth grade; and (2) require students to memorize multiplication tables to ensure that students can effectively multiply numbers by the end of fifth grade. (B) The State Department of Education shall assist the school districts in identifying the most appropriate means for integrating this requirement into their existing curriculums. Additionally, the department, using procedures followed for other textbook adoptions, shall review and recommend cursive writing instructional materials for inclusion on the approved state textbook adoption list. Schools may select these materials in the same manner that other textbooks are selected from the list.	Y	Y
543	SECTION 59-29-20	State	Statute	Required subjects; nature and effect of alcoholic drinks and narcotics. The nature of alcoholic drinks and narcotics and special instruction as to their effect upon the human system shall be taught in all the grammar and high schools of this State which receive any State aid whatsoever and shall be studied and taught as thoroughly and in the same manner as all other required branches in such schools, as may be required by the State Board of Education. The State Board of Education shall provide for the enforcement of the provisions of this section.	Y	Y
544	SECTION 59-29-21	State	Statute	Guidelines for career guidance. The State Department of Education is directed to develop guidelines to include career guidance as a part of the general guidance program in the schools of the State.	Y	Y
545	SECTION 59-29-30	State	Statute	Required subjects; Alcohol and Narcotics Education Week. Each public school of the State shall designate one week during the school year for the observance of Alcohol and Narcotics Education Week. During this week, each district board of trustees shall require the school principal or other designated person to have each class from the sixth grade upward instructed for at least thirty minutes on three days concerning the risks and dangers involved in the use of alcoholic beverages and narcotics. The principal, or such other designated person, shall also have at least one assembly session during the week of not less than forty five minutes, at which time the subject of the dangerous effect of alcohol and narcotics shall be presented. The district board of trustees shall each year inform the State Board of Education of the week each public school in its district has designated as Alcohol and Narcotics Education Week, and the State Board of Education shall, through the Department of Education, provide suitable printed materials and other aids for use in the observance of the week.	N	N
546	SECTION 59-29-35	State	Statute	Home school awareness week; admission privileges. To recognize the many families in South Carolina who educate their children at home as provided by law, each year the first full week in October is designated and shall be recognized as "South Carolina Home School Awareness Week". During "South Carolina Home School Awareness Week", all home school students in this State and their parents or guardians who serve as their children's teacher shall be provided the same admission opportunities to any educational facilities owned by or under the control of this State or any state agency, department, or institution as are provided to public or private school students and their teachers. In addition during Home School Awareness Week, educational facilities, not including public school facilities, owned or under the control of a local political subdivision or entity also shall provide the same admission opportunities as are provided to public or private school students and their teachers. Only during Home School Awareness Week shall these affected educational facilities provide the same special admission opportunities to home schooled students and their parents or guardians who serve as the students' teachers as they do to public or private school students and their teachers.	N	N
547	SECTION 59-29-40	State	Statute	Required subjects; films depicting nature of alcoholic drinks and narcotics; special instruction as to their effect. Films depicting the nature of alcoholic drinks and narcotics and special instructions as to their effect upon the human system shall be taught in all the junior high and high schools of this State and shall be studied and taught as thoroughly and in the same manner as all other required branches in such schools, as may be required by the State Board of Education. Such films shall be presented at orientation programs of all State supported institutions of higher learning. The South Carolina Television Center shall make available to such schools and institutions television programs and films with commentary relative to such subject matter and the school shall require each student enrolled therein to view such program or film. The State Board of Education or the college or university officials, as the case may be, shall provide for the enforcement of the provisions of this section.	Y	Y
548	SECTION 59-29-50	State	Statute	Required subjects; traffic laws. The State Department of Education and the trustees of the State institutions of higher learning shall establish and require to be taught in the respective schools under their control a course of instruction on the traffic laws of this State. Such course of instruction shall be by lectures.	Y	Y

549	SECTION 59-29-55	State	Statute	Instruction on Black history. The State Board of Education shall examine the current status of the teaching of South Carolina History. By the 1989 1990 school year, each public school of the State must instruct students in the history of the black people as a regular part of its history and social studies courses. The State Board of Education shall establish regulations for the adoption of history and social studies textbooks which incorporate black history and shall, through the State Department of Education, assist the school districts in developing and locating suitable printed materials and other aids for instruction in black history. The State Board of Education shall examine curricular material for grades 1 6 to determine the level of emphasis on the relationship of agriculture and other industries to the South Carolina economy.	Y	Y
550	SECTION 59-29-60	State	Statute	Required subjects; program of safety instruction. A definite program of safety instruction shall be included in the curriculum and provided in each primary and elementary grade in the public schools of the State.	Y	N
551	SECTION 59-29-70	State	Statute	Required subjects; instruction in fire prevention. The State Board of Education shall provide for instruction in fire prevention in the elementary public schools of the State. Each teacher in a public school of this State shall give such instruction in fire prevention as may be prescribed by the State Board.	Y	Y
552	SECTION 59-29-80	State	Statute	Courses in physical education; ROTC programs. (A) There shall be established and provided in all the public schools of this State physical education, training and instruction of pupils of both sexes, and every pupil attending any school, in so far as he is physically fit and able to do so, shall take the course or courses provided by this section. Suitable modified courses shall be provided for students physically or mentally unable or unfit to take the course or courses prescribed for normal pupils. However, in any public school which offers a military or naval ROTC program sponsored by one of the military services of the United States, training in such a program may be deemed equivalent to physical education instruction, and may be accepted in lieu of such instruction for all purposes, academic or nonacademic, as may hereinafter be provided. (B) A student may be exempted from physical education requirements by seeking a waiver from the local school board of trustees. The local board may grant such a request based on the following criteria: (1) The student must present a statement by his attending physician indicating that participation in physical education will jeopardize the student's health and well being; or (2)(a) The parent and student must show that the student's attending physical education classes will violate their religious beliefs and would not be merely a matter of personal objection; and (b) the parent or student must be members of a recognized religious faith that objects to physical education as part of its official doctrine or creed. The local board shall encourage the student to take, as an alternative to physical education, appropriate instruction in health education or other instruction in lifestyle modification if an exemption is granted pursuant to this section.	N	N
553	SECTION 59-29-90	State	Statute	Physical education courses in teacher training colleges. All colleges, schools and other educational institutions in this State giving teacher training shall provide a course or courses in physical education, training and instruction, and every pupil attending any such college, school or educational institution in preparation for teaching service shall take such course or courses.	N	N
554	SECTION 59-29-100	State	Statute	Supervision of administration of physical education program by State Superintendent of Education. The State Superintendent of Education shall supervise the administration of Section 59 29 80 and shall prescribe the necessary course or courses in physical education, training, and instruction. Beginning with school year 1995 96, the required physical education course in the secondary schools shall occur over two semesters. For one semester, a personal fitness and wellness component must be taught and for one semester a lifetime fitness component must be taught either over the semester or in two nine week divisions. The State Board of Education is authorized to promulgate regulations and prepare or cause to be prepared, published, and distributed a manual of instruction, courses of study, or other matters as it considers necessary or suitable to carry out the provisions of this section.	Y	Y
555	SECTION 59-29-110	State	Statute	Instruction in military science and tactics. The board of trustees of any State high school district may, with the approval and consent of the county board of education, provide for theoretical and practical instruction and training in military science and tactics in their high school, prescribe the grades in which such instruction and training shall be given and provide the necessary instructors and materials for the same. The State Board of Education shall establish and promulgate proper and suitable rules and regulations governing such instructions and training, and the Adjutant General shall assist and cooperate with the State Board of Education in the preparation of suitable rules and regulations to govern and control such instruction and training in State high schools and shall exercise such supervision and control of such instruction and training as the State Board of Education may approve and require. Any such high school may, under such rules and regulations as the State Board of Education may prescribe, install and maintain United States junior reserve officers training corps units.	Y	Y

556	SECTION 59-29-120	State	Statute	Study of United States Constitution requisite for graduation; attendance at veteran’s activities. (A) All high schools, colleges, and universities in this State that are sustained or in any manner supported by public funds shall give instruction in the essentials of the United States Constitution, the Declaration of Independence, and the Federalist Papers, including the study of and devotion to American institutions and ideals, and no student in any such school, college, or university may receive a certificate of graduation without previously passing a satisfactory examination upon the provisions and principles of the United States Constitution, the Declaration of Independence, and the Federalist Papers, and, if a citizen of the United States, satisfying the examining power of his loyalty thereto. (B) On November eleventh of each year which is a legal holiday in this State as provided by Section 53 5 10 to commemorate and honor veterans, all elementary, middle, and high schools in this State if they are open, shall devote at least one hour of the school day in either classroom instruction or at a student body assembly program to study the United States Constitution and the Declaration of Independence. If any such school is not open on November eleventh, this instruction or assembly program must be given on the day the school is open immediately preceding November eleventh. (C) On November eleventh of each year, schools may permit students to attend activities to commemorate and honor veterans that are held at locations within their respective counties. The parent of a student seeking to be excused pursuant to this subsection shall provide prior written consent to the appropriate school personnel. Attendance at such activities shall count as a part of the instructional day for purposes of Section 59 1 440.	N	N
557	SECTION 59-29-130	State	Statute	Duration of instruction in essentials of United States Constitution. The instruction provided for in Section 59 29 120 shall be given for at least one year of the high school, college and university grades, respectively.	N	N
558	SECTION 59-29-140	State	Statute	Enforcement of program of study of United States Constitution by State Superintendent. The State Superintendent of Education shall make due arrangements for carrying out the provisions of Sections 59 29 120 and 59 29 130. For such purpose the State Superintendent shall prescribe suitable texts adapted to the needs of the high schools, universities and colleges for the instruction required under Sections 59 29 120 and 59 29 130.	Y	Y
559	SECTION 59-29-150	State	Statute	Failure to comply with requirements for program of study of United States Constitution as cause for dismissal. Willful neglect or failure on the part of any public school superintendent, principal or teacher or the president, teacher or other officer of any high school, normal school, university or college to observe and carry out the requirements of Sections 59 29 120 to 59 29 140 shall be sufficient cause for the dismissal or removal of such person from his position.	N	N
560	SECTION 59-29-155			Founding principles instruction required; reporting requirements; professional development. (Effective May 26, 2016)	N	N
561	SECTION 59-29-160	State	Statute	Two units of mathematics requisite for graduation. Every student in an accredited high school in this State shall, as a prerequisite to graduation therefrom, successfully complete at least two units of work in the field of mathematics.	N	N
562	SECTION 59-29-165	State	Statute	Instruction in personal finance. All students attending a high school in this State that is sustained or in any manner supported by public funds must receive instruction in the area of personal finance. The State Department of Education will assist the school districts in identifying suitable materials for instruction.	Y	Y

563	SECTION 59-29-170	State	Statute	Programs for talented students. Not later than August 15, 1987, gifted and talented students at the elementary and secondary levels must be provided programs during the regular school year or during summer school to develop their unique talents in the manner the State Board of Education must specify and to the extent state funds are provided. The Education Oversight Committee shall study the implementation of this section and report its findings to the General Assembly by July 1, 1986. By August 15, 1984, the State Board of Education shall promulgate regulations establishing the criteria for student eligibility in Gifted and Talented Programs. The funds appropriated for Gifted and Talented Programs under the Education Improvement Act of 1984 must be allocated to the school districts of the State on the basis that the number of gifted and talented students served in each district bears to the total of all those students in the State. However, districts unable to identify more than forty students using the selection criteria established by regulations of the State Board of Education shall receive fifteen thousand dollars annually. Provided, further, school districts shall serve gifted and talented students according to the following order of priority: (1) grades 3 12 academically identified gifted and talented students not included in the state funded Advanced Placement Program for eleventh and twelfth grade students; (2) after all students eligible under priority one are served, students in grades 3 12 identified in one of the following visual and performing arts areas: dance, drama, music, and visual arts must be served; and (3) after all students eligible under priorities one and two are served, students in grades 1 and 2 identified as academically or artistically gifted and talented must be served. All categories of students identified and served shall be funded at a weight of .30 for the base student cost as provided in Chapter 20 of this title. Where funds are insufficient to serve all students in a given category, the district may determine which students within the category shall be served. Provided, further, no district shall be prohibited from using local funds to serve additional students above those for whom state funds are provided.	Y	Y
564	SECTION 59-29-179	State	Statute	Identification of higher order thinking and problem solving skills. The State Board of Education shall establish a committee, which includes, but is not limited to, personnel from the State Department of Education, school districts, and institutions of higher education. The purpose of the committee shall be to assist the State Board of Education in the identification of the dimensions of thinking which shall constitute "higher order thinking and problem solving" for purposes of Sections 59 26 30(b)(3), 59 26 30(b)(7), 59 26 30(j), 59 29 179, 59 29 180, 59 29 181, 59 29 182, 59 29 183, 59 30 110, and 59 31 600.	Y	Y
565	SECTION 59-29-180	State	Statute	Emphasis on higher order problem solving skills. The State Department of Education and all school districts shall emphasize higher order problem solving skills in curricula at all levels. The State Department of Education shall assist the school districts by locating, developing, and advising the districts on the development of materials and other aids which may be used to teach higher order problem solving skills within existing subjects.	Y	Y
566	SECTION 59-29-181	State	Statute	Selection of tests for statewide testing program. When selecting nationally normed achievement tests for the statewide testing program, the State Board of Education shall endeavor to select tests with a sufficient number of items which may be utilized to evaluate student's higher order thinking skills. The items may be used for this purpose only if the test created from the items meets applicable criteria set forth in the American Psychological Association publication "Standards for Educational and Psychological Testing".	N	Y
567	SECTION 59-29-182	State	Statute	Review of procedures to assess higher order thinking and problem solving skills. The State Board of Education shall review the use of procedures to assess student achievement in higher order thinking and problem solving skills which are different from traditional achievement tests.	N	Y
568	SECTION 59-29-183	State	Statute	In service training programs. The State Department of Education shall develop or select in service training programs for teachers and staff in teaching higher order thinking and problem solving as part of the existing curriculum. Upon funding for district implementation of the program by the General Assembly, the State Department of Education shall ensure that each school district implements teacher in service training in higher order thinking and problem solving on a schedule to train all teachers and staff within five years.	Y	Y
569	SECTION 59-29-190	State	Statute	Advanced placement courses for academically talented students. Each school district shall provide advanced placement courses in all secondary schools of the district which enroll an adequate number of academically talented students to support the course. By August 15, 1984, the State Board of Education by regulation shall specify what constitutes an advanced placement course and an adequate number of students for these programs. A student who successfully completes the advanced placement requirements for a course and who receives a score of three or higher on the advanced placement exam shall receive advanced placement credit for the course in each post secondary public college in South Carolina in the manner specified by the Commission on Higher Education in conjunction with the State Board of Education.	Y	Y

570	SECTION 59-29-200	State	Statute	Pupil teacher ratios. Notwithstanding any other provisions of the South Carolina Education Improvement Act of 1984, no school district with a student population in excess of 9,000 shall receive any remediation funds appropriated hereunder unless each language arts and mathematics class in grades seven through twelve has in 1984 85 a pupil teacher ratio of thirty students per teacher or less, in 1985 86 a pupil teacher ratio of twenty eight students per teacher or less, and in 1986 87, and thereafter, a pupil teacher ratio of twenty five to one or less.	Y	N
571	SECTION 59-29-210	State	Statute	Emphasis on teaching as profession. The Governor's schools for talented high school students and the gifted and talented programs shall emphasize the importance of the teaching profession.	N	N
572	SECTION 59-29-220	State	Statute	Arts education curricula. The State Board of Education, in conjunction with the South Carolina Arts Commission, shall plan and develop discipline based arts education curricula in the visual arts, music, dance, and drama which complies with the State Department of Education discipline based arts education curriculum framework. The State Board of Education shall cause the arts education curricula to be pilot tested in selected school districts during 1989 90, 1990 91, 1991 92, and 1992 93 and shall provide teacher in service training programs for arts specialists and classroom teachers. After pilot testing, the State Board of Education shall establish regulations related to in service training and curriculum development in cooperation with the Arts in Basic Curriculum Steering Committee and after consultation with the Education Oversight Committee. These regulations shall encourage innovation and flexibility and reflect the integrity of instruction required by each arts discipline. These regulations must be developed in cooperation with school and district level teachers and administrators. Funds for the program must be used by the school districts to: (1) plan, develop, and implement discipline based arts education curricula in the visual arts, music, dance, or drama compatible with the State Department of Education discipline based arts education curriculum framework; (2) provide teacher in service training programs for arts specialists or appropriate classroom teachers or both which are approved by the State Department of Education working with the state's colleges and universities; (3) hire certified arts specialists or contract with professional artists approved by the South Carolina Arts Commission to assist certified arts specialists or appropriate classroom teachers or both in planning, developing, and implementing discipline based arts education curricula. The Joint Legislative Study Committee on Formula Funding shall review whether or not arts education should be given a weighting under the Education Finance Act, if appropriate, recommend a weighting, and report to the Education Oversight Committee by December 1, 1990. The General Assembly shall phase in the arts education program and funding for the arts education program after piloting over three years in	Y	Y
573	SECTION 59-29-230	State	Statute	Old and New Testament era courses. (A)(1) A school district board of trustees may authorize, to be taught in the district's high schools, an elective course concerning the history and literature of the Old Testament era and an elective course concerning the history and literature of the New Testament era. (2) Each course offered must be taught in an objective manner with no attempt to influence the students as to either the truth or falsity of the materials presented. (3) Students must be awarded the same number of Carnegie units that are awarded to other classes of similar duration. (4) A particular version of the Old or New Testament to be used in either course may be recommended by the board of trustees; provided, that the teacher of the course and students enrolled in the course may use any version of the Old and New Testaments. (B) The board of trustees of a district that offers a course pursuant to this section must: (1) maintain supervision and control of the course; (2) hire any new teachers that it determines are required to teach the course in the same manner all other teachers are hired; (3) assure that all teachers teaching the course are certified by the State; and (4) make no inquiry into the religious beliefs, or the lack of religious beliefs, held by a teacher when determining which teacher shall teach the class. (C) The State Board of Education shall develop and adopt academic standards and appropriate instructional materials that must be used by high schools offering a course pursuant to this section. These academic standards and instructional materials must ensure that the courses do not disparage or encourage a commitment to a set of religious beliefs. (D) The academic standards and appropriate instructional materials developed and adopted by the board must: (1) be designed to help students gain a greater appreciation of the Old Testament and the New Testament as great works of literature, art, and music; assist students in gaining greater insight into the	Y	Y
574	SECTION 59-29-240			Civics test required; report. (Effective June 3, 2015)		

575	SECTION 59-29-410	State	Statute	Development of high school financial literacy programs; areas of instruction. (A) The State Board of Education shall develop or adopt curricula, materials, and guidelines for local school boards to use in implementing a program of instruction on financial literacy within courses currently offered in high schools in this State. (B) The financial literacy program shall include, but not be limited to, instruction in the following areas: (1) opening a deposit account and assessing the quality of a depository institution's services; (2) balancing a check book; (3) spending, credit, credit scoring, and managing debt, including retail and credit card debt; (4) completing a loan application; (5) the implications of an inheritance; (6) the basic principles of personal insurance policies; (7) computing state and federal income taxes; (8) local tax assessments; (9) computing interest rates by various mechanisms; (10) understanding simple contracts; (11) contesting an incorrect billing statement; (12) savings and investing; and (13) state and federal laws concerning finance.	Y	Y
576	SECTIONS 59-29-420, 59-29-425	State	Statute	Repealed by 2006 Act No. 382, Section 4, eff June 14, 2006		
577	SECTION 59-29-430	State	Statute	Incorporation into Academic Standards of Instruction. The State Board of Education shall incorporate the elements of the financial literacy program in Section 59 29 410(B) into the South Carolina Academic Standards of Instruction for kindergarten through twelfth grade.	Y	Y
578	SECTION 59-29-440	State	Statute	South Carolina Financial Literacy Initiative established. There is established the South Carolina Financial Literacy Initiative, a comprehensive, results oriented program for improving financial literacy by providing public and private funds for teachers and schools to provide high quality financial literacy education for students in kindergarten through twelfth grade.	N	N
579	SECTION 59-29-450	State	Statute	Purpose. The purpose of the Financial Literacy Initiative is to develop, promote, and assist efforts of agencies, private providers, and public and private organizations and entities, at the state level, to collaborate and cooperate in order to focus and intensify services, assure the most efficient use of all available resources, and eliminate duplication of efforts to serve the financial literacy needs of students, teachers, and schools. The South Carolina Financial Literacy Board of Trustees shall assure that collaboration and the sharing and maximizing of resources are occurring before funding for the grants, as provided for in this chapter, is made available.	N	N
580	SECTION 59-29-460	State	Statute	Goals. The goals for the South Carolina Financial Literacy Initiative are to: (1) provide students in kindergarten through twelfth grade with tools they will need in the real world to manage their finances; (2) increase comprehensive services so students have reduced risk for financial failure after high school; and (3) promote high quality programs that provide instruction on pertinent financial literacy issues pursuant to Section 59 29 410.	N	N
581	SECTION 59-29-470	State	Statute	South Carolina Financial Literacy Board of Trustees established; acceptance of gifts; administration of trust. (A) There is established the South Carolina Financial Literacy Board of Trustees, an eleemosynary corporation, which shall oversee the South Carolina Financial Literacy Initiative, a broad range of innovative financial literacy services to meet critical needs of South Carolina's students in kindergarten through twelfth grade through the awarding of grants to school districts as provided for in Section 59 29 530. (B) The board may accept gifts, bequests, and grants from a person or foundation. The trust and grants from the trust shall supplement and augment, but not take the place of, services provided by local, state, or federal agencies. The board of trustees shall carry out activities necessary to administer the trust including assessing service needs and gaps, soliciting proposals to address identified service needs, and establishing criteria for the awarding of grants.	N	N

582	SECTION 59-29-480	State	Statute	Board membership; terms; vacancies. (A) The South Carolina Financial Literacy Board of Trustees must be chaired by the State Superintendent of Education who shall serve as an ex officio voting member of the board. The board is composed of eight voting members to be appointed by the Superintendent of Education. Initial appointments must be made by the Superintendent of Education with members representing areas of financial literacy instruction. Subsequent appointments must be made by the Superintendent of Education from a slate presented by the sitting members of the board. (B) The terms of the members are for four years and until their successors are appointed and qualify, except of those first appointed. When making the initial appointments, the Superintendent of Education shall designate half of his appointments to serve two year terms only. (C) Vacancies for any reason must be filled in the manner of the original appointment for the unexpired term. No member shall serve more than two terms or eight years, whichever is longer. Members who miss more than three consecutive meetings without excuse or members who resign must be replaced in the same manner as their predecessor. Members may be paid per diem, mileage, and subsistence as established by the board not to exceed standards provided by law for boards, committees, and commissions. A complete report of the activities of the Financial Literacy Board of Trustees must be made annually to the General Assembly and the State Auditor.	Y	N
583	SECTION 59-29-490	State	Statute	Powers and duties. To carry out its assigned functions, the board is authorized, but not limited to: (1) develop a comprehensive long range initiative for improving the financial literacy of students in kindergarten through twelfth grade; (2) promulgate regulations, establish guidelines, policies, and procedures for implementation of the South Carolina Financial Literacy Initiative; (3) provide oversight on the implementation of the South Carolina Financial Literacy Initiative at the state and school district levels; (4) establish criteria and procedures for awarding grants from the Financial Literacy Trust; (5) create an annual revision of school district needs assessments and identify assets from other funding sources; (6) assess and develop recommendations for increasing the efficiency and effectiveness of financial literacy programs and funding and other programs and funding sources, as allowable, as necessary to carry out the Financial Literacy Initiative, including additional fiscal strategies, redeployment of state resources, and development of new programs; (7) establish results oriented measures and objectives and assess whether services provided are meeting the goals and achieving the results established for the Financial Literacy Initiative; (8) receive gifts, bequests, and devises for deposit in the Financial Literacy Trust; and (9) report annually to the General Assembly by January first on activities and progress to include recommendations for changes and legislative initiatives and results of program evaluations.	Y	N
584	SECTION 59-29-500	State	Statute	Employment of Director of the Financial Literacy Office and staff. The South Carolina Financial Literacy Board of Trustees may employ, by a majority vote, a Director of the Financial Literacy Office and other staff as necessary to carry out the South Carolina Financial Literacy Initiative and other duties and responsibilities as assigned by the board. The director, with the approval of the board, may hire staff necessary to carry out the provisions of the initiative.	N	N
585	SECTION 59-29-510	State	Statute	Acceptance of nongovernmental grants, gifts, and donations; administration of funds. (A) No state funds may be used to support or operate the Financial Literacy Initiative. This prohibition does not prevent the Department of Education from housing the offices of the Financial Literacy Initiative. A separate fund must be established to accept nongovernmental grants, gifts, and donations from a public or private source for the South Carolina Financial Literacy Trust. All funds may be carried forward from fiscal year to fiscal year. The State Treasurer shall invest the monies in the Financial Literacy Trust in the same manner as other funds under his control are invested and all interest derived from the investment of these funds shall remain in the trust. The South Carolina Financial Literacy Board of Trustees shall administer and authorize any disbursements from the trust. Private individuals and groups shall be encouraged to contribute to this endeavor. (B) All interest derived from the investment of the funds in subsection (A) shall remain a part of the trust.	Y	N

586	SECTION 59-29-520	State	Statute	Office of South Carolina Financial Literacy established. Within the Department of Education, an Office of South Carolina Financial Literacy is established. The office shall: (1) provide to the board information on best practice, successful strategies, model programs, and financing mechanisms; (2) provide technical assistance and recommendations regarding grant proposals and improvement in meeting goals; (3) recommend to the board the applicants meeting the criteria for Financial Literacy grants to be awarded; (4) submit an annual report to the board by December first, which includes, but is not limited to, the statewide needs and resources available to meet the goals and purposes of the Financial Literacy Initiative, the ongoing progress and results of the Financial Literacy Initiative, fiscal information on the expenditure of funds, and recommendations and legislative proposals to further implement the South Carolina Financial Literacy Initiative; (5) provide for on going data collection and contract for an in depth performance audit due January 1, 2010, and every three years thereafter, to ensure that statewide goals and requirements of the Financial Literacy Initiative are being met; and (6) coordinate the Financial Literacy Initiative with all other state, federal, and local public and private efforts to promote and improve financial literacy.	Y	Y
587	SECTION 59-29-530	State	Statute	Applications for grants; factors considered. (A) To obtain a grant, a school district shall submit an application to the Financial Literacy Office in a format specified by the Financial Literacy Board of Trustees. The application shall include, as appropriate to the level of grant applied for, the level of funding requested, a description of needs of the school, assets and resources available, and the proposed strategies to address needs as they relate to the goals of the Financial Literacy Initiative. (B) The allocations for the grants must take into consideration the quality of the grant proposal; the percentage of students who are eligible for the free and reduced price lunch program; and average per capita income. The criteria also must take into account the standing of the geographical area in relation to the statewide Kids Count indicators.	N	N
588	SECTION 59-29-540	State	Statute	Use of grant funds. Grants provided to school districts must be used to address the financial literacy needs of students in kindergarten through twelfth grade. Grant funds may not supplant current expenditures by counties or state agencies for financial literacy, and may not be used where other state or federal funding sources are available or could be made available. In awarding grants, every effort must be made to ensure that all geographic areas of the State are represented.	N	N
589	SECTION 59-29-550	State	Statute	Carrying forward funds into following fiscal year. To ensure effective use of funds and with the approval of the Financial Literacy Office, awards may be carried forward and used in the following fiscal year. Funds appropriated to the Financial Literacy Trust also may be carried forward into subsequent years.	N	N
590	SECTION 59-29-560	State	Statute	Disbursement of and accountability for funds; penalties. (A) Schools shall demonstrate to the Financial Literacy Office the accountability of funds distributed pursuant to this chapter. (B) Disbursements may be made only on the written authorization of the individual designated by the school district and only for the purposes specified. A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined five thousand dollars or imprisoned for six months, or both. (C) The offenses of misuse, misappropriation, and embezzlement of public funds, apply to this chapter.	N	N

591	SECTION 59-29-570	State	Statute	Evaluating progress toward goals; grantee participation; reports. (A) The Financial Literacy Board of Trustees shall establish internal evaluation policies and procedures for an annual review of the implementation of strategies and progress toward the interim goals and benchmarks. In instances where no progress has been made, the Financial Literacy Board shall provide targeted assistance or the board may terminate the grant. In addition, a program evaluation of the Financial Literacy Initiatives at the state and local levels must be conducted every three years by an independent, external evaluator under contract with the Financial Literacy Board of Trustees. However, the selected evaluator must be approved, and the evaluation overseen, by a committee consisting of three members, one appointed by the Financial Literacy Board, one appointed by the Chairman of the Senate Education Committee, and one appointed by the Chairman of the House Education and Public Works Committee. These committee members must be professionally recognized as proficient in accounting, finance, banking, tax, insurance, or a closely related field. The first report must be provided no later than January 1, 2010. (B) Grantees shall agree to participate in an evaluation in order to receive a Financial Literacy grant. Subsequent grant approval and grant allocations must be dependent, in part, on the results of the evaluations. If an evaluation finds no progress has been made in meeting goals or implementing strategies as agreed to in the grant, the grant must be terminated. (C) The purpose of the evaluation is to assess progress toward achieving the Financial Literacy goals and to determine the impact of the initiative on students at the state and local levels. The impact assessment shall include, but is not limited to, end of course evaluations and projects. During the course of the evaluation, if an evaluator determines that a state agency has failed to comply with the coordination and collaboration provisions as required in this chapter, the final report must reflect that information. Program evaluation reports must be reported to the General Assembly no later than three months after conclusion of the evaluation.	N	N
592	SECTIONS 59-30-10 to 59-30-110	State	Statute	Repealed by 2006 Act No. 254, Section 10, eff March 24, 2006.		
593	SECTION 59-31-10	State	Statute	Library committee. There shall be a library committee composed of the State Superintendent of Education, the director of the division of elementary education, the high school supervisor and four other members to be appointed by the State Superintendent of Education, two representing the elementary schools and two representing the high schools. All library books provided for under Article 3 of this chapter shall be selected from an approved list to be furnished the State Board of Education by the library committee.	Y	Y
594	SECTION 59-31-20	State	Statute	Field workers. The State Board of Education may appoint five field workers who shall be charged with the duties assigned by the Board and shall perform any and all duties required by the provisions of this chapter. As compensation for their services such field workers shall each receive a salary and, in addition thereto, actual traveling expenses incurred while in the discharge of their duties as provided by law.	Y	Y
595	SECTION 59-31-30	State	Statute	Use of uniform series of textbooks in State aided schools; exceptions. The State Board of Education shall designate a uniform series of textbooks which shall be used in every free public school of this State receiving any State aid for any purpose whatsoever. No school failing or refusing to use such uniform series of textbooks, unless expressly permitted by law so to do, shall receive any State school aid for any purpose whatsoever. But the provisions of this section shall not apply to any school district that provides free schoolbooks to the value of twenty thousand dollars or more to the school children of such district. The State Board of Education is hereby charged with the enforcement of this section.	Y	Y
596	SECTION 59-31-40	State	Statute	Adoption of new books; books to be error free. The meetings of the State Board of Education in any year at which an adoption is made must be public. New textbooks adopted by the State Board of Education in any year must not be used in the free public schools of this State until the next school session begins. Each contract between the State Board of Education and a publisher of textbooks and instructional materials or vendor of instructional technology must require that all textbooks or other instructional material rented or purchased by the State be free of any clear, substantive, factual, or grammatical error. The contract also must allow the State Board of Education to require reasonable remedies if an error is found.	Y	Y

597	SECTION 59-31-45	State	Statute	Selection of textbooks; requests; procedures. (A) In addition to any other method of textbook selection, the State Board of Education shall add to the approved list of textbooks for use in the public schools of this State any textbook or series of textbooks which have been reviewed and not adopted by the state board if the textbook or series is requested in writing by the boards of trustees of five or more school districts or by the boards of trustees of two or more school districts with a combined population of twenty five thousand or more students. Local school districts shall establish procedures under which principals and teachers of the district may transmit textbook requests as permitted by this section. (B) The number of requests required to be received above shall be as received during any three hundred sixty five day period. A textbook so required to be added to the approved list shall be added within thirty days following the receipt by the state board of the requisite number of requests, provided that the publishers whose textbooks are to be added to the approved list as provided in this section comply with the same provisions regarding textbooks as other publishers including, but not limited to, price, durability, and availability. No designation shall be included upon the approved list which indicates the manner in which any textbook was added to the list.	Y	Y
598	SECTION 59-31-50	State	Statute	Use of disapproved books unlawful. In all schools and colleges within this State which are supported in whole or in part from the free school funds it shall be unlawful to use any textbook which has been condemned or disapproved by the State Board of Education.	N	N
599	SECTION 59-31-60	State	Statute	Issuing notes for books or borrowing to pay for same. The State Board of Education may issue its negotiable notes with interest not exceeding three and one half per cent per annum and may pledge all books purchased and all rentals collected under Article 3 of this chapter, after the payment of all administrative expenses, for the discharge of rental or purchase contracts. The full faith, credit and taxing power of the State are pledged for the payment of such notes. The State Board of Education, in its discretion, may borrow upon the same terms as above authorized, from any available source, the money with which to purchase such schoolbooks, at a rate of interest not to exceed three and one half per cent per annum. But no notes shall be issued hereunder without the written approval of the State Budget and Control Board. For the purpose of carrying out the provisions of Articles 1 to 5 of this chapter and enabling the State to avail itself to the fullest extent of Federal aid, in the form of grants or otherwise, that is available for use in the State for this and other purposes, the Governor shall procure from all sources available such amounts of funds as may be needed to carry out the terms and purposes of said articles.	Y	Y
600	SECTION 59-31-65	State	Statute	Acquisition of instructional technology. State funds for the acquisition of textbooks in the public schools of this State may also be used to acquire instructional technology and other similar materials which have been approved by the State Board of Education. The procedures applicable to the use of these funds to acquire textbooks are also applicable to the acquisition of instructional technology and other similar materials. The State Board of Education shall promulgate those regulations necessary to implement the provisions of this section.	Y	Y
601	SECTION 59-31-70	State	Statute	Purchase of textbooks; reimbursement from state school textbook funds. A school district may purchase school textbooks approved by the Board of Education for instructional use directly from a publisher under contract with the state board when needed for instruction by the school district if the textbooks are not available from the State Department of Education. In this event, the district shall be reimbursed from state school textbook funds of the Department of Education when these textbook funds become available, in accordance with any agreement between the school district and the department.	Y	Y
602	SECTION 59-31-75	State	Statute	Textbooks required for course to begin. A public school may not begin a course if state approved textbooks or other course material is not available on the first day of class or if the delivery date is after the first two weeks of classes unless the board of trustees determines that the class should be offered.	N	N
603	SECTION 59-31-210	State	Statute	Board required to provide textbooks on rental basis. The State Board of Education shall provide all the textbooks for use in the public schools of the State on a rental system whereby the pupils in the public schools will pay an annual rental in an amount to be fixed by the State Board of Education, in its discretion, graduated as to grades, sufficient to pay all the costs of the administration of this article and the purchase of any books necessary to be acquired by the State Board of Education. But the Board shall not be required to furnish materials which shall be consumed or rendered worthless in any one year, such as pencils, tablets, workbooks, drawing materials and other similar articles.	Y	Y
604	SECTION 59-31-220	State	Statute	Furnishing library books. The State Board of Education shall furnish library books, from an approved list, to the public school districts or counties of this State upon the same terms and conditions that textbooks are now furnished under the terms of this article. But when any school district or county shall pay the State Board of Education the purchase price, plus interest, for such library books, such books shall become the property of such school district or county.	Y	Y

605	SECTION 59-31-230	State	Statute	Furnishing audio visual equipment. The State Department of Education shall provide audio visual equipment, including films and motion picture projectors, for the use in the free public schools of the State on either the State rental plan or the library purchase plan.	Y	Y
606	SECTION 59-31-240	State	Statute	Pupils' option to purchase or rent books. No pupil in the public schools of the State shall be required to pay any larger amount for the use of the books than authorized by Section 59 31 210 nor to buy outright or otherwise acquire any textbook. But any pupil may purchase, if he so desires, the books to be used by him, in which event no rental fee will be charged to such pupil. The State Board of Education shall make proper arrangements for the sale of textbooks to those pupils who desire to purchase them, and such textbooks shall be sold at cost plus actual expenses.	Y	Y
607	SECTION 59-31-250	State	Statute	State institutions of higher learning authorized to establish textbook rental systems. Any State institution of higher learning may, in the discretion of its board of trustees or other governing body, set up a textbook rental system in the same manner as is provided in Section 59 31 210 for school districts and may choose or purchase its own textbooks. All funds received by such institutions from rental of books belonging to such institutions shall be retained by them respectively.	N	N
608	SECTION 59-31-260	State	Statute	School districts and counties authorized to establish rental or free textbook systems. Nothing contained in this article shall abrogate the power to set up rental or free textbook systems of any school district or county that may have such right, and all rentals received by any such district or county from rental of books belonging to such district or county shall be retained by such district or county. And school districts enrolling five thousand or more school pupils shall have the right to set up rental or free textbook systems and choose and purchase their own textbooks. All rentals received by such districts from rental of books belonging to such districts shall be retained by such districts. But any such county or school district having its own rental or free textbook system shall be entitled to receive all benefits under the rental library provisions of this article.	N	N
609	SECTION 59-31-270	State	Statute	Abandonment of county or district rental or free textbook system. Upon the resolution of the county legislative delegation any county or school district may abandon its rental or free system of textbooks and accept the provisions of this article. Upon any such county or school district abandoning its rental or free system and accepting the provisions of this article, the State Board of Education shall make, or cause to be made, an investigation and shall determine the value to the State of any textbooks belonging to such county or district which can reasonably be of use to the State under this article, and the Board shall purchase such useful books from such county or district, paying therefor either in cash or in such installments as may be agreed upon between the State Board of Education on the one hand and the county board of education, or trustees, as the case may be, on the other hand. In the event it be agreed to pay therefor in installments, the State Board of Education shall enter into reimbursement agreements with such officials to pay such installments in the future.	Y	Y
610	SECTION 59-31-280	State	Statute	Subsequent election to come under system. Notwithstanding that any school district or county may have exercised the privilege accorded under Section 59 31 410 not to come under the provisions of this article, any such school district or county may retract any such election by filing with the State Board of Education a written statement, which for any school district shall be signed by the board of trustees of such district and approved by the Senator and at least one half of the representatives from such county and for any county shall be signed by the county board of education and approved by the Senator and at least one half of the representatives of such county, in either case to the effect that the district or the county, as the case may be, desires to retract any such election theretofore made by it and to come under the provisions of this article. Upon any such statement being filed, any such school district or county, as the case may be, shall thereupon come under the provisions of this article.	N	N
611	SECTION 59-31-290	State	Statute	Rules and regulations as to depositories, distribution and damage to books. The State Board of Education shall adopt, establish and promulgate such rules and regulations as may be necessary to carry out the purposes of this article, which, when not in conflict with the terms and purposes of this article, shall have full legal force and effect. Such rules and regulations shall provide a system of depositories for the books in the various counties of the State, which depositories may be designated as the State Board of Education may deem best, and shall establish a method of distributing the books to the pupils and provide for the reasonable use, care and safety of the books, with reasonable penalties for the abuse or destruction of any books, to fall upon those using the books or those in charge of their distribution and use. Such rules and regulations shall provide for payment by the pupils, their parents or legal guardians for the loss of or damage, if any, to any books, ordinary wear and tear excepted.	Y	Y
612	SECTION 59-31-300	State	Statute	Retention of books within districts. As far as may be practicable the State Board of Education shall provide for the retention of all necessary schoolbooks for use by the school districts within such districts.	Y	Y

613	SECTION 59-31-310	State	Statute	Counties required to provide depositories for books. The various counties, through their properly constituted authorities, shall furnish a sufficient and proper place for depositing or storing books used in such counties.	N	N
614	SECTION 59-31-320	State	Statute	Contracts with publishers for general depositories. The State Board of Education may require all publishers of textbooks with whom textbook contracts have been made to maintain a joint agency or depository, in some city in the State to be located at some suitable and convenient distributing point, at which general depository each textbook publisher shall keep on hand a sufficient stock of books to supply the requirements of the State and through which central depository all textbooks shall be distributed. Any person or school not controlled by the State may order books from the general depository, and the books so ordered shall be furnished for cash at cost plus actual expenses.	Y	Y
615	SECTION 59-31-330	State	Statute	Fumigation or disinfection of books. The State Board of Education, in conjunction with the Department of Health and Environmental Control, shall adopt rules and regulations governing the fumigation or disposal of textbooks from quarantined homes and for the regular disinfection of all textbooks used in the public schools of the State.	Y	Y
616	SECTION 59-31-340	State	Statute	School districts responsible for proper protection, use and care of books. The director shall hold each school district in the State responsible for the proper protection, use and care of all schoolbooks allotted to each such district under the terms of this article. Each school district shall make reports to the director when required by the director as to the books on hand and their condition and shall, within thirty days after the end of each school term, return all schoolbooks allocated to such district to the place or places required by the director. The director shall, as soon as practicable after the close of each school term, determine the loss and damage, if any, ordinary wear and tear excepted, sustained by such books in any school district or other educational unit and shall make demand for the payment for such damage upon the various districts and units against which loss and damage shall have been assessed. Any such district or unit feeling itself aggrieved by any such determination may appeal to the State Board of Education. Unless such appeal be taken and sustained, any such district or unit shall forthwith pay for such loss and damage.	N	N
617	SECTION 59-31-350	State	Statute	Rentals payable annually in advance. The rentals shall be paid by or for each pupil annually in advance upon the opening of school, before any pupil is allowed the use of the books.	N	N
618	SECTION 59-31-360	State	Statute	Waiver of textbook rental charges; use of school districts' books. The State Board of Education shall waive textbook rental charges for grades kindergarten through twelve of the public schools, to the end that basal textbooks adopted and approved by the board for use in the public schools must be supplied to the school children of the State without charge. Title to books so provided shall remain in the State Board of Education. Each school district shall fully utilize all books owned by it to effect the purposes of this section.	Y	Y
619	SECTION 59-31-370	State	Statute	Collection and payment of rentals. The rentals provided hereunder shall be collected by the various school districts in the State, and each school district shall pay the amount thereof due for the use of books by the pupils in such district within thirty days from the date of the opening of the schools or the admission of new pupils to the schools. No schoolbooks shall be delivered to any school child on a rental plan until the rentals have been fully paid.	N	N
620	SECTION 59-31-380	State	Statute	Tax levy for payment of losses, damages or unpaid rentals. Upon proper certification by the State Board of Education and county superintendent of education, the county auditors and county treasurers of the respective counties in which such school districts or units are located shall levy sufficient millage in or upon any such school district or other educational unit sufficient to pay any amount due the State Board of Education for any loss, damage or rentals due by such district or other educational unit under the terms of this article. But in the event there are sufficient funds on deposit to the credit of the school district or other educational unit, the trustees of the school district or the county board of education are directed to draw a warrant against such funds to cover the amount of such loss or shortage in rental funds accruing under the terms of this article, in which case no levy shall be made.	N	N
621	SECTION 59-31-390	State	Statute	Administrative expenses shall be paid out of rentals. All necessary expenses incurred in administering the terms of this article shall be paid from the rentals collected hereunder.	N	N
622	SECTION 59-31-400	State	Statute	School authorities shall cooperate in administration of system. The county superintendents and boards of education in the various counties of the State shall cooperate with the State Board of Education in the administration of the terms of this article and the rules and regulations established by the State Board of Education in such manner as may be requested or required by the State Board of Education. All superintendents, principals and teachers in the schools of this State shall cooperate fully with the State Board of Education and county boards of education in the proper and orderly administration of the terms of this article, and the State Board of Education may promulgate rules to provide cooperation by the superintendents, principals and teachers and to establish penalties for failure to cooperate.	Y	Y

623	SECTION 59-31-410	State	Statute	Situations in which article not applicable. The provisions of this article shall not apply (a) to any school district the board of trustees of which filed before August 1, 1936 with the former State Schoolbook Commission a written statement, approved by the Senator and at least one half of the representatives from such county, to the effect that it did not elect to come under the provisions of this article nor (b) to any county the county board of education of which filed before August 1, 1936 with the former State Schoolbook Commission a written statement, approved by the Senator and at least one half of the representatives from such county, to the effect that it did not elect to come under the provisions of this article.	N	N
624	SECTION 59-31-510	State	Statute	Contracts with publishers for rental or purchase of books. The State Board of Education may negotiate and execute contracts with the publishers of textbooks and instructional materials and vendors of instructional technology that allow the State to rent from the publishers or buy outright the books to be used in the public schools, with discretion in the State Board of Education to make rental contracts or purchase contracts as may be to the best advantage of the State. A contract made with a publisher of textbooks may be made so as to divide the payment to the publisher for rental or purchase over a period of three years, but it must not be construed to prevent the State Board of Education from purchasing or renting additional books as necessary. If the State Board of Education decides to purchase outright the books to be used in the schools of this State, they must be purchased at the lowest possible prices and, so far as existing contracts for state adopted books shall permit, pursuant to competitive bidding.	Y	Y
625	SECTION 59-31-520	State	Statute	Continuance of contracts with publishers. At the expiration of any contract between the State and the publisher of any textbook, the State Board of Education, upon satisfactory agreement being had with such publisher, may continue the contract for any such textbook, or the latest editions thereof, for an indefinite period which may be terminated either by the State Board of Education or the publisher upon ninety days' notice. The Board may extend contracts at different prices from those of the original contracts.	Y	Y
626	SECTION 59-31-530	State	Statute	Duration of original contracts. Original contracts made with publishers of all textbooks and providers of instructional materials shall run for not less than one year nor more than six years.	N	N
627	SECTION 59-31-540	State	Statute	Most favored purchaser clause in contract. All contracts shall provide that if any person who furnishes adopted textbooks to the State shall sell the same textbooks or cause them to be sold to any other person, state or state board for a price less than that which this State has contracted to pay for such textbooks, then such lower price shall automatically become the contract price for such textbooks in this State and the contents of the textbooks shall be considered and not the title in investigating such prices. The State Board of Education shall make the necessary investigations as to the prices of such textbooks so sold to other persons, states or state boards.	Y	Y
628	SECTION 59-31-550	State	Statute	Bids; details as to contracts. The State Board of Education shall make all necessary rules and regulations pertaining to: (1) The advertisement of bids; (2) The submission of prices; (3) The sampling of, and hearings on, textbooks offered for adoption; (4) The nature and type of contract to be entered into between the State and the publisher; (5) The nature and type of bond to be entered into between the State and the publisher, the penal amount of such bond, conditioned upon the faithful performance by the publisher, of any contract awarded to it, to be not more than five thousand dollars; (6) The distribution of textbooks through central or local depositories, subject to the provisions of Article 3 of this chapter providing for a rental system of textbooks for the free public schools; and (7) All other needful rules and regulations not otherwise herein specified.	Y	Y
629	SECTION 59-31-560	State	Statute	Approval of contracts and publishers' bonds by Attorney General. The Attorney General of the State shall approve all contracts to be entered into between the State and publishers and shall approve the bond to be filed by each contract publisher. Such bond shall be placed in the custody of the State Treasurer.	N	N
630	SECTION 59-31-570	State	Statute	Change in terms of contracts. The State Board of Education may, in its discretion, postpone, alter, amend or modify the terms of State adoption of textbook contracts.	N	Y
631	SECTION 59-31-580	State	Statute	Attorney General shall enforce article. The Attorney General shall institute and prosecute suits against all violators of the provisions of this article and all contracts entered into in violation of the terms of this article shall be null and void.	N	N

632	SECTION 59-31-590	State	Statute	School personnel not permitted to act as agents for publishers. It shall be unlawful for any teacher of a school supported in whole or in part from the public school funds of this State or any trustee of any such school or any other school officer to become an active or silent agent of any schoolbook publisher or be in anywise pecuniarily interested in the introduction of any schoolbook into any school in this State. Any person violating any of the provisions hereof shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not less than one hundred dollars or imprisonment in the county jail for a period of not less than thirty days, or both, at the discretion of the circuit judge.	N	N
633	SECTION 59-31-600	State	Statute	Standards for textbook adoptions. When the State Board of Education determines that a textbook or instructional material adoption is needed in a specific field, the board shall direct evaluating and rating committees to assess the textbook or instructional material for the development of higher order thinking skills and problem solving. Each evaluation and rating committee may have up to twenty five percent lay membership. A majority of those appointed to the committee must be full time classroom teachers. In addition to monitoring the accuracy of facts and grammar, the committee shall include in its rating and evaluating criteria, where applicable, satisfaction of state mandates for graduation criteria and support for the benefits of the American economic and political system. The results of each evaluating and rating committee's assessment must be included in its written report to the State Board of Education. Where otherwise satisfactory, the evaluating and rating committee shall recommend and the State Board of Education shall adopt textbooks and other instructional materials which develop higher order thinking skills.	N	Y
634	SECTION 59-31-610	State	Statute	Public review and hearings. 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 must be geographically distributed around the State at as many state supported colleges and universities or, if necessary, other designated sites as may agree to host the reviews. Public review sites shall be advertised in each congressional district in the newspaper with the largest circulation figures for that district. The state board shall hold a public hearing before adopting any textbook or instructional material for use in the schools of this State.	Y	Y
635	SECTION 59-32-5	State	Statute	Short title. This may be cited as the "Comprehensive Health Education Act".	N	N
636	SECTION 59-32-10	State	Statute	Definitions. As used in this chapter: (1) "Comprehensive health education" means health education in a school setting that is planned and carried out with the purpose of maintaining, reinforcing, or enhancing the health, health related skills, and health attitudes and practices of children and youth that are conducive to their good health and that promote wellness, health maintenance, and disease prevention. It includes age appropriate, sequential instruction in health either as part of existing courses or as a special course. (2) "Reproductive health education" means instruction in human physiology, conception, prenatal care and development, childbirth, and postnatal care, but does not include instruction concerning sexual practices outside marriage or practices unrelated to reproduction except within the context of the risk of disease. Abstinence and the risks associated with sexual activity outside of marriage must be strongly emphasized. (3) "Family life education" means instruction intended to: (a) develop an understanding of the physical, mental, emotional, social, economic, and psychological aspects of close personal relationships and an understanding of the physiological, psychological, and cultural foundations of human development; (b) provide instruction that will support the development of responsible personal values and behavior and aid in establishing a strong family life for themselves in the future and emphasize the responsibilities of marriage. (c) provide instruction as to the laws of this State relating to the sexual conduct of minors, including criminal sexual conduct. (4) "Pregnancy prevention education" means instruction intended to: (a) stress the importance of abstaining from sexual activity until marriage; (b) help students develop skills to enable them to resist peer pressure and abstain from sexual activity; (c) explain methods of contraception and the risks and benefits of each method. Abortion must not be included as a method of birth control. Instruction explaining the methods of contraception must not be	N	N
637	SECTION 59-32-20	State	Statute	Selection or adoption of instruction units by state board required. (A) Before August 1, 1988, the board, through the department, shall select or develop an instructional unit with separate components addressing the subjects of reproductive health education, family life education, pregnancy prevention education, and sexually transmitted diseases and make the instructional unit available to local school districts. The board, through the department, also shall make available information about other programs developed by other states upon request of a local school district. (B) In addition to the provisions of subsection (A), before September 1, 2015, the board, through the department, shall select or develop instructional units in sexual abuse and assault awareness and prevention, with separate units appropriate for each age level from four year old kindergarten through twelfth grade.	Y	Y

638	SECTION 59-32-30	State	Statute	Local school boards to implement comprehensive health education program; guidelines and restrictions. (A) Pursuant to guidelines developed by the board, each local school board shall implement the following program of instruction: (1) Beginning with the 1988 89 school year, for grades kindergarten through five, instruction in comprehensive health education must include the following subjects: community health, consumer health, environmental health, growth and development, nutritional health, personal health, prevention and control of diseases and disorders, safety and accident prevention, substance use and abuse, dental health, and mental and emotional health. Sexually transmitted diseases as defined in the annual Department of Health and Environmental Control List of Reportable Diseases are to be excluded from instruction on the prevention and control of diseases and disorders. At the discretion of the local board, age appropriate instruction in reproductive health may be included. (2) Beginning with the 1988 89 school year, for grades six through eight, instruction in comprehensive health must include the following subjects: community health, consumer health, environmental health, growth and development, nutritional health, personal health, prevention and control of diseases and disorders, safety and accident prevention, substance use and abuse, dental health, mental and emotional health, and reproductive health education. Sexually transmitted diseases are to be included as a part of instruction. At the discretion of the local board, instruction in family life education or pregnancy prevention education or both may be included, but instruction in these subjects may not include an explanation of the methods of contraception before the sixth grade. (3) Beginning with the 1989 90 school year, at least one time during the four years of grades nine through twelve, each student shall receive instruction in comprehensive health education, including at least seven hundred fifty minutes of reproductive health education and pregnancy prevention education. (4) The South Carolina Educational Television Commission shall work with the department in developing instructional programs and materials that may be available to the school districts. Films and other materials may be designed for the purpose of explaining bodily functions or the human reproductive	Y	Y
639	SECTION 59-32-40	State	Statute	Staff development. As part of their program for staff development, the department and local school boards shall provide appropriate staff development activities for educational personnel participating in the comprehensive health education program. Local school boards are encouraged to coordinate the activities with the department and institutions of higher learning.	Y	Y
640	SECTION 59-32-50	State	Statute	Notice to parents; right to have child exempted from comprehensive health education program classes. Pursuant to policies and guidelines adopted by the local school board, public school principals shall develop a method of notifying parents of students in the relevant grades of the content of the instructional materials concerning reproductive health, family life, pregnancy prevention, and of their option to exempt their child from this instruction, and sexually transmitted diseases if instruction in the diseases is presented as a separate component. Notice must be provided sufficiently in advance of a student's enrollment in courses using these instructional materials to allow parents and legal guardians the opportunity to preview the materials and exempt their children. A public school principal, upon receipt of a statement signed by a student's parent or legal guardian stating that participation by the student in the health education program conflicts with the family's beliefs, shall exempt that student from any portion or all of the units on reproductive health, family life, and pregnancy prevention where any conflicts occur. No student must be penalized as a result of an exemption. School districts shall use procedures to ensure that students exempted from the program by their parents or guardians are not embarrassed by the exemption.	N	N
641	SECTION 59-32-60	State	Statute	Department to ensure compliance; annual district report. The department shall assure district compliance with this chapter. Each local school board shall consider the programs addressed in this chapter in developing its annual district report.	Y	N
642	SECTION 59-32-70	State	Statute	Applicability to private schools. The provisions of this chapter do not apply to private schools.	N	N
643	SECTION 59-32-80	State	Statute	Penalty for teacher's violation of or refusal to comply with chapter. Any teacher violating the provisions of this chapter or who refuses to comply with the curriculum prescribed by the school board as provided by this chapter is subject to dismissal.	N	N
644	SECTION 59-32-90	State	Statute	Restrictions on use of films, pictures or diagrams. Films, pictures, or diagrams in any comprehensive health education program in public schools must be designed solely for the purpose of explaining bodily functions or the human reproduction process and may not include actual or simulated portrayals of sexual activities or sexual intercourse.	N	N
645	SECTION 59-33-10	State	Statute	Legislative findings; declaration of purpose. The General Assembly finds that it is necessary and proper to provide an appropriate education for all handicapped children and youth enrolled in public schools or eligible for enrollment therein. It further finds that this purpose can best be accomplished through implementation of an intensive five year plan to expand and improve existing programs for exceptional children in the public schools. The purpose of this chapter is to provide for the mandatory establishment of educational and training services and facilities for handicapped children in the public schools, between the ages designated in Section 59 63 20, who cannot be trained adequately without special educational facilities and services.	N	N

646	SECTION 59-33-20	State	Statute	Definitions. As used in this chapter: (a) "Handicapped children" shall mean those who deviate from the normal either psychologically or physiologically to such an extent that special classes, special facilities, or special services are needed for their maximum development, including educable mentally handicapped, trainable mentally handicapped, emotionally handicapped, hearing handicapped, visually handicapped, orthopedically handicapped, speech handicapped, and those handicapped by learning disabilities as defined in item (1), Section 59 21 510. (b) "Professional workers" shall mean personnel certified and approved by the Department of Education and shall include, but not be limited to, speech and hearing specialists, mobility instructors, special education interns, special education administrators, supervisors or coordinators devoting full time to special education, and teachers of any class or program defined in this chapter who meet the requirements of the chapter. (c) "Special education services" shall mean, but not be limited to, special classes, special housing, homebound instruction, special rental facilities, braillists and typists for visually handicapped children, transportation, maintenance, instructional materials, therapy, professional consultant services, psychological services, itinerant services and resource services.	N	N
647	SECTION 59-33-30	State	Statute	Establishment by State Board of Education of program of specialized education for handicapped children; rules and regulations. The State Board of Education shall establish a program of specialized education for all handicapped children in this State utilizing the personnel and facilities of, and administered by, the State Department of Education under the direction of the State Superintendent of Education and shall further prescribe standards and approve the procedures under which the facilities are furnished and services provided. The Board shall establish screening, evaluating and placement procedures for handicapped students who will participate in the programs established under this chapter and shall determine certification requirements for teachers, minimum room size standards and standards for other equipment and materials used in such programs. To carry out the provisions of this chapter the Board may promulgate such rules and regulations, not inconsistent with law as it shall deem necessary and proper.	Y	Y
648	SECTION 59-33-40	State	Statute	Surveys and educational plans of school districts; annual reports Each school district individually or in combination with other school districts shall conduct a survey of the educational needs of all handicapped children within its jurisdiction and, with the assistance of the State Department of Education, devise an educational plan for the children concerned. This plan shall provide instruction through the use of resource rooms, crisis teachers, itinerant teachers, diagnostic/prescriptive teachers, self contained classes, or other models approved by the State Department of Education. The plan shall be presented to the Department for approval within one year after February 14, 1972. An annual report shall be made by each district to the Department to indicate the extent to which the plan has been implemented and to report additional planning.	Y	Y
649	SECTION 59-33-50	State	Statute	Establishment and operation of programs by school districts; contracts between districts; special arrangements for multiple handicapped children. The board of trustees of each school district shall, upon approval of its district's plan by the State Department of Education, establish and operate a program which will insure an appropriate education for each handicapped child resident within the district and shall maintain adequate records of the training and services provided and the children participating in the program. When a school district cannot satisfy the requirements of this section by providing for the education of its resident handicapped children because of insufficient numbers, the district may contract with other districts within the State or school systems or public or private institutions or agencies within or without the State which maintain approved special educational facilities; provided, that such institutions or agencies shall accept applicable children into the program regardless of color, race, sex, or religion. The sending district must document this lack of numbers and receive prior approval from the State Department of Education. The sending district may contract and pay the receiving district or institution the per capita cost of instruction, special equipment and special services not reimbursed to the receiving district by State, Federal and other moneys plus the cost of transportation and of maintenance if the nonresident children must reside away from their homes. The district which enters into such nonresident contract arrangements, which are approved by the State Department of Education, shall be reimbursed by the department for tuition, fees, transportation and books, not to exceed the per pupil cost of educating a handicapped child of identical age in the public schools. Special arrangements for multiple handicapped children for whom special appropriations are provided because of the severity of their handicaps may be made with the Department.	Y	Y
650	SECTION 59-33-60	State	Statute	Cooperation with other agencies; acceptance of donations. District and State educational agencies are required to cooperate with other agencies within the State, both public and private, interested in working toward the education, training and alleviation of the handicaps of handicapped children, and all such agencies are authorized to accept gifts or donations from such private agencies.	N	N

651	SECTION 59-33-70	State	Statute	Funding; chapter is supplementary. The General Assembly shall appropriate funds to implement the provisions of this chapter with initial funding for planning and organizing to begin with the fiscal year 1972 1973. Costs for all programs for handicapped children shall be shared with the school districts on the same basis that education costs are currently provided for such children attending the public schools. The provisions of this chapter are supplementary to all existing programs for the education of handicapped children.	N	N
652	SECTION 59-33-80	State	Statute	Legislative declaration of policy as to residential and nonresidential programs. The General Assembly declares that the public policy of this State is to provide, when feasible, the resources, assistance, coordination, and support necessary to enable the handicapped person to receive an education within the context of his home and community. Where individuals have previously been placed in residential treatment centers it is recognized that the services and programs to be provided under this chapter will offer new resources for the care and training of such individuals at home. The governing agencies of such residential programs are encouraged to investigate the resources to be provided by this chapter and, where appropriate, work closely with the family, guardian, or other responsible agent to effect the meaningful return of institutionalized persons to the more normal environment of their homes and communities. At the same time, the General Assembly directs responsible agencies administering residential programs not to view this chapter as reason for the indiscriminate return home of current institutional residents. In no instance shall the governing agency of such residential center return a person to his home without the advance, written consent of his parent, guardian, or other responsible party. However, where the parent, guardian, or other responsible party shall oppose the recommendation of the agency administering the residential program to return the individual to his home, the agency, based upon professional judgment, may place the individual in other nonresidential programs such as foster homes, community residences, halfway residences, or other similar services designed to promote the growth and development of the handicapped individual.	N	N
653	SECTION 59-33-90	State	Statute	Subpoena power of hearing officers; placement of handicapped children in alternative programs. Notwithstanding any other provision of law: Duly appointed hearing officers of local school districts and other state operated programs shall have the power of subpoena consistent with the requirements and regulations of Public Law 94 142. Regarding handicapped children placed in alternative programs for non educational reasons: (1) No agency of the State shall place handicapped children of lawful school age in residential, institutional or foster home settings without insuring that such children shall have available to them a free and appropriate public education in conformance with the provisions of Public Law 94 142. (2) In placing children determined to be handicapped by State Board of Education regulations, state agencies must procure, except in emergency situations, advance approval by the State Department of Education. The Department shall insure that an appropriate Individual Education Plan shall be developed by the pupil's home school district and that the proposed educational placement meets all the provisions of Public Law 94 142. Regarding handicapped children placed in other programs for educational reasons, when local school districts must place handicapped children of lawful school age in programs external to the child's home district for educational reasons, the district making the placement shall insure that such placement shall be at no cost to parent or child including room, board, education and related services and non medical care.	N	N
654	SECTION 59-33-100	State	Statute	Special education for emotionally handicapped pupils. In addition to those services currently provided to "emotionally handicapped pupils" as those pupils are defined in subsection (4) of Section 59 21 510, the State Department of Education shall contract with the Continuum of Care Policy Council to provide services approved by the State Board of Education to enable "emotionally handicapped pupils" to benefit from special education.	Y	Y
655	SECTION 59-33-110	State	Statute	Mediation as part of due process provision. The State Board of Education shall establish a mediation process as a part of the "due process" provision required in accordance with Public Law 94 142. If all parties agree, mediation will be used before any due process hearings required by Public Law 94 142 or at any time during the due process procedures. During discussions of the mediation process with parents, it must be clearly stated that the right of the parents or the school district to due process is in no way compromised by agreeing to mediation and that neither parents nor the school district are bound by the outcomes of mediation. The mediation process must be developed by July 1, 1994, and implemented during the 1994 95 school year.	Y	Y
656	Sections 59-22-310 through 370 not included - These sections have been updated May 31, 2016; if they need to be included, make sure you check the updated version					

657	SECTION 59-34-10	State	Statute	Short title. This chapter may be cited as the Blind Persons’ Literacy Rights and Education Act.	Y	N
658	SECTION 59-34-20	State	Statute	Definitions. As used in this chapter: (1) “Blind student” means an individual who is eligible for special education services and who: (a) has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision such that the widest diameter subtends an angular distance of no greater than twenty degrees; or (b) has a medically indicated expectation of visual deterioration. (2) “Braille” means the system of reading and writing through touch commonly known as standard English Braille. (3) “Individualized education program” means a written statement developed for a student eligible for special education services pursuant to Section 602(a)(20) of Part A of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1401(a).	N	N
659	SECTION 59-34-30	State	Statute	Entitlement to individualized education program; assessment; instruction in braille. Each legally blind student must be identified and offered an individualized education program (IEP) in consultation with a parent or legal guardian. While braille is not required, it is presumed that the need for braille reading and writing are valuable skills to be considered in the student’s transition plan toward continuing in higher education and in broadening job and career opportunities. No child who is legally blind may be denied the opportunity to receive instructions in braille reading and writing on the basis that the child has the ability to read and write print. Each student must be given an assessment which must include an evaluation of the need for braille skills to be designed by the State Department of Education, and shall include strengths and deficits. The purpose of the assessment is to determine the most appropriate reading and writing media for the individual child and does not require the use of braille if other special education services are appropriate. Nothing in this section requires the inclusion of braille in a legally blind student’s IEP.	Y	N
660	SECTION 59-34-40	State	Statute	Sufficiency of instruction required; particulars of individualized education program. Instruction in braille reading and writing must be sufficient to enable each blind student to communicate effectively and efficiently with the same level of proficiency expected of the student’s peers of comparable ability and grade level. The student’s individualized education program must specify: (1) the results obtained from the assessment required pursuant to Section 59 34 30; (2) how braille will be implemented as the primary mode for learning through integration with other classroom activities; (3) the date on which braille instruction will commence; (4) the length of the period of instruction and the frequency and duration of each instructional session; (5) the level of competency in braille reading and writing to be achieved by the end of the period and the objective assessment measures to be used; and (6) if a decision has been made pursuant to the assessment that braille instruction or use is not required for the student then a specification of the evidence used to determine that the absence of braille instruction or use will not impair the student’s ability to read and write effectively.	N	N
661	SECTION 59-35-10	State	Statute	Kindergarten classes shall be provided. The board of trustees of each school district shall establish and provide kindergartens for children within its jurisdiction. All children in the five year old kindergarten program must be counted in the average daily membership of any public school district when public school funds are to be apportioned to the several school districts. State aid for the five year old kindergarten program must be distributed through the formula provided for in the “Education Finance Act” (Act 163 of 1977). Beginning with school year 1998 99, school districts shall offer an extended day five year old kindergarten program to all requesting parents and shall be eligible for funding for the extended day equal to the EFA weight for a child attending a half day five year old kindergarten program. Local match is required for the extended day funding. The State Board of Education may waive the full day kindergarten requirement for a particular school district on an annual basis upon application of the district if the board finds the school district does not have available space and the cost of temporary classroom space cannot be justified. Parents of children who are eligible to attend the extended day five year old kindergarten may elect the half day program for their children. Parents intending to enroll their eligible children in a full day kindergarten program must notify the district by January thirty first of the year of the anticipated enrollment date. Parents moving into the district after the notification date may apply for full day kindergarten, and the district shall enroll such child in its full day program on a space available basis. Any parent or guardian of a child eligible for kindergarten may elect for their child or ward not to attend kindergarten pursuant to Section 59 65 10.	N	N

662	SECTION 59-36-10	State	Statute	Definitions. As used in this chapter: (1) “Preschool disabilities program” means the special education and related services provided in accordance with Public Law 94 142, as amended; (2) “Preschool children with disabilities” means children ages three, four, and five whose developmental progress is delayed to the extent that a program of special education is required to ensure their adequate preparation for school age experiences. This includes four year old vision and hearing impaired children and five year old children with disabilities previously included under Section 59 21 510. Eligibility must be noncategorical and must provide for children who are experiencing developmental delays in one or more of the following areas: cognitive ability, social ability, emotional ability, perceptual ability, visual ability, hearing ability, motor ability, speech language ability, and other health impairments. (3) “State advisory council” means the state advisory council on the Education of Children with Disabilities established in compliance with Public Law 94 142, as amended. The advisory council must be expanded to include permanent representation by state agencies listed in Section 59 36 20 that provide services for preschool children with disabilities, ages birth through five, and the Chairperson of the Interagency Coordinating Council (ICC) for P.L. 99 457. Additionally, a subcommittee of the advisory council must be established to address educational programs and services for preschool children with disabilities. The chairperson of the ICC and the advisory council, or their designee; state agencies designated from those listed in Section 59 36 20; at least two parents; one representative from daycare programs; one representative from HeadStart; and two local education agency representatives form the committee, all of whom, with the exception of the Chair of the ICC, shall be selected by a majority vote of the advisory council. A staff member from the Department of Education will be assigned to provide assistance to the council and the subcommittee as needed.	N	N
663	SECTION 59-36-20	State	Statute	Comprehensive system of special education and services; mandate of Individuals with Disabilities Education Act; agencies and persons responsible; inter agency cooperation; level of services; costs of services; resolving disagreements. The State Board of Education and the State Department of Education are responsible for establishing a comprehensive system of special education and related services and for ensuring that the requirements of the Federal Individuals with Disabilities Education Act are carried out. Other state agencies which provide services for children with disabilities are directed to cooperate in the establishment and support of the system. Agencies with responsibilities under this chapter include: the Department of Mental Retardation, the School for the Deaf and the Blind, the Commission for the Blind, the Department of Health and Environmental Control, the Department of Mental Health, the State Department of Social Services, Continuum of Care, and the State Department of Education. All public education programs for children with disabilities within the State, including all programs administered by any other state or local agency, are under the general supervision of the persons responsible for education programs for children with disabilities in the State Department of Education and must meet the standards of the State Board of Education. No provision of this section or of this chapter may be construed to limit the responsibilities of agencies other than the Department of Education from providing or paying for some or all of the cost of services to be provided the state’s children with disabilities and the level of service must, at a minimum, be similar to that provided individuals with similar needs. If agencies are unable to agree on responsibilities for a particular child, the issue must be decided by the Children’s Case Resolution System, Article 11, Chapter 11, Title 63.	Y	Y
664	SECTION 59-36-30	State	Statute	Assistance of state advisory council. The state advisory council shall advise the Department of Education and the State Board of Education in developing a comprehensive service system for special education and related services to preschool children with disabilities. The assistance includes, but is not limited to: (1) a comprehensive method of identifying children with disabilities; (2) a public awareness program focusing on identification of preschool children with disabilities; (3) a coordinated system of personnel development for those who serve preschool children with disabilities; (4) formal interagency agreements which: (a) define the financial responsibility of each agency for providing special education and related services; (b) establish procedures for the transition of children served under Title 44, Chapter 7; and (c) contain procedures for resolving disputes.	Y	Y

665	SECTION 59-36-40	State	Statute	Policies, standards, and procedures to ensure appropriate education; consultant; evaluation and placement of students; certification and credentials of personnel. The State Board of Education, with input from the state advisory council, shall establish policies, standards, and procedures necessary to ensure that a free and appropriate education is available in the least restrictive environment and that a smooth transition from early intervention programs or initial entry into preschool programs occurs for children with disabilities. The Department of Education shall employ at least a full time consultant in preschool education for children with disabilities. The board shall establish evaluation and placement procedures for students with disabilities who participate in the programs established under this chapter and shall determine certification requirements for teachers and appropriate credentials for all other personnel delivering education or related services in these programs.	Y	Y
666	SECTION 59-36-50	State	Statute	Boards of school districts to provide programs; arrangements with other districts and agencies; transportation; individualized education programs; transition. The board of trustees of each school district shall provide a free appropriate public education consistent with Part B of the Individuals with Disabilities Education Act for all preschool children with disabilities residing in the district. Working with other agencies, the districts may enter into agreements with other districts or agencies, public or private, which maintain approved special education programs or who operate noneducational programs in which special education programming or related services might be provided by the district. In order to facilitate the implementation of this responsibility, each district shall arrange transportation for all children enrolled in preschool programs for children with disabilities who require transportation. Beginning on their third birthday, preschool children with disabilities meeting the placement criteria developed by the State Department of Education must have available a special education program, including related services, if needed. Local education agencies must evaluate a child in accordance with criteria established by the Department of Education and develop an individualized education program within timelines that allow placement to occur on the third birthday. Evaluations conducted by other professionals or agencies within the last six months may be accepted and used in developing the initial individualized education program so as to ensure a timely initiation of that program and to avoid overtesting of the child. When children turn three between the ending date of one school year and the beginning date of the subsequent school year, an evaluation must be conducted and an individualized education program must be developed within timelines that allow for placement to occur on the beginning date of the subsequent school year. However, if the individualized education plan team determines that there is a need for summer services, these services may be provided before the beginning of the school year. School districts must adhere to the policies and procedures established by the State Department of Education to ensure a smooth transition from the early intervention services provided to infants and toddlers under Section 44 7 2510, et seq. (BabyNet) to the district preschool program. Early intervention service coordinators, parents of children with disabilities who are ready to enter	Y	Y
667	SECTION 59-36-60	State	Statute	Pre existing responsibilities, funds and services not supplanted. No provision of this chapter may be construed to limit the responsibility of state agencies currently providing services to preschool children with disabilities or their families. Funds provided under this statute shall not be used to supplant services previously provided by other state or federal agencies.	N	N
668	SECTION 59-36-70	State	Statute	Annual report by advisory council summarizing services for preschoolers; reports by other agencies. (A) With the assistance of staff provided by the Department of Education, the state advisory council shall submit annually by February first of each year a report to the Interagency Coordinating Council on P.L. 99 457, the Joint Legislative Committee on Children, the Senate Finance Committee, the House Ways and Means Committee, the Senate Education Committee, and the House Education and Public Works Committee, summarizing services provided for preschool children with disabilities and their families. The report must include, but is not limited to: (1) State Department of Education initiatives relative to preschool programs for children with disabilities; (2) data and program information collected from the local education agencies relative to the provision of special education and related services and on its child find activities; (3) financial information pertaining to the implementation of the program; (4) update on the policies and procedures governing the implementation of preschool programs for children with disabilities, including recommendations for improvement of the preschool program, if needed; (5) information provided by the state agencies designated in Section 59 36 20 to the advisory council by December first of each year in a report which will include each agency's initiatives, data, financial information, and pertinent policies and procedures relative to programs for preschool children with disabilities, as well as recommendations for improving services for these children. (B) State agencies designated in Section 59 36 20 shall submit annually by December first of each year a report to the advisory council on a form provided by the council.	Y	Y

669	SECTION 59-36-80	State	Statute	Study of costs; recommendation as to weighting in connection with funding; annual determination of funding level. The Committee to Study Formula Funding for Educational Programs shall conduct a study of the costs of the program for preschool children with disabilities and, if appropriate, recommend weights to be included in the Education Finance Act, Section 59 20 40 and report to the General Assembly no later than November 1, 1993. Until the weightings for preschool children with disabilities are developed and funded, four year old children with hearing or visual disabilities and all five year old children with disabilities will continue to be counted for funding purposes under the Education Finance Act. Funding for all other preschool students with disabilities will be provided for in the General Appropriations Act. The General Assembly shall determine annually in the General Appropriations Act the amount of funding necessary to carry out the provisions of this chapter.	Y	N
670	SECTION 59-37-10	State	Statute	Schools for orphans or needy children in eleemosynary institutions. Upon application of the directors or managing board of any eleemosynary institution in this State, operated without profit as a home for orphans or needy children who are admitted thereto, the State Board of Education shall establish a grammar or high school or both for the inmates of such institution within school age.	Y	Y
671	SECTION 59-37-20	State	Statute	Schools for eleemosynary institutions placed under direction and control of local board of trustees. Should any such school be established, the State Board of Education shall place it under the direction and control of the board of school trustees of the school district in which the institution is located, and thereupon such board of school trustees shall employ teachers and operate the school in a building or buildings to be provided free of charge by the eleemosynary institution (such building or buildings to be approved by the board of school trustees) in the same manner and subject to all the laws, rules and regulations governing the conduct and operation of other public schools of the State.	Y	N
672	SECTION 59-38-10	State	Statute	School district procedures and responsibilities; Department of Social Services responsibilities; educational and school placement decisions; transfer of credits and grades; court appearances treated as excused absences; Department access to school records; adult advocates. (A) Each school district shall have in place procedures to ensure seamless transitions between schools and school districts for children upon notice that a child is in foster care. School districts shall consider maintaining a child in foster care in the same school if it is in the child's best interest. A school district must not place additional enrollment requirements on a child based solely on the fact that the child is in foster care. (B) Each school district shall: (1) facilitate the immediate enrollment of a child in foster care residing in a foster home, group living facility, or any other setting that is located within the district or area served by the district; (2) assist a child in foster care transferring from one district to another by ensuring proper transfer of records; (3) request school records within two school days of placement into a school and transfer records within two school days of receiving a request for school records. (C) The Department of Social Services immediately shall enroll the child in school, maintaining the child in the same school if possible, and shall provide a copy of the court order to the school district to be included in the student's school record. (D) Educational and school placement decisions for children in foster care must be made to ensure that each child immediately is placed in the least restrictive educational program and has access to all academic resources, services, and extracurricular and enrichment activities that are available to all students. (E) Each school district shall accept for credit full or partial course work satisfactorily completed by a child in foster care while attending a public school, nonpublic school, or nonsectarian school in accordance with state and district policies or regulations.	Y	N
673	SECTION 59-39-10	State	Statute	Establishment and maintenance of high schools. The board of trustees of any school district, acting singly or in cooperation with the boards of trustees of adjoining school districts, may establish and maintain a high school, with the privileges herein granted; provided, that such high school meets all the requirements of this article and the regulations of the State Board of Education.	N	N
674	SECTION 59-39-20	State	Statute	Board of trustees of high schools. Except as otherwise expressly provided, if a single school district establish a high school, the board of trustees of such district shall be the high school board of trustees; and if any two or more districts establish a high school, the board of trustees of the district wherein the high school is located, together with the chairman of each of the cooperating districts, shall constitute the high school board of trustees. And except as otherwise expressly provided, if three or more adjoining school districts, none of which contains an incorporated town of twenty five hundred inhabitants according to the last preceding census, shall cooperate to establish a centralized high school, the chairmen of the several cooperating districts shall constitute the board of trustees for the centralized high school.	N	N

675	SECTION 59-39-30	State	Statute	High schools established prior to February 19, 1907 may claim privileges of article. Any public high school established prior to February 19, 1907 may claim the privileges of this article; provided, that it conforms to the requirements of this article and the regulations of the State Board of Education. But nothing in this article shall be construed to repeal any of the privileges granted special school districts in the special acts of the General Assembly.	Y	N
676	SECTION 59-39-40	State	Statute	Creation of corporate body through establishment of high school districts by adjoining school districts. When, pursuant to or under color of authority of any general act, any special act or any act making a special provision in or about the subject matter of a general act, a high school shall have been established by the boards of trustees of two or more adjoining school districts located in the same county or adjoining counties in this State, or when the boards of trustees of two or more such school districts, by the adoption of resolutions, authorization of contracts for erection or in any other way jointly or as separate boards of trustees, shall have evidenced an intention to establish a high school district, a body corporate shall be and hereby is created and shall be deemed to have been created at and from the time of the first joint or separate action in any such case and for such purpose by two or more boards of trustees of school districts.	Y	N
677	SECTION 59-39-50	State	Statute	Area of high school districts established by adjoining districts. Such high school district shall be coterminous with and equal in area to the two or more school districts by action of whose boards of trustees it shall be created, but shall not in any way terminate the continued corporate existence of such school districts as separate entities.	N	N
678	SECTION 59-39-60	State	Statute	Boards of trustees of high school districts established by adjoining districts. The governing body of each such district shall be a board known as a high school board of trustees, which shall be constituted, when the boards of trustees of two or more school districts shall have acted in establishing or evidencing an intention to establish a high school pursuant to or under color of authority of any special act or any act making a special provision in or about the subject matter of a general act, in the manner provided in such act and in any other case in the manner provided in Section 59 39 20.	N	N
679	SECTION 59-39-70	State	Statute	Corporate name of high school district established by adjoining districts; seal; clerk. The corporate name of each such high school district shall be such as shall be adopted by resolution of the high school board of trustees. The high school board of trustees may likewise adopt a corporate seal and may elect from time to time one of their number as clerk to hold office during his term of office as trustee or for a shorter period if the board shall so determine.	N	N
680	SECTION 59-39-80	State	Statute	Privileges and regulation of high school district established by adjoining districts. All such districts shall have the privileges and benefits provided by this article and shall be subject to the regulations of the State Board of Education as therein provided.	Y	N
681	SECTION 59-39-90	State	Statute	Rights, powers and privileges of trustees of high school districts established by adjoining districts. Such high school boards of trustees shall have all of the rights, powers and privileges conferred by law upon the trustees of common school districts and may manage, lease, dispose of, sell, deliver or convey the property of the district upon such terms and conditions as the board shall deem proper and, when authorized by the boards of trustees of a majority of the cooperating districts, may discontinue the operation of such high school. But such right to manage, lease, dispose of, sell, deliver or convey the property of the district or discontinue the operation of the high school shall be subject to the approval of the county board of education.	N	N
682	SECTION 59-39-100	State	Statute	Issuance of uniform diplomas by accredited high school; units required. (A) Diplomas issued to graduates of accredited high schools within this State must be uniform in every respect and particularly as to color, size, lettering, and marking. The number of units required for a state high school diploma is twenty units as prescribed by the State Board of Education. Beginning in the 1986 87 academic year, a minimum of three units must be earned in mathematics and a minimum of two units must be earned in science. (B) One unit in computer science, if approved by the State Department of Education for this purpose, may be counted toward the mathematics requirement. (C) Students who earn one unit in science and six or more units in a specific occupational service area will meet the science requirements for a state high school diploma. Career and technology programs operating on a 3 2 1 structure may count pre career and technology education as one of the six required units. (D) Beginning with the ninth grade class of school year 1997 98, the number of units required for a high school diploma is twenty four units as prescribed by the State Board of Education by regulation, with one additional unit required in mathematics, science, and computer science to include keyboarding. For students in a college preparatory track, as defined by the state board, one additional unit must be earned in a foreign language; and for students in a track designed to enter the work force, as defined by the state board, one additional career and technology unit must be earned. Beginning with the ninth grade class of school year 1997 98, if a student counts one unit of computer science toward his mathematics requirement as permitted above, one additional unit of computer science must be earned. (E) Nothing in this section prohibits local school boards of trustees from awarding recognition to students who complete additional units and credits beyond those required by this section.	Y	Y

683	SECTION 59-39-110	State	Statute	Accelerated program of study. Each accredited high school in this State shall provide an accelerated program of study whereby any student who demonstrates sufficient ability shall, upon approval of the administrative head of such school and of the parent, guardian or other lawful custodian of such student, be allowed to undertake such courses of study as will enable the student to graduate at the end of eleven years of primary and secondary schooling.	Y	N
684	SECTION 59-39-112	State	Statute	Elective credit for released time classes in religious instruction. (A) A school district board of trustees may award high school students no more than two elective Carnegie units for the completion of released time classes in religious instruction as specified in Section 59 1 460 if: (1) for the purpose of awarding elective Carnegie units, the released time classes in religious instruction are evaluated on the basis of purely secular criteria that are substantially the same criteria used to evaluate similar classes at established private high schools for the purpose of determining whether a student transferring to a public high school from a private high school will be awarded elective Carnegie units for such classes. However, any criteria that released time classes must be taken at an accredited private school is not applicable for the purpose of awarding Carnegie unit credits for released time classes; and (2) the decision to award elective Carnegie units is neutral as to, and does not involve any test for, religious content or denominational affiliation. (B) For the purpose of subsection (A)(1), secular criteria may include, but are not limited to, the following: (1) number of hours of classroom instruction time; (2) review of the course syllabus which reflects the course requirements and materials used; (3) methods of assessment used in the course; and (4) whether the course was taught by a certified teacher.	N	N
685	SECTION 59-39-115	State	Statute	Issuance of diploma to high school student who enlisted in military during WWII; documentation; posthumous diplomas. (A) A South Carolinian who enlisted in any branch of the United States military while enrolled as a student in any high school of this State during the period December 8, 1941, through September 1, 1946, must be issued a high school diploma upon presentation of documentation of school enrollment and a copy of an honorable discharge or honorable discharge papers (DD 214) to the South Carolina Department of Education. (B) A posthumous high school diploma must be awarded to any person meeting the criteria of this section upon written request of a member of the individual's family.	Y	N
686	SECTION 59-39-120	State	Statute	Data required to be submitted by high schools and institutions of higher learning concerning high school graduates. On or before May first of each calendar year, every high school which issues a State high school diploma shall submit to the State Superintendent of Education in such form as he may prescribe the following data: (1) The number of high school graduates that entered the freshman class of an institution of higher learning, either in or out of this State, for whom a first semester report has been received; (2) A breakdown showing all courses passed by such group; and (3) A breakdown showing all courses failed by such group. Every high school shall seek diligently to obtain such data from out of State institutions of higher learning. Any high school which fails to file a report or files a false report shall lose its accreditation. Every institution of higher learning in this State shall submit to the state high school from which he was graduated a report on the first semester accomplishments of each freshman.	N	N
687	SECTION 59-39-130	State	Statute	Tabulation of information by State Superintendent of Education. After such reports have been received, the State Superintendent of Education shall cause them to be tabulated so as to show the academic performance of graduates from the respective high schools who entered institutions of higher learning. When such tables have been prepared, they shall be included in the annual report of the State Superintendent of Education as presented to the General Assembly. The State Superintendent of Education shall acquaint the proper officials of the institutions of higher learning with the requirements of Section 59 39 120.	Y	Y
688	SECTION 59-39-140	State	Statute	Regulations for inspection and classification of schools. The State Board of Education may prescribe all such regulations as may not be inconsistent with Chapters 35, 37, 39, 43, 45, 53 and 55 and with the School Code to provide for the inspection and classification of all elementary and secondary schools.	Y	Y
689	SECTION 59-39-150	State	Statute	High school shall not lose accreditation on basis of enrollment only. No high school in this State shall lose its accreditation on the basis of class or school enrollment only, and any high school which lost its accreditation status during the school year 1964 65, based solely upon class or school enrollment, is hereby restored to its former accreditation status.	N	N

690	SECTION 59-39-160	State	Statute	Interscholastic activities; requirements for participation; monitoring; participation by handicapped; waiver. To participate in interscholastic activities, students in grades nine through twelve must achieve an overall passing average and either: (1) pass at least four academic courses, including each unit the student takes that is required for graduation; or (2) pass a total of five academic courses. Students must satisfy these conditions in the semester preceding participation in the interscholastic activity, if the interscholastic activity occurs completely within one semester or in the semester preceding the first semester of participation in an interscholastic activity if the interscholastic activity occurs over two consecutive semesters and is under the jurisdiction of the South Carolina High School League. Academic courses are those courses of instruction for which credit toward high school graduation is given. These may be required or approved electives. All activities currently under the jurisdiction of the South Carolina High School League remain in effect. The monitoring of all other interscholastic activities is the responsibility of the local boards of trustees. Those students diagnosed as handicapped in accordance with the criteria established by the State Board of Education and satisfying the requirements of their Individual Education Plan (IEP) as required by Public Law 94 142 are permitted to participate in interscholastic activities. A local school board of trustees may impose more stringent standards than those contained in this section for participation in interscholastic activities by students in grades nine through twelve. The State Board of Education may grant a waiver of the requirements of this section. This waiver may be granted only when a written statement from a school district superintendent and athletic director has been received stating that a student's ineligibility to participate in interscholastic activities is due to misinformation concerning eligibility requirements being provided by district personnel. The State Board of Education shall establish guidelines to administer this section.	Y	Y
691	SECTION 59-39-170	State	Statute	Secondary schools to emphasize teaching as career opportunity. Acting through guidelines adopted by the State Board of Education, the secondary schools of this State shall emphasize teaching as a career opportunity.	N	N
692	SECTION 59-39-200	State	Statute	Voter registration application forms to be made available to students. Each high school in this State shall make available to its students voter registration application forms. Pursuant to Section 7 5 175, the forms must be provided to high school administrators upon their request to the appropriate county voter registration board or entity charged by law with registering an elector.	N	N
693	SECTION 59-39-310	State	Statute	School district boards shall establish driver education and training programs. The governing board of any school district maintaining a secondary school which includes any grades nine through twelve, inclusive, shall establish driver education and training programs for students in high school grades.	N	N
694	SECTION 59 39 320	State	Statute	Rules and regulations of State Board of Education. The State Board of Education shall promulgate rules and regulations for establishment by local school districts of approved driver education and training courses, and when duly promulgated shall have full force and effect of law. Such regulations shall require that credit for completion of a driver education training course shall not be given unless the course shall have included not less than thirty classroom hours of instruction in driver education, and not less than six hours of actual behind the wheel driving.	Y	Y
695	SECTION 59 39 330	State	Statute	Supervision of course; instrumental standards, teacher qualifications, reimbursement procedure and other requirements. The rules and regulations of the State Board of Education and training course shall be under the supervision of a qualified driver education teacher. Such rules and regulations shall include instrumental standards, teacher qualifications, reimbursement procedure, and other requirements which will further implement the purposes and intent of this article.	N	N
696	SECTION 59 39 340	State	Statute	Payments to school districts. The State Board of Education shall allow to each school district operating a driver education training program an amount equal to thirty dollars per pupil completing the standard prescribed course in the program in that school district during the preceding fiscal year in accordance with the regulations set forth by the State Board of Education for instructing pupils in driver education and training.	Y	Y
697	SECTION 59 40 10	State	Statute	Short title. This chapter may be cited as the "South Carolina Charter Schools Act of 1996".	N	N

698	SECTION 59 40 20	State	Statute	Purpose. This chapter is enacted to: (1) improve student learning; (2) increase learning opportunities for students; (3) encourage the use of a variety of productive teaching methods; (4) establish new forms of accountability for schools; (5) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; (6) assist South Carolina in reaching academic excellence; and (7) create new, innovative, and more flexible ways of educating children within the public school system, with the goal of closing achievement gaps between low performing student groups and high performing student groups.	N	N
699	SECTION 59 40 30	State	Statute	Intent of General Assembly. (A) In authorizing charter schools, it is the intent of the General Assembly to create a legitimate avenue for parents, teachers, and community members to take responsible risks and create new, innovative, and more flexible ways of educating all children within the public school system. The General Assembly seeks to create an atmosphere in South Carolina's public school systems where research and development in producing different learning opportunities are actively pursued and where classroom teachers are given the flexibility to innovate and the responsibility to be accountable. As such, the provisions of this chapter should be interpreted liberally to support the findings and goals of this chapter and to advance a renewed commitment by the State of South Carolina to the mission, goals, and diversity of public education. (B) It is the intent of the General Assembly that creation of this chapter encourages cultural diversity, educational improvement, and academic excellence. Further, it is not the intent of the General Assembly to create a segregated school system but to continue to promote educational improvement and excellence in South Carolina.	N	N
700	SECTION 59 40 40	State	Statute	Definitions. As used in this chapter: (1) A "charter school" means a public, nonreligious, nonhome based, nonprofit corporation forming a school that operates by sponsorship of a public school district, the South Carolina Public Charter School District, or a public or independent institution of higher learning, but is accountable to the board of trustees, or in the case of technical colleges, the area commission, of the sponsor which grants its charter. Nothing in this chapter prohibits charter schools from offering virtual services pursuant to state law and subsequent regulations defining virtual schools. (2) A charter school: (a) is, for purposes of state law and the state constitution, considered a public school and part of the South Carolina Public Charter School District, the local school district in which it is located, or is sponsored by a public or independent institution of higher learning; (b) is subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services; however, an applicant may seek to form a single gender charter school without regard to the gender makeup of that proposed charter school; (c) must be administered and governed by a governing body in a manner agreed to by the charter school applicant and the sponsor, the governing body to be selected as provided in Section 59 40 50(B)(9); (d) may not charge tuition or other charges pursuant to Section 59 19 90(8) except as may be allowed by the sponsor and is comparable to the charges of the local school district in which the charter school is located; (e) is subject to the same fixed asset inventory requirements as are traditional public schools. (3) "Applicant" means the person who or nonprofit corporate entity that desires to form a charter school and files the necessary application with the South Carolina Public Charter School District Board of Trustees, the local school board of trustees in which the charter school is to be located, or the board of	N	N

701	SECTION 59 40 50	State	Statute	Exemption; powers and duties; admission to charter school. (A) Except as otherwise provided in this chapter, a charter school is exempt from all provisions of law and regulations applicable to a public school, a school board, or a district, although a charter school may elect to comply with one or more of these provisions of law or regulations. (B) A charter school must: (1) adhere to the same health, safety, civil rights, and disability rights requirements as are applied to public schools operating in the same school district or, in the case of the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor, the local school district in which the charter school is located; (2) meet, but may exceed, the same minimum student attendance requirements as are applied to public schools; (3) adhere to the same financial audits, audit procedures, and audit requirements as are applied to public schools; (4) be considered a school district for purposes of tort liability under South Carolina law, except that the tort immunity does not include acts of intentional or wilful racial discrimination by the governing body or employees of the charter school. Employees of charter schools must be relieved of personal liability for any tort or contract related to their school to the same extent that employees of traditional public schools in their school district or, in the case of the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor, the local school district in which the charter school is located are relieved; (5) in its discretion hire noncertified teachers in a ratio of up to twenty five percent of its entire teacher staff; however, if it is a converted charter school, it shall hire in its discretion noncertified teachers in a ratio of up to ten percent of its entire teacher staff. However, in either a new or converted charter school, a teacher teaching in the core academic areas as defined by the federal No Child Left Behind law must be certified in those areas or possess a baccalaureate or graduate degree in the subject he or she is hired to	N	<u>N</u>
702	SECTION 59 40 55	State	Statute	Sponsor powers; retention of funds. (A) In order to promote the quality of charter school outcomes and oversight, the charter school sponsor shall adopt national industry standards of quality charter schools and shall authorize and implement practices consistent with those standards. (B) A charter school sponsor shall: (1) approve charter applications that meet the requirements specified in Sections 59 40 50 and 59 40 60; (2) decline to approve charter applications according to Section 59 40 70(C); (3) negotiate and execute sound charter contracts with each approved charter school; (4) monitor, in accordance with charter contract terms, the performance and legal/fiscal compliance of charter schools to include collecting and analyzing data to support ongoing evaluation according to the charter contract; (5) conduct or require oversight activities that enable the sponsor to fulfill its responsibilities outlined in this chapter, including conducting appropriate inquiries and investigations, only if those activities are consistent with the intent of this chapter, adhere to the terms of the charter contact, and do not unduly inhibit the autonomy granted to public charter schools; (6) collect, in accordance with Section 59 40 140(H), an annual report from each of its sponsored charter schools and submit the reports to the Department of Education; (7) notify the charter school of perceived problems if its performance or legal compliance appears to be unsatisfactory and provide reasonable opportunity for the school to remedy the problem, unless the problem warrants revocation and revocation timeframes apply; (8) take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies in charter school performance or legal compliance. These actions or sanctions may include requiring a school to develop and execute a corrective action plan within a specified timeframe; (9) determine whether each charter contract merits renewal, nonrenewal, or revocation; (10) provide to parents and the general public information about charter schools authorized by the	N	N

Effective June 3,
2016

703	SECTION 59 40 60	State	Statute	Charter application; revision; formation of charter school; charter committee; application requirements. (A) An approved charter application constitutes an agreement between the charter school and the sponsor. (B) A contract between the charter school and the sponsor must be executed and must reflect all provisions outlined in the application as well as the roles, powers, responsibilities, and performance expectations for each party to the contract. A contract must include the proposed enrollment procedures and dates of the enrollment period of the charter school. All agreements regarding the release of the charter school from school district policies must be contained in the contract. The Department of Education shall develop a contract template to be used by charter schools and the sponsor. The template must serve as a foundation for the development of a contract between the charter school and the sponsor. (C) A material revision of the terms of the contract between the charter school and the sponsor may be made only with the approval of both parties. (D) Except as provided in subsection (F), an applicant who wishes to form a charter school shall: (1) organize the charter school as a nonprofit corporation pursuant to the laws of this State; (2) form a charter committee for the charter school which includes one or more teachers; and (3) submit a letter of intent and a written charter school application to the board of trustees or area commission from which the committee is seeking sponsorship. (E) A charter committee is responsible for and has the power to: (1) submit a letter of intent and an application to operate as a charter school, sign a charter school contract, and ensure compliance with all of the requirements for charter schools provided by law; (2) employ and contract with teachers and nonteaching employees, contract for services, and develop pay scales, performance criteria, and discharge policies for its employees. All teachers whether certified or noncertified must undergo the background checks and other investigations required for certified teachers, as provided by law, before they may teach in the charter school; and (3) decide all other matters related to the operation of the charter school, including budgeting,	Y	Y
704	SECTION 59 40 65	State	Statute	Online or computer instruction; requirements; enrollment in South Carolina Virtual School Program. (A) If the governing body of a charter school offers as part of its curriculum a program of online or computer instruction, this information shall be included in the application and the governing body shall be required to: (1) provide each student enrolled in the program with a course or courses of online or computer instruction approved by the charter school's sponsor that must meet or exceed the South Carolina content and grade specific standards. Students enrolled in the program of online or computer instruction must receive all instructional materials required for the student's program; (2) ensure that the persons who operate the program on a day to day basis comply with and carry out all applicable requirements, statutes, regulations, rules, and policies of the charter school; (3) ensure that each course offered through the program is taught by a teacher meeting the requirements of Section 59 40 50; (4) ensure that a parent or legal guardian of each student verifies the number of hours of educational activities completed by the student each school year; (5) adopt a plan by which it will provide: (a) frequent, ongoing monitoring to ensure and verify that each student is participating in the program, including proctored assessment(s) per semester in core subjects graded or evaluated by the teacher, and at least bi weekly parent teacher conferences in person or by telephone; (b) regular instructional opportunities in real time that are directly related to the school's curricular objectives, including, but not limited to, meetings with teachers and educational field trips and outings; (c) verification of ongoing student attendance in the program; (d) verification of ongoing student progress and performance in each course as documented by ongoing assessments and examples of student coursework; (6) administer to all students in a proctored setting all applicable assessments as required by the South Carolina Education Accountability Act.	N	N

705	SECTION 59 40 70	State	Statute	Application requirements; hearing; appeal. (A)(1) An applicant shall submit a letter of intent at least ninety days before submitting an application to the board of trustees or area commission from which it is seeking sponsorship and a copy to the South Carolina Department of Education. (2) An applicant shall submit the application to the board of trustees or area commission from which it is seeking sponsorship and one copy to the South Carolina Department of Education. In the case of the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor, the applicant shall provide notice of the application to the local school board of trustees in which the charter school will be located for informational purposes only. The school district or the public or independent institution of higher learning from which the applicant is seeking sponsorship may request clarifying information from the applicant. The State Department of Education shall provide guidance on compliance to both sponsors and applicants. (3) The applicant shall notify the local delegation of a county in which a proposed charter school is to be located upon submission of a charter school application and also shall provide a copy of the charter school application upon request by a member of the local delegation. (B) The board of trustees or area commission from which the applicant is seeking sponsorship shall rule on the application for a charter school in a public hearing, upon reasonable public notice, within ninety days after receiving the application. If there is no ruling within ninety days, the application is considered approved. Once the application has been approved by the board of trustees or area commission, the charter school may open at the beginning of the following year. However, before a charter school may open, the State Department of Education shall verify the accuracy of the financial data for the school within forty five days after approval. (C) A board of trustees or area commission shall deny an application only if the application does not meet the requirements specified in Section 59 40 50 or 59 40 60, fails to meet the spirit and intent of this chapter, or adversely affects, as defined in regulation, the other students in the district in which the	N	N
706	SECTION 59 40 75	State	Statute	Removal of sponsor or member of district or governing board; prosecution. (A) A member of the South Carolina Public Charter School District or of the governing board or sponsor of the charter school who is indicted in any court for any crime, or has waived the indictment if permitted by law, may be suspended by the Governor, who shall appoint another in his stead until he is acquitted. In case of conviction, the office must be declared vacant by the Governor and the vacancy filled as provided by law. (B) A member of the South Carolina Public Charter School District or of the governing board of the charter school who is guilty of malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity may be removed from office by the Governor. Before removing the officer, the Governor shall inform him in writing of the specific charges brought against him and give him an opportunity on reasonable notice to be heard. (C) Whenever it appears to the satisfaction of the Governor that probable cause exists to charge a member of the South Carolina Public Charter School District or of the governing board of the charter school who has the custody of public or trust funds with embezzlement or the appropriation of public or trust funds to private use, then the Governor shall direct his immediate prosecution by the proper officer.	N	N
707	SECTION 59 40 80	State	Statute	Conditional authorization of charter school. A sponsor may conditionally authorize a charter school before the applicant has secured its space, equipment, facilities, and personnel if the applicant indicates such authority is necessary for it to meet the requirements of this chapter. Conditional authorization does not give rise to any equitable or other claims based on reliance, notwithstanding any promise, parole, written, or otherwise, contained in the authorization or acceptance of it, whether preceding or following the conditional authorization.	N	N
708	SECTION 59 40 90	State	Statute	Appeal to Administrative Law Court. A final decision of the school district or a public or independent institution of higher learning sponsor may be appealed by any party to the Administrative Law Court as provided in Sections 1 23 380(B) and 1 23 600(D).	N	N

709	SECTION 59 40 100	State	Statute	Conversion to charter school; employees; occupancy; sponsors; unlawful reprisals. (A)(1) Subject to item (2), an existing public school may be converted into a charter school if two thirds of the faculty and instructional staff employed at the school and two thirds of all voting parents or legal guardians of students enrolled in the school agree to the filing of an application with the local school board of trustees for the conversion and formation of that school into a charter school. Parents or legal guardians of students enrolled in the school must be given the opportunity to vote on the conversion. Parents or guardians of a student shall have one vote for each student enrolled in the school seeking conversion. The application must be submitted pursuant to Section 59 40 70(A)(5) by the principal of that school or his designee who must be considered the applicant. The application must include all information required of other applications pursuant to this chapter. The local school board of trustees shall approve or disapprove this application in the same manner it approves or disapproves other applications. The existence of another charter granting authority must not be grounds for disapproving a school desiring to convert to a charter school. (2)(a) In addition to the vote requirements required in item (1), if a proposed conversion school has outstanding general obligation bond debt owed on it and that debt is resulting from an ordinance originally authorizing the bonds, and the original authorization was no more than ten years prior to the proposed conversion, and the bonds were specifically issued for the construction or improvement of the proposed conversion school, the school may be converted into a charter school only upon a majority vote of the local school board of trustees. (b) In addition to the vote requirements required in item (1), if a proposed conversion school has outstanding general obligation bond debt owed on it and that debt is resulting from a referendum originally authorizing the bonds, and the original authorization was no more than ten years prior to the proposed conversion, and the bonds were specifically issued for the construction or improvement of the proposed conversion school, the school may be converted into a charter school only upon a two thirds vote of the local school board of trustees.	N	N
710	SECTION 59 40 110	State	Statute	Duration of charter; renewal; revocation; termination. (A) A charter must be approved or renewed for a period of ten school years; however, the charter only may be revoked or not renewed under the provisions of subsection (C) of this section. The sponsor annually shall evaluate the conditions outlined in subsection (C). The annual evaluation results must be used in making a determination for nonrenewal or revocation. (B) A charter renewal application must be submitted to the school's sponsor one hundred twenty calendar days before the end of the school year for the term of the charter contract, and it must contain: (1) a report on the progress of the charter school in achieving the goals, objectives, pupil achievement standards, and other terms of the initially approved charter application; (2) a financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that is understandable to the general public and that allows comparison of these costs to other schools or other comparable organizations, in a format required by the State Board of Education; and (3) any proposed material changes to the current charter or charter school contract to be implemented in the next ten year charter term. (C) A charter must be revoked or not renewed by the sponsor if it determines that the charter school: (1) committed a material violation of the conditions, standards, performance expectations, or procedures provided for in the charter application or charter school contract, or both; (2) failed to meet the academic performance standards and expectations as defined in the charter application or charter school contract, or both; (3) failed to maintain its books and records according to generally accepted accounting principles or failed to create an appropriate system of internal control, or both; or (4) violated any provision of law from which the charter school was not specifically exempted. (D) A sponsor summarily may revoke any charter school that is determined by the sponsor to pose an imminent threat of harm to the health or safety of students, or both, based on documented and clear and	N	N

711	SECTION 59 40 111	State	Statute	Alternative Education Campus designation. (A) For purposes of this chapter, an Alternative Education Campus (AEC) is any charter school with an explicit mission as outlined in its charter to serve an enrolled student population with: (1) severe limitations that preclude appropriate administration of the assessments administered pursuant to federal and state requirements; (2) fifty percent or more of students having Individualized Education Programs (IEPs) in accordance with federal regulations; or (3) eighty five percent or more of enrolled students meeting the definition of a “high risk” student including students who: (a) have been adjudicated as juvenile delinquents or who are awaiting disposition of charges that may result in adjudication; (b) have dropped out of school or who have not been continuously enrolled and regularly attending any school for at least one semester before enrolling in this school; (c) have been expelled from school or who have engaged in behavior that would justify expulsion; (d) have documented histories of personal drug or alcohol use or who have parents or guardians with documented dependencies on drugs or alcohol; (e) have documented histories of personal street gang involvement or who have immediate family members with documented histories of street gang involvement; (f) have documented histories of child abuse or neglect; (g) have parents or guardians in prison or on parole or probation; (h) have documented histories of domestic violence in the immediate family; (i) have documented histories of repeated school suspensions; (j) are under the age of twenty years who are parents or pregnant women; (k) are homeless, as defined in the McKinney Vento Homeless Assistance Act; or (l) have a documented history of a serious psychiatric or behavioral disorder including, but not limited to,	N	N
712	SECTION 59 40 115	State	Statute	Termination of contract with sponsor. A charter school may terminate its contract with a sponsor before the ten year term of contract if all parties under contract with the charter school agree to the dissolution. A charter school that terminates its contract with a sponsor directly may seek application for the length of time remaining on its original contract from another sponsor.	N	N
713	SECTION 59 40 120	State	Statute	Dissolution of charter school. Upon dissolution of a charter school, its assets may not inure to the benefit of any private person. Any assets obtained through restricted agreements with a donor through awards, grants, or gifts must be returned to that entity. All other assets become property of the sponsor.	N	N
714	SECTION 59 40 125	State	Statute	Eligibility for retirement coverage. (A) All charter schools, other than converted charter schools whose employees remain employees of the local school district or the South Carolina Public Charter School District pursuant to Section 59 40 100(D), are eligible covered employers in the South Carolina Retirement Systems and may elect to participate in the system by filing the appropriate application with the South Carolina Retirement Systems. If the charter school chooses not to become a covered employer, employees of that charter school are not allowed to participate in the South Carolina Retirement Systems except as provided in Section 59 40 130. (B) The South Carolina Public Charter School District shall be a covered employer in the South Carolina Retirement Systems.	N	N

715	SECTION 59 40 130	State	Statute	Leave to be employed at charter school; continuation of benefits; exceptions. (A)(1) If an employee of a local school district makes a written request for leave to be employed at a charter school before July 1, 2006, the school district shall grant the leave for up to five years as requested by the employee. The school district may require that the request for leave or extension of leave be made by the date provided for by state law for the return of teachers' contracts. Employees may return to employment with the local school district at its option with the same teaching or administrative contract status as when they left but without assurance as to the school or supplemental position to which they may be assigned. (2) Notwithstanding the provisions of item (1) and subject to the provisions of subsection (B), a charter school employing after June 30, 2006, an individual on leave from a local school district shall participate in the South Carolina Retirement Systems as a covered employer with respect to that employee on leave through the earlier of the date the employee on leave returns to employment by the district or June 30, 2011, and only if the charter school and the employee have made required employer and employee contributions to the South Carolina Retirement Systems from the employee's date of employment with the charter school. (B) A charter school employing an individual on leave from a local school district shall participate in the South Carolina Retirement Systems as a covered employer with respect to the employee on leave it hires. The employee on leave from a local school district employed by a charter school shall accrue benefits and credits in the South Carolina Retirement Systems. The charter school shall remit to the Retirement Systems the employer contributions required by law for participating employers. The employee shall make the employee contributions to the Retirement Systems required by law and the contributions must be picked up in accordance with Section 9 1 1020. The South Carolina Retirement Systems may impose reasonable requirements to administer this section. (C) The provisions of this section do not apply to teachers and other employees of a converted school whose employment relation is governed by Section 59 40 100.	N	N
716	SECTION 59 40 140	State	Statute	Funds; services; reports. (A) A local school board of trustees sponsor shall distribute state, county, and school district funds to a charter school as determined by the following formula: the previous year's audited total general fund revenues, divided by the previous year's weighted students, then increased by the Education Finance Act inflation factor, pursuant to Section 59 20 40, for the years following the audited expenditures, then multiplied by the weighted students enrolled in the charter school, which will be subject to adjustment for student attendance and state budget allocations based on the same criteria as the local school district. These amounts must be verified by the State Department of Education before the first disbursement of funds. All state and local funding must be distributed by the local school district to the charter school monthly beginning July first following approval of the charter school application and must continue to be disbursed to the charter school for the duration of its charter and for the duration of any subsequent renewals. After verification of student attendance on the fifth day of school at the beginning of each school year, the State Department of Education shall distribute funds to school districts with charter schools: (i) having approved incremental growth and expansion as provided in their charter application; or (ii) for opening of new charter schools in the current fiscal year. These funds must be released to districts on behalf of their charter schools no later than fifteen days after receipt of verified enrollment. Districts shall provide this funding to eligible charters no later than thirty days after receipt from the Department of Education. Necessary adjustments due to enrollment changes must be made pursuant to the Education Finance Act. (B) The South Carolina Public Charter School District or public or independent institution of higher learning sponsor shall receive and distribute state funds to the charter school as provided by the General Assembly. (C) During the year of the charter school's operation, as received, and to the extent allowed by federal law, a sponsor shall distribute to the charter school federal funds which are allocated to the sponsor on the basis of the number of special characteristics of the students attending the charter school. These	N	N
717	SECTION 59 40 145	State	Statute	Students attending charter schools outside district of residence. A child who resides in a school district other than the one where a charter school is located may attend a charter school outside his district of residence; however, the receiving charter school shall have authority to grant or deny permission for the student to attend pursuant to Sections 59 40 40(2)(b) and 59 40 50(B)(7) and (8) according to the terms of the charter after in district children have been given priority in enrollment. However, the out of district enrollment shall not exceed twenty percent of the total enrollment of the charter school without the approval of the sponsoring district board of trustees. The district sending children to the charter school under the terms of this section must be notified immediately of the transferring students. Out of district students must be considered based on the order in which their applications are received. If the twenty percent out of district enrollment is from one school district, then the sending district must concur with any additional students transferring from that district to attend the charter school. The charter school to which the child is transferring shall be eligible for state and federal funding according to the formula defined in Section 59 40 140(A), (B), and (C), as applicable. However, this section does not apply to a charter school sponsored by the South Carolina Public Charter School District Board of Trustees.	N	N

718	SECTION 59 40 150	State	Statute	Duties of Department of Education. (A) The Department of Education shall disseminate information to the public, directly and through sponsors, on how to form and operate a charter school and how to utilize the offerings of a charter school. (B) At least annually, the department shall provide upon request a directory of all charter schools authorized under this chapter with information concerning the educational goals of each charter school, the success of each charter school in meeting its educational goals, and procedures to apply for admission to each charter school. (C) The department shall bear the cost of complying with this section.	Y	Y
719	SECTION 59 40 155	State	Statute	Orientation programs for board members and administrators. (A) Within one year of taking office, all persons elected or appointed as members of a charter school board of trustees after July 1, 2006, shall complete successfully an orientation program in the powers, duties, and responsibilities of a board member including, but not limited to, topics on policy development, personnel, instructional programs, school finance, school law, ethics, and community relations. The orientation must be provided at no charge by the State Department of Education or an association approved by the department. (B) Within ninety days of employment, an administrator employed by the charter school, who is not certified, shall complete successfully an orientation program in the powers, duties, and responsibilities of a school administrator including, but not limited to, topics on personnel, instructional programs, school finance, school law, ethics, and community relations. The orientation must be provided at no charge by the State Department of Education or an association approved by the department.	Y	Y
720	SECTION 59 40 160	State	Statute	Compilation of evaluations; impact study. (A) The State Board of Education shall compile evaluations to include, but not be limited to, school report cards of charter schools received from sponsors. They shall review information regarding the regulations and policies from which charter schools were released to determine if the releases assisted or impeded the charter schools in meeting their stated goals and objectives. (B) An impact study must be conducted by the State Board of Education two years after the implementation of the Charter School Advisory Committee review process to determine the effectiveness of the application process.	Y	Y
721	SECTION 59 40 170	State	Statute	Annual listing of buildings suitable for charter school use. The Department of Education shall make available, upon request, a list of vacant and unused buildings and vacant and unused portions of buildings that are owned by school districts in this State and that may be suitable for the operation of a charter school. The department shall make the list available to applicants for charter schools and to existing charter schools. The list must include the address of each building, a short description of the building, and the name of the owner of the building. Nothing in this section requires the owner of a building on the list to sell or lease the building or a portion of the building to a charter school or to any other school or to any other prospective buyer or tenant. However, if a school district declares a building surplus and chooses to sell or lease the building, a charter school's board of directors or a charter committee operating or applying within the district must be given the first refusal to purchase or lease the building under the same or better terms and conditions as it would be offered to the public.	Y	Y
722	SECTION 59 40 175	State	Statute	Facility revolving loan program. There is created in the state treasury the Charter School Facility Revolving Loan Program. This loan program is comprised of federal funds obtained by the state for charter school facilities, other funds appropriated or transferred to the fund by the state, and privately donated funds. Funds deposited to the Charter School Facility Revolving Loan Program must remain available for the purposes of the program until appropriated or reverted by the General Assembly. The State Treasurer may approve loans from monies in the Charter School Revolving Loan Program to a charter school, upon application by the charter school. Money loaned to a charter school pursuant to this section must be used for construction, purchase, renovation, and maintenance of public charter school facilities. The State Treasurer shall establish guidelines and procedures for application, approval, allocation, and repayment regarding loans from these monies. The Office of State Treasurer may be reimbursed from the program for costs associated with the administration of these loans.	N	N
723	SECTION 59 40 180	State	Statute	Regulations and guidelines. The State Board of Education shall promulgate regulations and develop guidelines necessary to implement the provisions of this chapter, including standards to determine compliance with this chapter and an application process to include a timeline for submission of applications that will allow for final decisions, including Administrative Law Court appeal, by December first of the year preceding the charter school's opening.	Y	Y

724	SECTION 59 40 190	State	Statute	Liability of governing body, sponsor, board and employees; employment of member of governing body. (A) The governing body of a charter school may sue and be sued. The governing body may not levy taxes or issue bonds. (B) A sponsor is not liable for any of the debts of the charter school. (C) A local school district, sponsor, members of the board or area commission of a sponsor, and employees of a sponsor acting in their official capacity are immune from civil or criminal liability with respect to all activities related to a charter school they sponsor. The governing body of a charter school shall obtain at least the amount of and types of insurance required for this purpose. (D) A member of a school governing body may not receive pay as an employee in the same school.	N	N
725	SECTION 59 40 200	State	Statute	Effect of establishment of South Carolina Public Charter School District on pending and future applications. An application already on file with the charter school advisory committee before the effective date of Section 59 40 220 is subject to the time line in effect at the time the application was filed. An application filed after the effective date of Section 59 40 220 is subject to the new time lines established pursuant to this chapter.	N	N
726	SECTION 59 40 210	State	Statute	Conversion of private school to charter school. A school established as a private school, on the effective date of this section, which desires to convert to a charter school shall dissolve and must not be allowed to open as a charter school for a period of twelve months; provided, however, that if the enrollment of the converted private school for the most recently completed school term before the date of the proposed conversion to a charter school reflects the racial composition of the local school district in which the converted private school is located, the provisions of this section prohibiting the private school from opening as a charter school for a period of twelve months do not apply. However, the provisions of Section 59 40 70(D) continue to apply to a private school which was not required to close for a period of twelve months after its conversion to a charter school.	N	N
727	SECTION 59 40 220	State	Statute	South Carolina Public Charter School District. (A) The South Carolina Public Charter School District is created as a public body. The South Carolina Public Charter School District must be considered a local education agency and is eligible to receive state and federal funds and grants available for public charter schools and other schools to the same degree as other local education agencies. The South Carolina Public Charter School District may not have a local tax base and may not receive local property taxes. This prohibition does not extend to local funds received by the district on behalf of sponsored charter schools pursuant to Section 59 40 140(B). (B) The geographical boundaries of the South Carolina Public Charter School District are the same as the boundaries of the State of South Carolina. (C) The office of the South Carolina Public Charter School District Board of Trustees must be housed in the State Department of Education.	N	N
728	SECTION 59 40 230	State	Statute	Board of trustees; membership; powers and duties. (A) The South Carolina Public Charter School District must be governed by a board of trustees consisting of not more than nine members: (1) two appointed by the Governor; (2) one appointed by the Speaker of the House of Representatives; (3) one appointed by the President Pro Tempore of the Senate; and (4) five to be appointed by the Governor upon the recommendation of the: (a) South Carolina Association of School Administrators; (b) South Carolina Chamber of Commerce; (c) South Carolina Education Oversight Committee; (d) South Carolina School Boards Association; and (e) South Carolina Alliance of Black Educators. The seven members appointed by the Governor pursuant to this subsection are subject to advice and consent of the Senate. Membership of the committee must reflect representatives from each of the entities in item (4) or their designee as reflected in their recommendation. Each member of the board of trustees shall serve terms of three years, except that, for the initial members, two appointed by the Governor, one by the Speaker of the House, and one by the President Pro Tempore of the Senate, shall serve terms of one year and three appointed by the Governor shall serve terms of two years. A member of the board may be removed after appointment pursuant to Section 1 3 240. In making appointments, every effort must be made to ensure that all geographic areas of the State are represented and that the membership reflects urban and rural areas of the State as well as the ethnic diversity of the State. (B) The South Carolina Public Charter School District Board of Trustees has the same powers, rights, and responsibilities with respect to charter schools as other school district boards of trustees of this State including, but not limited to, sponsoring charter schools and applying for federal charter school grants,	N	N

729	SECTION 59 40 235	State	Statute	Geographical boundaries. The geographical boundaries from which a charter school sponsored by a public or independent institution of higher learning may accept students are the same as the boundaries of the State of South Carolina.	N	N
730	SECTION 59 40 240	State	Statute	Severability. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this chapter is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this chapter, the General Assembly hereby declaring that it would have passed this chapter, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words thereof may be declared to be unconstitutional, invalid, or otherwise ineffective.	N	N
731	SECTION 59 41 10	State	Statute	Definitions. The following words and phrases as used in this chapter shall, unless a different meaning is plainly required by the context, have the following meanings: (a) "School child" shall mean any person between the ages of six and twenty whose domicile is with his or her parent within the State and who is otherwise qualified to attend the public schools of any school district in which he or she resides. (b) "Parent" shall mean the natural or adoptive parent or the guardian having legal custody of a child eligible and entitled to receive a scholarship grant under this chapter who is actually paying or who will pay the tuition cost of attendance of such child at a school which qualifies such child to receive a grant under the terms of this chapter. (c) "Private school" shall mean a private or independent elementary or high school which is not operated or controlled by any church, synagogue, sect or other religious organization or institution.	N	N
732	SECTION 59 41 20	State	Statute	Children eligible for grants; amount. Subject to the terms and provisions of this chapter every school child in the State who has not yet finished or graduated from high school and who desires to attend a private school located within the State shall be eligible for and entitled to receive a State scholarship grant in an amount equal to the per pupil cost to the State of public education as certified by the Governor.	N	N
733	SECTION 59 41 30	State	Statute	Grants payable from appropriations. The State scholarship grants provided for in Section 59 41 20 shall be payable from funds appropriated by the General Assembly for the payment thereof.	N	N
734	SECTION 59 41 40	State	Statute	School districts shall provide supplements to grants; levy of taxes. It shall be a prerequisite to the grant above permitted that the local school district in which the school child resides make available a grant of local funds to such school child and to that end the trustees of each school district within the State are hereby authorized to appropriate funds in addition to the State scholarship grants provided for in Section 59 41 20 in such amount that is equal to the per pupil cost to the school district exclusive of all State funds received for such purposes. The trustees of each school district are authorized to levy taxes where the school district has the power to tax, to raise funds for the payment of such local supplements to the State scholarship grants. The State Board of Education shall render such assistance to the trustees as may be necessary to determine annual per pupil expenditures of the school district for the purpose of fixing the amount of any supplement to be paid under this section.	Y	Y
735	SECTION 59 41 50	State	Statute	Grant and supplement shall not exceed private school tuition. The total of the annual scholarship grant provided for each child by this chapter shall not exceed the actual cost of tuition at the private school attended by the child.	N	N
736	SECTION 59 41 60	State	Statute	State Board authorized and directed to promulgate rules and regulations. The State Board of Education is hereby authorized and directed to promulgate such rules and regulations, consistent with the terms of this chapter, for the receiving and processing of applications for scholarship grants, the payment of grants and the administration of this chapter generally as it may find necessary or desirable. Such rules may, among other things, provide for the payment of scholarship grants by the school districts of the State to the parent of any child entitled to receive a scholarship grant in installments or otherwise, and for the proration of scholarships for children attending school less than a full school year; they shall include a minimum academic standard that shall be met by any school in order to entitle children attending such school to receive a scholarship grant; provided, however, that no rule promulgated under the authority of this chapter shall restrict, or in any way affect, the requirements of such school concerning the eligibility of pupils who may be admitted thereto or specify minimum physical plant facilities of any such school.	Y	Y

737	SECTION 59 41 70	State	Statute	Obtaining or expending scholarship funds other than for tuition unlawful. It shall be unlawful for any person to obtain, attempt to obtain, expend or attempt to expend, any scholarship funds provided by this chapter for any purpose other than in payment of, or reimbursement for, the tuition cost of the child to whom such scholarship has been awarded at the institution he or she is authorized to attend under his or her scholarship grant.	N	N
738	SECTION 59 41 80	State	Statute	Penalties. Any person convicted of violating the provisions of this chapter shall be punished by imprisonment for a term not to exceed three years or by a fine not to exceed two thousand dollars, or by both, in the discretion of the court.	N	N
739	SECTION 59 41 90	State	Statute	Effect of invalidity. If any portion of this chapter, or the application thereof to any person or circumstance is, for any reason, declared unconstitutional, such declaration shall not affect the validity of the remaining portions of this chapter or its application to other persons and circumstances.	N	N
740	SECTION 59 43 10	State	Statute	Powers of district board of trustees. Any district board of trustees may raise and allocate funds for adult education, utilize buildings, equipment and other school facilities of the district for such purpose, and hire teachers, establish and maintain classes for adults in such subjects as the State Board of Education may determine. Adult education classes shall be subject to the rules and regulations of the State Board of Education.	N	N
741	SECTION 59 43 20	State	Statute	Powers of State Board of Education. (A) The State Board of Education may: (1) make and enforce regulations for the organization, conduct, and supervision of adult basic and adult secondary (GED, alternate testing, and high school diploma) education; (2) determine the qualifications of teachers and issue teaching certificates for teaching adult basic and adult secondary (GED, alternate testing, and high school diploma) education classes; (3) determine the tuition which may be required of persons attending adult basic and adult secondary (GED, alternate testing, and high school diploma) education classes; (4) determine the subjects which may be taught in adult basic and adult secondary (GED, alternate testing, and high school diploma) education classes. (B) The State Board of Education is also responsible for the administration, coordination, and management of adult basic and adult secondary (GED, alternate testing, and high school diploma) education for the purpose of facilitating and coordinating adult basic and adult secondary (GED, alternate testing, and high school diploma) education programs for South Carolina adults whose level of educational attainment is below high school, as prescribed by state and federal laws and regulations. The State Board of Education and the local school districts are responsible for effective coordination and utilization of literacy councils, the technical education system, the educational television network, nonprofit groups, business and industry representatives, and other state and local agencies and private persons interested in adult basic and adult secondary (GED, alternate testing, and high school diploma) education programs to deliver programs to the state's undereducated adult population. (C) Any funds distributed by the State Board of Education for local literacy councils or programs must be made available to those councils or programs either in kind or in money. (D) The requirements of this section apply to alternate high school equivalency testing required in Section 59 43 25.	Y	Y
742	SECTION 59 43 25	State	Statute	High school equivalency diploma test or test batteries. Before January 1, 2015, the State Board of Education shall select one or more tests or test batteries that an eligible candidate successfully may complete to receive a high school equivalency diploma. The test batteries approved by the State Board must have demonstrated the appropriate rigor for a high school equivalency exam and must be valid and reliable for the purpose for which these test batteries are administered. The State Board shall select at least one test battery meeting this requirement that is available in paper and pencil form, if one is available. The approved test batteries that are available in paper and pencil (pen), as well as dependent on computer technology, must be available to eligible candidates in both forms. Upon making its selection, the board shall authorize the administration of this test by the State Department of Education under policies that the board shall establish by regulations promulgated by the board and other procedures that the board considers appropriate. The board shall issue a high school equivalency diploma to an eligible candidate who successfully completes the approved test or test battery after January 1, 2015.	Y	Y
743	SECTION 59 43 30	State	Statute	Funding. The adult education program of any school district may be supported either in whole or in part by either Federal, State, county or school district funds or by any combination thereof and may be supplemented by funds provided from other sources.	N	N
744	SECTION 59 44 10	State	Statute	Short title. This chapter may be cited as the Community Education Act of 1976.	N	N

745	SECTION 59 44 20	State	Statute	Declaration of purpose. The General Assembly finds that in recognition of the fact that the school, as the prime educational institution of the community, is most effective when it involves the people of that community in a process designed to fulfill their education needs, and since community education promotes a more efficient use of community facilities through an extension of buildings, personnel, and equipment, it is the purpose of this chapter to facilitate the provision of recreational, educational, cultural, social, health and other community services, in accordance with the needs, interests and concerns of the community, through the establishment of the community education programs, for such activities, in cooperation with other governmental agencies and community service organizations.	N	N
746	SECTION 59 44 30	State	Statute	“Community education” defined. For the purpose of this chapter “community education” is a process by which public facilities are utilized as community centers operated in conjunction with governmental agencies and community service organizations to provide educational, recreational, cultural, social, health and other community services for all persons in the community in accordance with the needs, interests, and concerns of that community.	N	N
747	SECTION 59 44 40	State	Statute	Duties of State Department of Education. The State Department of Education shall promote the implementation and operation of community education programs throughout the State of South Carolina.	Y	Y
748	SECTION 59 44 50	State	Statute	Community education advisory council. A nine member state community education advisory council, representing recreation, health, cultural, social services, community services, education, business industry, aged and minority groups, shall be appointed by the State Superintendent of Education, for the purpose of promoting furtherance of this chapter and the advancement of recreational, educational, cultural, social and health opportunities through the maximum utilization of public facilities. Members of the council shall be appointed for a four year term; provided, that staggered terms shall be established so that after the first year no more than one fourth of the members will be appointed in a given year. A minority of the council constitute a quorum.	N	N
749	SECTION 59 44 60	State	Statute	School districts authorized to coordinate community education programs. The board of trustees of each school district of the State is hereby authorized to, but not obligated to, coordinate a community education program in its district. Each participating board shall provide the general supervision of the program.	N	N
750	SECTION 59 45 70	State	Statute	Home study schools. No type of home study school shall be established or permitted to operate in this State without first securing the approval of the State Board of Education. Any person violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not less than one thousand dollars nor more than five thousand dollars, in the discretion of the court.	Y	Y
751	SECTION 59 46 10	State	Statute	Short title. This chapter may be cited as the “Interstate Compact on Educational Opportunity for Military Children”.	N	N
752	SECTION 59 46 20	State	Statute	Ratification of compact after conditions met. (A) The Governor of this State may execute a compact, in substantially the form set out in Section 59 46 50. The General Assembly signifies in advance its approval and ratification of the compact when the compact has been enacted into law by any ten of the compact states, including South Carolina, and the consent of the United States Congress to the interstate compact has been obtained. (B) When the Governor has executed the compact on behalf of this State, and caused a verified copy to be filed with the Secretary of State, and when the compact has been ratified by ten or more of the compact states, including South Carolina, the compact shall become operative and effective as between this State and the states that have ratified the compact. The Governor shall take action as may be necessary to complete the exchange of official documents between this State and any other state ratifying the compact, and to otherwise carry out the provisions of this chapter. (C) Upon the compact becoming operative and effective between this State and other states ratifying the compact, it is declared to be the policy of this State to perform and carry out the compact and to accomplish its purposes.	N	N
753	SECTION 59 46 30	State	Statute	Compact Commissioner to be State Superintendent of Education. The State Superintendent of Education shall serve as the Compact Commissioner of the Interstate Compact on Educational Opportunity for Military Children on behalf of this State.	N	Y

754	SECTION 59 46 40	State	Statute	South Carolina Council on the Interstate Compact on Educational Opportunity for Military Children; creation; membership; terms; expense reimbursement; submission of executive summary to Governor and General Assembly. In accordance with the Interstate Compact on Educational Opportunity for Military Children, there is created the South Carolina Council on the Interstate Compact on Educational Opportunity for Military Children, referred to in this section as “council”. (A) The council consists of the following eleven members: (1) the Governor or his designee; (2) one member appointed by the Governor to represent military installations in the State; (3) two members of the House of Representatives appointed by the Speaker of the House; (4) two members of the Senate appointed by the President Pro Tempore of the Senate; (5) two members appointed by the State Superintendent of Education, to include a superintendent of a school district with a high concentration of military families and a member of a military family with experience in the educational challenges that military children face; (6) the State Board of Education chair and chair elect; and (7) the State Superintendent of Education or his designee, who shall serve as chair. (B) Appointments must be made no later than September 1, 2010, at which time the chair shall call the first meeting. Elected members serve terms coterminous with their terms of office. Citizen members serve at the pleasure of the individual making the appointment. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, must be made for the unexpired terms. Vacancies must be filled in the same manner as the original appointments. (C) The council shall meet on the call of the chairman and, at a minimum, shall meet annually. A majority of members constitutes a quorum. The council may consider any matters related to the Interstate Compact on Educational Opportunity for Military Children or the general activities and business of the organization and has the authority to represent the State in all actions of the compact.	Y	Y
755	SECTION 59 46 50	State	Statute	Interstate Compact on Educational Opportunity for Military Children. The Interstate Compact on Educational Opportunity for Military Children is enacted into law and entered into with all other jurisdictions legally joining in the compact in the form substantially as follows: INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN ARTICLE I PURPOSE It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by: A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school districts or variations in entrance/age requirements. B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment. C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities. D. Facilitating the on time graduation of children of military families. E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact. F. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact. G. Promoting coordination between this compact and other compacts affecting military children. H. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.	Y	N

756	SECTION 59 46 50	State	Statute	ARTICLE II DEFINITIONS As used in this compact, unless the context clearly requires a different construction: A. “Active duty” means: full time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to U.S.C. Section 1209 and 1211. B. “Children of military families” means: school aged children, enrolled in Kindergarten through Twelfth grade, in the household of an active duty member. C. “Compact commissioner” means: the voting representative of each compacting state appointed pursuant to Article VIII of this compact. D. “Deployment” means: the period one month prior to the service members’ departure from their home station on military orders through six months after return to their home station. E. “Educational records” means: those official records, files, and data directly related to a student and maintained by the school or local education agency, including, but not limited to, records encompassing all the material kept in the student’s cumulative folder, such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs. F. “Extracurricular activities” means: a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities. G. “Interstate Commission on Educational Opportunity for Military Children” means: the commission that is created under Article IX of this compact, which is generally referred to as Interstate Commission. H. “Local education agency” means: a public authority legally constituted by the State as an administrative agency to provide control of and direction for Kindergarten through Twelfth grade public educational	N	N
757	SECTION 59 46 50	State	Statute	ARTICLE III APPLICABILITY (A) Except as otherwise provided in Section (B), this compact shall apply to the children of: (1) active duty members of the uniformed services as defined in this compact, including members of the National Guard and Reserve on active duty orders pursuant to U.S.C. Section 1209 and 1211; (2) members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and (3) members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death. (B) The provisions of this interstate compact shall only apply to local education agencies as defined in this compact. (C) The provisions of this compact shall not apply to the children of: (1) inactive members of the national guard and military reserves; (2) members of the uniformed services now retired, except as provided in Section (A); (3) veterans of the uniformed services, except as provided in Section (A), and other U.S. Dept. of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.	N	N
758	SECTION 59 46 50 Continued...	State	Statute	ARTICLE IV EDUCATIONAL RECORDS & ENROLLMENT A. Unofficial or “hand carried” education records In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible. B. Official education records/transcripts Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student’s official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission. C. Immunizations Compacting states shall give thirty days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission. D. Kindergarten and First grade entrance age Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including Kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the	N	N

759	SECTION 59 46 50 Continued...	State	Statute	ARTICLE V PLACEMENT & ATTENDANCE A. Course placement When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes, but is not limited to, Honors, International Baccalaureate, Advanced Placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses. B. Educational program placement The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state. Such programs include, but are not limited to: 1) gifted and talented programs; and 2) English as a second language (ESL). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student. C. Special education services 1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U. S.C.A. Section 1400, et seq, the receiving state shall initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and 2) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 21 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. Sections 12131 12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing	N	N
760	SECTION 59 46 50 Continued...	State	Statute	ARTICLE VI ELIGIBILITY A. Eligibility for enrollment: 1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent. 2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent. 3. A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he/she was enrolled while residing with the custodial parent. B. Eligibility for extracurricular participation State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.	N	N
761	SECTION 59 46 50 Continued...	State	Statute	ARTICLE VII GRADUATION In order to facilitate the on time graduation of children of military families states and local education agencies shall incorporate the following procedures: A. Waiver requirements. Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time. B. Exit exams. States shall accept: 1) exit or end of course exams required for graduation from the sending state; or 2) national norm referenced achievement tests; or 3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her Senior year, then the provisions of Article VII, Section C shall apply. C. Transfers during Senior year. Should a military student transferring at the beginning or during his or her Senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on time graduation of the student in accordance with Sections (A) and (B) of this article.	N	N

762	SECTION 59 46 50 Continued...	State	Statute	ARTICLE VIII STATE COORDINATION A. Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state’s participation in, and compliance with, this compact and Interstate Commission activities. While each member state may determine the membership of its own State Council, its membership must include at least: the state superintendent of education, superintendent of a school district with a high concentration of military children, representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the State Council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the State Council. B. The State Council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact. C. The compact commissioner responsible for the administration and management of the state’s participation in the compact shall be appointed by the Governor or as otherwise determined by each member state. D. The compact commissioner and the military family education liaison designated herein shall be ex officio members of the State Council, unless either is already a full voting member of the State Council.	N	N
763	SECTION 59 46 50 Continued...	State	Statute	ARTICLE IX INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN The member states hereby create the “Interstate Commission on Educational Opportunity for Military Children”. The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall: A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact. B. Consist of one Interstate Commission voting representative from each member state who shall be that state’s compact commissioner. 1. Each member state represented at a meeting of the Interstate Commission is entitled to one vote. 2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission. 3. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the Interstate Commission, the Governor or State Council may delegate voting authority to another person from their state for a specified meeting. 4. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication. C. Consist of ex officio, nonvoting representatives who are members of interested organizations. Such ex officio members, as defined in the bylaws, may include, but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel and other interstate compacts affecting the education of children of military members.	N	N

764	SECTION 59 46 50 Continued...	State	Statute	ARTICLE X POWERS AND DUTIES OF THE INTERSTATE COMMISSION The Interstate Commission shall have the following powers: A. To provide for dispute resolution among member states. B. To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact. C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, and actions. D. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process. E. To establish and maintain offices which shall be located within one or more of the member states. F. To purchase and maintain insurance and bonds. G. To borrow, accept, hire, or contract for services of personnel. H. To establish and appoint committees including, but not limited to, an executive committee as required by Article IX, Section E, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder. I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel. J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it. K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any	N	N
765	SECTION 59 46 50 Continued...	State	Statute	ARTICLE XI ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION A. The Interstate Commission shall, by a majority of the members present and voting, within twelve months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to: 1. Establishing the fiscal year of the Interstate Commission; 2. Establishing an executive committee, and such other committees as may be necessary; 3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission; 4. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting; 5. Establishing the titles and responsibilities of the officers and staff of the Interstate Commission; 6. Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations. 7. Providing "start up" rules for initial administration of the compact. B. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission. C. Executive Committee, Officers and Personnel	N	N

766	SECTION 59 46 50 Continued...	State	Statute	ARTICLE XII RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION A. Rulemaking Authority The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this act, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect. B. Rulemaking Procedure Rules shall be made pursuant to a rulemaking process that substantially conforms to the “Model State Administrative Procedure Act”, of 1981, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the Interstate Commission. C. Not later than thirty days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission’s authority. D. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.	N	N
767	SECTION 59 46 50 Continued...	State	Statute	ARTICLE XIII OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION A. Oversight 1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact’s purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law. 2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the Interstate Commission. 3. The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact, or promulgated rules. B. Default, Technical Assistance, Suspension, and Termination If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall: 1. Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default. 2. Provide remedial training and specific technical assistance regarding the default. 3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of	N	N
768	SECTION 59 46 50 Continued...	State	Statute	ARTICLE XIV FINANCING OF THE INTERSTATE COMMISSION A. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities. B. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission’s annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states. C. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the member states, except by and with the authority of the member state. D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.	N	N

769	SECTION 59 46 50 Continued...	State	Statute	ARTICLE XV MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT A. Any state is eligible to become a member state. B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states. C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.	N	N
770	SECTION 59 46 50 Continued...	State	Statute	ARTICLE XVI WITHDRAWAL AND DISSOLUTION A. Withdrawal 1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law. 2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member jurisdiction. 3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof. 4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal. 5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission. B. Dissolution of Compact 1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state. 2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.	N	N
771	SECTION 59 46 50 Continued...	State	Statute	ARTICLE XVII SEVERABILITY AND CONSTRUCTION A. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable. B. The provisions of this compact shall be liberally construed to effectuate its purposes. C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.	N	N
772	SECTION 59 46 50 Continued...	State	Statute	ARTICLE XVIII BINDING EFFECT OF COMPACT AND OTHER LAWS A. Other Laws: 1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact. 2. All member states' laws conflicting with this compact are superseded to the extent of the conflict. B. Binding Effect of the Compact: 1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states. 2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms. 3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.	N	N
773	Chapters 47, 48, 49, 50, and 51 not included					
774	SECTIONS 59 52 10 to 59 52 150	State	Statute	Repealed by 2005 Act No. 88, Section 4, eff May 27, 2005.		

775	SECTION 59 54 10	State	Statute	Short title; meaning of “unserved or underserved persons or clients”. (A) This chapter is known and may be cited as the South Carolina Employment Revitalization Act of 1986. (B) As used in this chapter or Chapter 53, Title 59 of the 1976 Code, the term “unserved or underserved persons or clients” means persons who have not previously been primary beneficiaries of vocational education, adult basic and adult secondary education, and technical education programs and specifically including recipients of public assistance payments through the Aid to Families with Dependent Children (AFDC) program, and at risk youth.	Y	N
776	SECTION 59 54 20	State	Statute	State Occupational Training Advisory Committee; duties and recommendations. (A) The State Council on Vocational and Technical Education membership shall comply with all requirements of Section 112 of the Carl D. Perkins Vocational and Applied Technology Education Act of 1990. In addition, a majority of the council membership appointed by the Governor must be members of the Commission on Higher Education, provided that members of the commission meet the federal requirements of the establishment of the council. Further, at least four members of the council shall represent secondary career and technology education. (B) The Commission on Higher Education shall serve as the State Occupational Training Advisory Committee and in this regard shall make recommendations to the State Board of Education, the State Board for Technical and Comprehensive Education, the Governor’s Office, and the public for: (1) improving the coordination among the state’s plans and programs for adult career and technology education, adult basic and adult secondary education, post secondary technical education, and secondary career and technology education; (2) assuring the compatibility of these educational plans and programs with the state’s economic development strategies; (3) improving the articulation between secondary career and technology education and post secondary technical education and between post secondary technical education and four year degree programs; (4) improving service to groups or communities in the State which are unserved or underserved and need additional training and education to be employed or to move into the work force and off of public assistance; (5) improving the accountability systems and effectiveness of the adult career and technology education, adult basic and adult secondary education, post secondary technical education, and secondary career and technology education programs; (6) improving the implementation of the South Carolina Employment Revitalization Act of 1986.	N	N
777	SECTION 59 54 30	State	Statute	Progress reports of area occupational advisory committees and State Occupational Training Advisory Committee. After one year from the effective date of this chapter, each area occupational advisory committee shall make a written progress report to the State Occupational Training Advisory Committee. The report must indicate the progress of area technical college commissions and local school boards in reaching the agreement required by Section 59 54 50 and specifically identify issues, if any, delaying final agreement. The State Occupational Training Advisory Committee shall report area technical college commissions and local school boards that have not made appropriate progress toward reaching an agreement to the Governor, General Assembly, State Board of Education, and the State Board for Technical and Comprehensive Education. Based upon a review of the written reports required of the area occupational advisory committees by Section 59 54 40, the memoranda of agreement, and other pertinent information, the State Occupational Training Advisory Committee shall report to the Governor and General Assembly upon the cooperation, articulation, and coordination between technical college commissions and local school boards. The State Occupational Training Advisory Committee shall make its report within one year of the execution of memoranda of agreement between all affected technical college commissions and local school boards or within three years of the effective date of this chapter, whichever comes first. The report is not limited to but must specifically identify technical college commissions and local school boards whose agreements have not achieved coordination and articulation, specify the deficiencies, and make recommendations for removing deficiencies. The report of the State Occupational Training Advisory Committee shall contain the written responses, if any, of the State Board of Education, the State Board for Technical and Comprehensive Education, technical college commissions, and local school boards to the State Occupational Training Advisory Committee’s findings. In 1989 90 and every two years thereafter, the State Occupational Training Advisory Committee shall monitor the implementation of the memoranda of agreement and assess the cooperation, coordination,	Y	Y

778	SECTION 59 54 40	State	Statute	Creation of area occupational training advisory committees; responsibilities; membership and meetings; expenses; reporting requirements; dissolution. (A) An area occupational training advisory committee is created for each of the service areas presently established by the State Board for Technical and Comprehensive Education for the various technical colleges. The purpose of the Area Occupational Training Advisory Committee is to increase coordination, articulation, and effectiveness among the various career, technical, occupational, and adult education and economic development programs in that area. (B) Each area occupational training advisory committee shall have the responsibility of assuring that each area technical college commission and appropriate local school boards shall enter into memoranda of agreement that demonstrates the following: (1) cooperation between the technical college and the career and technology school in the planning and delivery of adult career and technology education; (2) articulation of secondary career and technology courses to post secondary courses in the curricula of the technical college; (3) coordination among local boards with other local community agencies, literacy councils, private and nonprofit groups in planning and delivering adult basic education, adult secondary education, and literacy programs. (C) The membership of each area occupational training advisory committee is as follows: (1) two private sector representatives from the area technical college commission, appointed by the State Board for Technical and Comprehensive Education; (2) two professional representatives from the area technical college, appointed by the State Board for Technical and Comprehensive Education; (3) one private sector representative from the governing or advisory board for career and technology education programs in the area, appointed by the State Board of Education; (4) one faculty member or administrator for career and technology education programs in the area,	Y	Y
779	SECTION 59 54 50	State	Statute	Memoranda of agreements involving local technical college commissions and local school boards; effect of failure to enter into memoranda of agreement. (A) To assure a coordinated and articulated local delivery of career, technical, and adult basic and adult secondary education and job training, each local technical college commission and local school boards within each service area, as presently established by the State Board for Technical and Comprehensive Education for the various technical colleges, shall enter into memoranda of agreement that must demonstrate the following: (1) cooperation between the technical college and the career and technology school in the planning and delivery of adult career and technology education; (2) articulation of secondary career and technology courses to post secondary courses in the curricula of the technical colleges; (3) coordination among local boards, other local community agencies, literacy councils, private and nonprofit groups in planning and delivering adult basic education, adult secondary education, and literacy programs. (B) A technical college commission or local school board that fails to enter into memoranda of agreement which substantially agrees with the provisions of this chapter within two years of the effective date of this chapter may not receive further state funding for post secondary or secondary career and technology education until such time as memoranda of agreement that substantially agree with this chapter have been executed.	N	N
780	SECTION 59 54 60	State	Statute	Annual reports of state agencies offering certain educational programs. Each state agency offering career, technical, occupational, or adult basic and adult secondary education programs shall include in its annual report at least the following: (1) a summary of students or clients served each year and the cost for each student served each year of the training or educational programs; (2) the completion and placement rate and further education of students enrolled in career, technical, and occupational training and the completion and further education of students enrolled in adult basic and adult secondary education programs; (3) the number of new programs started with an assessment of future job opportunities; (4) the number of programs discontinued; (5) the effectiveness of coordination efforts among education and training entities; (6) the effectiveness of articulation efforts with other education and training entities; (7) the effectiveness of the coordination of the training or education program to economic development efforts in each area of the State and the State as a whole; (8) the degree to which unserved or underserved clients or areas previously identified are now being served or referred to other entities for service including the effectiveness of the training and education programs to assist public assistance clients and at risk youth to move into the work force; (9) a summary report of follow up studies reflecting employer satisfaction and earnings rate of a sample of persons completing various educational and training programs and students participating in cooperative education programs.	N	N

781	SECTION 59 55 10	State	Statute	Establishment and maintenance of departments of junior college work by school boards. The school board of any independent or special school district, when authorized by a three fourths vote of the district so to do, may establish and maintain a department of junior college work to consist of not more than two years' work beyond a four year high school course.	N	N
782	SECTION 59 55 20	State	Statute	Establishment and maintenance of junior college in cities of 5,000 or more. In any school district in this State whose limits are coextensive with the limits of any city of five thousand inhabitants or more the school board, when authorized to do so by the majority vote of the electors of any such school district voting on the proposition, may establish, maintain or discontinue a junior college to consist of not more than two years of college work beyond a four year high school course and may charge such tuition fees for instruction in such junior college as shall be fixed by any such school board.	N	N
783	SECTION 59 55 30	State	Statute	Buildings and equipment. Any such school board may make use of any existing school building or school equipment or may provide any necessary building or equipment for the establishment and maintenance of any such junior college.	N	N
784	SECTION 59 55 40	State	Statute	Requirements for establishment and maintenance. In the establishment and maintenance of such junior college courses, the following provisions shall be observed: (1) Application on the part of any school to be classified as a junior college shall be made by the school board to the State Department of Education not later than July first of the first year for which a school seeks such classification and shall be accompanied by the curricula to be maintained; (2) Each applicant shall be visited by a representative of the State Department of Education who shall make a report to the State Board of Education as a basis for its action upon the application at the next regular meeting; (3) Each applicant will be notified promptly as to the action taken by the State Board; (4) A junior college shall be a public school providing one or more two year courses beyond the eleventh year of the public school course and it shall be located in a school district which maintains an accredited high school and employs a junior college dean and at least the equivalent of two junior college teachers who, together with the superintendent, shall constitute the faculty of the junior college; (5) A junior college shall be maintained only when the district assessed valuation exceeds one million dollars; (6) The superintendent of the college shall administer and exercise general supervision over the junior college and shall make such reports as the State Superintendent of Education may require; (7) The superintendent of the college shall examine the certification of all persons under consideration as teachers in the junior college and recommend for employment only such persons as are found to be fully qualified in accordance with the standards established by the State Board of Education and he shall also keep a record of such certification and, on or before October first of each year, shall transmit a copy of this record to the State Department of Education; (8) The building space available for this use shall be modern, adequate and well adapted to the needs of the work to be undertaken;	Y	Y
785	SECTION 59 55 50	State	Statute	Powers of State Department of Education over junior colleges. The State Department of Education shall have the same supervision, control and powers over any such junior college, when established hereunder, as it now has over other departments of the public school system of this State.	Y	Y
786	SECTION 59 55 60	State	Statute	State aid for public schools not allocated to junior colleges. No State aid for public schools shall be allocated to any junior college established hereunder.	N	N
787	SECTION 59 59 10	State	Statute	Citation of chapter. This chapter may be cited as the "South Carolina Education and Economic Development Act".	N	N
788	SECTION 59 59 20	State	Statute	Development of curriculum based on career cluster system; individual graduation plans; role of school districts. (A) The Department of Education shall develop a curriculum, aligned with state content standards, organized around a career cluster system that must provide students with both strong academics and real world problem solving skills. Students must be provided individualized educational, academic, and career oriented choices and greater exposure to career information and opportunities. This system must promote the involvement and cooperative effort of parents, teachers, and school counselors in assisting students in making these choices, in setting career goals, and in developing individual graduation plans to achieve these goals. (B) School districts must lay the foundation for the clusters of study system in elementary school by providing career awareness activities. In the middle grades programs must allow students to identify career interests and abilities and align them with clusters of study for the development of individual graduation plans. Finally, high school students must be provided guidance and curricula that will enable them to complete successfully their individual graduation plans, preparing them for a seamless transition to relevant employment, further training, or postsecondary study.	Y	Y

789	SECTION 59 59 30	State	Statute	Implementation of chapter; administrative support and staffing. This chapter must be implemented fully by July 1, 2012, at which time the council created pursuant to Section 59 59 170 shall cease to exist. The Department of Education shall provide administrative support and staffing to the council to carry out its responsibilities under this chapter.	Y	Y
790	SECTION 59 59 40	State	Statute	Guidance and counseling model. During the 2005 06 school year, the Department of Education's guidance and counseling model must provide standards and strategies for school districts to use and follow in developing and implementing a comprehensive guidance and counseling program in their districts. This model must assist school districts and communities with the planning, development, implementation, and assessment of a school guidance and counseling program to support the personal, social, educational, and career development of pre kindergarten through twelfth grade students.	Y	Y
791	SECTION 59 59 50	State	Statute	State models and prototypes for individual graduation plans and curriculum framework of career clusters of study. (A) Before July 1, 2006, the Department of Education shall develop state models and prototypes for individual graduation plans and the curriculum framework for career clusters of study. These clusters of study may be based upon the national career clusters and may include, but are not limited to: (1) agriculture, food, and natural resources; (2) architecture and construction; (3) arts, audio video technology, and communications; (4) business, management, and administration; (5) education and training; (6) finance; (7) health science; (8) hospitality and tourism; (9) human services; (10) information technology; (11) law, public safety, and security; (12) manufacturing; (13) government and public administration; (14) marketing, sales, and service; (15) science, technology, engineering, and mathematics; and (16) transportation, distribution, and logistics. (B) The Department of Education is to include in the state models and prototypes for individual graduation plans and curriculum framework the flexibility for a student to develop an individualized plan for graduation utilizing courses offered within the clusters at the school of attendance. Any plan of this type is to be approved by the student, parent or guardian, and the school guidance staff.	Y	Y
792	SECTION 59 59 55	State	Statute	Model for addressing at risk students. The State Board of Education shall develop a state model for addressing at risk students. This model shall include various programs and curriculum proven to be effective for at risk students.	Y	Y
793	SECTION 59 59 60	State	Statute	Organizing high school curricula around clusters of study and cluster majors. Before July 1, 2007, school districts shall: (1) organize high school curricula around a minimum of three clusters of study and cluster majors. The curricula must be designed to provide a well rounded education for students by fostering artistic creativity, critical thinking, and self discipline through the teaching of academic content, knowledge, and skills that students will use in the workplace, further education, and life; (2) promote increased awareness and career counseling by providing access to the South Carolina Occupational Information System for all schools. However, if a school chooses another occupational information system, that system must be approved by the State Department of Education.	Y	N
794	SECTION 59 59 70	State	Statute	Implementation of career development plan for educational professionals in career guidance. During the 2006 07 school year, the department shall begin implementing a career development plan for educational professionals in career guidance that provides awareness, training, release time, and preparatory instruction. The plan must include strategies for certified school counselors effectively to involve parents, guardians, or individuals appointed by the parent or guardian to serve as their designee in the career guidance process and in the development of the individual graduation plans. The plan also must include innovative approaches to recruit, train, and certify professionals needed to carry out the career development plan.	Y	Y
795	SECTION 59 59 80	State	Statute	Integrating career awareness programs into curricula for first through fifth grades. During the 2006 07 school year, the department's school guidance and counseling program model along with career awareness and exploration activities must be integrated into the curricula for students in the first through fifth grades.	Y	Y

796	SECTION 59 59 90	State	Statute	Counseling and career awareness programs on clusters of study for sixth, seventh, and eighth grades; selection of preferred cluster of study; development of graduation plan. Beginning with the 2006 07 school year, counseling and career awareness programs on clusters of study must be provided to students in the sixth, seventh, and eighth grades, and they must receive career interest inventories and information to assist them in the career decision making process. Before the end of the second semester of the eighth grade, eighth grade students in consultation with their parents, guardians, or individuals appointed by the parents or guardians to serve as their designee shall select a preferred cluster of study and develop an individual graduation plan, as provided for in Section 59 59 140.	N	N
797	SECTION 59 59 100	State	Statute	Providing services of career specialist; qualification of specialist; career specialists currently employed by tech prep consortia. (A) By the 2006 07 school year, middle schools and by 2007 08 high schools shall provide students with the services of a career specialist who has obtained a bachelor's degree and who has successfully completed the national Career Development Facilitator (CDF) certification training or certified guidance counselor having completed the Career Development Facilitator certification training. This career specialist shall work under the supervision of a certified guidance counselor. By the 2007 08 school year, each middle and high school shall have a student to guidance personnel ratio of three hundred to one. Guidance personnel include certified school guidance counselors and career specialists. (B) Career specialists currently employed by the sixteen tech prep consortia and their performance responsibilities related to the delivery of tech prep or school to work activities must be supervised by the State Department of Education's Office of Career and Technology Education in conjunction with the immediate site supervisor of the tech prep consortia.	Y	Y
798	SECTION 59 59 105	State	Statute	Duties of career specialists. An individual employed by school districts to provide career services pursuant to Section 59 59 100 shall work to ensure the coordination, accountability, and delivery of career awareness, development, and exploration to students in kindergarten through twelfth grade. To ensure the implementation and delivery of this chapter, this individual shall: (1) coordinate and present professional development workshops in career development and guidance for teachers, school counselors, and work based constituents; (2) assist schools in promoting the goals of quality career development of students in kindergarten through twelfth grade; (3) assist school counselors and students in identifying and accessing career information and resource material; (4) provide educators, parents, and students with information on career and technology education programs offered in the district; (5) support students in the exploration of career clusters and the selection of an area of academic focus within a cluster of study; (6) learn and become familiar with ways to improve and promote career development opportunities within the district; (7) attend continuing education programs on the certified career development facilitator curriculum sponsored by the State; (8) assist with the selection, administration, and evaluation of career interest inventories; (9) assist with the implementation of the district's student career plan or individual graduation plan; (10) assist schools in planning and developing parent information on career development; (11) coordinate with school counselors and administration career events, career classes, and career programming; (12) coordinate community resources and citizens representing diverse occupations in career	N	N
799	SECTION 59 59 110	State	Statute	Implementation of career guidance program model in high school; counseling of students; declaration of area of academic focus within cluster of study. During the 2007 08 school year, each public high school shall implement a career guidance program model or prototype as developed or approved by the State Department of Education. At least annually after that, certified school guidance counselors and career specialists, under their supervision, shall counsel students during the ninth and tenth grades to further define their career cluster goals and individual graduation plans, and before the end of the second semester of the tenth grade, tenth grade students shall have declared an area of academic focus within a cluster of study. Throughout high school, students must be provided guidance activities and career awareness programs that combine counseling on career options and experiential learning with academic planning to assist students in fulfilling their individual graduation plans. In order to maximize the number of clusters offered, a school district is to ensure that each high school within the district offers a variety of clusters. A student may transfer to a high school offering that student's career cluster if not offered by the high school in his attendance zone.	Y	Y
800	SECTION 59 59 120	State	Statute	Limitation of activities of guidance counselors and career specialists. School guidance counselors and career specialists shall limit their activities to guidance and counseling and may not perform administrative tasks.	N	N

801	SECTION 59 59 130	State	Statute	Implementation of principles of “High Schools that Work” organizational model. By the 2009 10 school year, each high school shall implement the principles of the “High Schools that Work” organizational model or have obtained approval from the Department of Education for another cluster or major organizational model.	Y	N
802	SECTION 59 59 140	State	Statute	Individual graduation plans; requirements. An individual graduation plan is a student specific educational plan detailing the courses necessary for the student to prepare for graduation and to successfully transition into the workforce or postsecondary education. An individual graduation plan must: (1) align career goals and a student’s course of study; (2) be based on the student’s selected cluster of study and an academic focus within that cluster; (3) include core academic subjects, which must include, but are not limited to, English, math, science, and social studies to ensure that requirements for graduation will be met; (4) include experience based, career oriented learning experiences including, but not limited to, internships, apprenticeships, mentoring, co op education, and service learning; (5) be flexible to allow change in the course of study but be sufficiently structured to meet graduation requirements and admission to postsecondary education; (6) incorporate provisions of a student’s individual education plan, when appropriate; and (7) be approved by a certified school guidance counselor and the student’s parents, guardians, or individuals appointed by the parents or guardians to serve as their designee.	N	N
803	SECTION 59 59 150	State	Statute	Regulations for identifying at risk students; model programs. By July 2007, the State Board of Education shall promulgate regulations outlining specific objective criteria for districts to use in the identification of students at risk for being poorly prepared for the next level of study or for dropping out of school. The criteria must include diagnostic assessments to identify strengths and weaknesses in the core academic areas. The process for identifying these students must be closely monitored by the State Department of Education in collaboration with school districts to ensure that students are being properly identified and provided timely, appropriate guidance and assistance and to ensure that no group is disproportionately represented. The regulations also must include evidence based model programs for at risk students designed to ensure that these students have an opportunity to graduate with a state high school diploma. By the 2007 08 school year, each high school of the State shall implement one or more of these programs to ensure that these students receive the opportunity to complete the necessary requirements to graduate with a state high school diploma and build skills to prepare them to enter the job market successfully. The regulation also must include an evaluation of model programs in place in each high school to ensure the programs are providing students an opportunity to graduate with a state high school diploma.	N	N
804	SECTION 59 59 160	State	Statute	Parental participation; annual parent counseling conferences. Parental participation is an integral component of the clusters of study system. Beginning with students in the sixth grade and continuing through high school, schools must schedule annual parent counseling conferences to assist parents, guardians, or individuals appointed by the parents or guardians and their children in making career choices and creating individual graduation plans. These conferences must include, but are not limited to, assisting the student in identifying career interests and goals, selecting a cluster of study and an academic focus, and developing an individual graduation plan. In order to protect the interests of every student, a mediation process that includes parent advocates must be developed, explained, and made available for conferences upon request of the parent or student.	N	N
805	SECTION 59 59 170	State	Statute	Repealed by 2014 Act No. 149, Section 3, eff April 7, 2014		
806	SECTION 59 59 180	State	Statute	Repealed by 2014 Act No. 149, Section 3, eff April 7, 2014		
807	SECTION 59 59 190	State	Statute	Assistance in planning and promoting career information and employment options. (A) The South Carolina Department of Employment and Workforce, in collaboration with the State Board for Technical and Comprehensive Education and the Commission on Higher Education, shall assist the Department of Education, in planning and promoting the career information and employment options and preparation programs provided for in this chapter by: (1) identifying potential employers to participate in the career oriented learning programs; (2) serving as a contact point for employees seeking career information and training; (3) providing labor market information including, but not limited to, supply and demand; (4) promoting increased career awareness and career counseling through the management and promotion of the South Carolina Occupational Information System; (5) collaborating with local agencies and businesses to stimulate funds; and (6) cooperating in the creation and coordination of workforce education programs. (B) The South Carolina Department of Employment and Workforce shall assist in providing a link between employers in South Carolina and youth seeking employment.	Y	Y

808	SECTION 59 59 200	State	Statute	Training of teachers and guidance counselors; review of performance. Beginning with the 2006 07 academic year, colleges of education shall include in their training of teachers, guidance counselors, and administrators the following: career guidance, the use of the cluster of study curriculum framework and individual graduation plans, learning styles, the elements of the Career Guidance Model of the South Carolina Comprehensive Guidance and Counseling Program Model, contextual teaching, cooperative learning, and character education. The State Board of Education shall develop performance based standards in these areas and include them as criteria for teacher program approval. By the 2009 10 school year, the teacher evaluation system established in Chapter 26, Title 59, and the principal's evaluation system established in Section 59 24 40 must include a review of performance in career exploration and guidance. The department also shall develop programs to train educators in contextual teaching.	Y	Y
809	SECTION 59 59 210	State	Statute	Review of articulation agreements between school districts and institutions of higher learning. (A) By September 2005, the Commission on Higher Education shall convene the Advisory Committee on Academic Programs to address articulation agreements between school districts and public institutions of higher education in South Carolina to provide seamless pathways for adequately prepared students to move from high school directly into institutions of higher education. The committee shall review, revise, and recommend secondary to postsecondary articulation agreements and promote the development of measures to certify equivalency in content and rigor for all courses included in articulation agreements. The advisory committee shall include representatives from the research institutions, four year comprehensive teaching institutions, two year regional campuses, and technical colleges. The committee, for purposes pursuant to this chapter, shall include representation from the State Department of Education, and school district administrators, to include curriculum coordinators and guidance personnel. (B) By July 2006, the Advisory Committee on Academic Programs shall make recommendations to the Commission on Higher Education regarding coursework that is acceptable statewide for dual enrollment to be accepted in transfer within a related course of study. Dual enrollment college courses offered to high school students by two year and four year colleges and universities must be equivalent in content and rigor to the equivalent college courses offered to college students and taught by appropriately credentialed faculty. Related policies and procedures established by the Commission on Higher Education for dual enrollment and guidelines for offering dual enrollment coursework and articulation to two year and four year colleges and universities for awarding of credit must be followed. (C) The advisory committee, in collaboration with the Department of Education, shall coordinate work to study the content and rigor of high school courses in order to provide a seamless pathway to postsecondary education. (D) The Commission on Higher Education shall report annually to the Education and Economic Development Coordinating Council regarding the committee's progress.	Y	Y
810	SECTION 59 59 220	State	Statute	Development of appropriate resources and instructional materials. With the implementation of the clusters of study system, appropriate resources and instructional materials, aligned with the state's content standards, must be developed or adopted by the State Department of Education and made available to districts.	N	Y
811	SECTION 59 59 230	State	Statute	Promulgation of regulations. The State Board of Education, with input from the Education and Economic Development Council, shall promulgate regulations necessary to carry out the provisions of this chapter.	N	Y
812	SECTION 59 59 240	State	Statute	Private and home schools. The requirements of this chapter do not apply to private schools or to home schools.	N	N
813	SECTION 59 59 250	State	Statute	Funding. Each phase of implementation of this chapter is contingent upon the appropriation of adequate funding as documented by the fiscal impact statement provided by the Office of State Budget of the State Budget and Control Board. There is no mandatory financial obligation to school districts if state funding is not appropriated for each phase of implementation as provided for in the fiscal impact statement of the Office of the State Budget of the State Budget and Control Board.	N	N

814	SECTION 59 63 20	State	Statute	Age of attendance. It is not lawful for any person who is less than five or more than twenty one years of age to attend any of the public schools of this State, including kindergarten, except that: (1) Persons over twenty one years of age may attend night schools; (2) When a pupil is in the graduating class and becomes twenty one years of age before graduation, he is permitted to complete the term if otherwise qualified to do so; (3) Students may enter kindergarten in the public schools of this State if they will attain the age of five on or before September first of the applicable school year or have substantially initiated a public school kindergarten program in another state that has a different attendance age requirement from South Carolina; (4) Students may not enter the first grade in the public schools of this State unless they will attain the age of six on or before September first of the applicable school year or have substantially initiated a first grade program in another state that has a different attendance age requirement from South Carolina or have attended a public school kindergarten program for one full school year; (5) The restrictions in this section may be waived by the local board of school trustees in any proper case. However, that if the provisions of items (3) and (4) of this section are not complied with, the school district is not entitled to receive any state aid for any students who fail to meet these requirements; (6) Four year olds may attend optional child development programs and all three year old, four year old, and five year old children with disabilities in accordance with their individual education program, may participate in any public education preschool program, including optional child development programs. Children with disabilities served in four year old optional child development programs may be counted for funding under both funding sources.	N	N
815	SECTION 59 63 30	State	Statute	Qualifications for attendance. Children within the ages prescribed by Section 59 63 20 shall be entitled to attend the public schools of any school district, without charge, only if qualified under the following provisions of this section: (a) Such child resides with its parent or legal guardian; (b) The parent or legal guardian, with whom the child resides, is a resident of such school district; or (c) The child owns real estate in the district having an assessed value of three hundred dollars or more; and (d) The child has maintained a satisfactory scholastic record in accordance with scholastic standards of achievement prescribed by the trustees pursuant to Section 59 19 90; and (e) The child has not been guilty of infraction of the rules of conduct promulgated by the trustees of such school district pursuant to Section 59 19 90.	N	N
816	SECTION 59 63 31	State	Statute	Additional qualifications for attendance at public school or particular public school. (A) Children within the ages prescribed in Section 59 63 20 also are entitled to attend the public schools of a school district, without charge, if: (1) the child resides with one of the following who is a resident of the school district: (a) a person who is not the child's parent or legal guardian to whom the child's custody has been awarded by a court of competent jurisdiction; (b) a foster parent or in a residential community based care facility licensed by the Department of Social Services or operated by the Department of Social Services or the Department of Juvenile Justice; or (c) the child resides with an adult resident of the school district as a result of the: (i) death, serious illness, or incarceration of a parent or legal guardian; (ii) relinquishment by a parent or legal guardian of the complete control of the child as evidenced by the failure to provide substantial financial support and parental guidance; (iii) abuse or neglect by a parent or legal guardian; (iv) physical or mental condition of a parent or legal guardian is such that he cannot provide adequate care and supervision of the child; (v) parent's or legal guardian's homelessness, as that term is defined by Public Law 100 77; or (vi) parent's or legal guardian's military deployment or call to active duty more than seventy miles from his residence for a period greater than sixty days; provided, however, that if the child's parent or legal guardian returns from such military deployment or active duty prior to the end of the school year, the child may finish that school year in the school he attends without charge even if the child resides in another school district for the remainder of the school year due to his parent or legal guardian returning home; (2) the child is emancipated and resides in the school district; (3) the child is homeless or is a child of a homeless individual, as defined in Public Law 100 77, as amended; or	N	N

817	SECTION 59 63 32	State	Statute	Requirements to enroll child in public school; affidavit; penalties for providing false information. (A) The school district may require an adult seeking to enroll a child who resides with the adult pursuant to Section 59 63 31(1)(c) to accept responsibility for making educational decisions concerning the child. These educational decisions may include, but not be limited to, receiving notices of discipline pursuant to Sections 59 63 230 and 59 63 240, attending conferences with school staff, and granting permission for athletic activities, field trips, and other activities as required. (B) The school district also must require an adult to complete and sign an affidavit: (1) confirming the qualifications set out in Section 59 63 31(1)(c) establishing residency of the child in the school district; (2) attesting that the child's claim of residency in the district is not primarily related to attendance at a particular school within the district; and (3) accepting responsibility for educational decisions for the child. (C) Upon receipt of the affidavit provided for in subsection (B), the child must be admitted to an appropriate school pending the results of any further procedures for determining eligibility for attendance within the school district. (D) If it is found that information contained in the affidavit provided for in subsection (B) is false, the child must be removed from the school after notice of an opportunity to appeal the removal pursuant to the appropriate district grievance policy. (E) If it is found that a person wilfully and knowingly has provided false information in the affidavit provided for in subsection (B) to enroll a child in a school district for which the child is not eligible, the maker of the false affidavit is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed two hundred dollars or imprisoned for not more than thirty days and also must be required to pay to the school district an amount equal to the cost to the district of educating the child during the period of enrollment. Repayment does not include funds paid by the State. (F) The affidavit which is required by school districts under this section must include, in large print, the	N	N
818	SECTION 59 63 35	State	Statute	Nonresident military enrollment in South Carolina high school diploma program. Nonresident military personnel may enroll in a program designed to award a South Carolina high school diploma. However, neither the State nor local districts shall be required to bear the cost for any nonresident military personnel enrolled in these programs.	N	N
819	SECTION 59 63 40	State	Statute	Discrimination on account of race, creed, color or national origin prohibited. (1) No person shall be refused admission into or be excluded from any public school in the State on account of race, creed, color or national origin. (2) Except with the express approval of a board having jurisdiction, no student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district or attendance area, by whatever name known, shall be established, reorganized or maintained for any such purpose, provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian, and further provided that nothing in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its pupils exclusively or primarily from members of such religion or denomination or from giving preference to such selection to such members or to make such selection to its pupils as is calculated to promote the religious principle for which it is established.	Y	N
820	SECTION 59 63 45	State	Statute	Reimbursement for attending another school district (A) Notwithstanding the provisions of this chapter, a nonresident child otherwise meeting the enrollment requirements of this chapter may attend a school in a school district which he is otherwise qualified to attend if the person responsible for educating the child pays an amount equal to the prior year's local revenue per child raised by the millage levied for school district operations and debt service reduced by school taxes on real property owned by the child paid to the school district in which he is enrolled. The district may waive all or a portion of the payment required by this section. (B) Students attending a school pursuant to this section must be counted in enrollment for purposes of determining state aid to the district. (C) If the payment to the school district is not made within a reasonable time as determined by the district, the child must be removed from the school after notice is given. (D) Any nonresident student enrolled in the schools of a district no later than September 9, 1996, shall not be required to meet the conditions of subsection (A) of this section as long as the student is continuously enrolled in the district and as long as the student meets the qualifications provided by law for attending the schools of the district.	N	N

821	SECTION 59 63 50	State	Statute	Fingerprinting of pupils. Each county shall provide to every school in the county the forms and ink pads necessary to record each pupil's fingerprints in kindergarten and grades one through twelve. The State Law Enforcement Division and all local law enforcement agencies are instructed and authorized to assist local school authorities in the fingerprinting of school children in kindergarten and grades one through twelve when the parent of a child requests in writing that his child be fingerprinted for identification purposes for the protection of the child. The fingerprints must be given to the student's parents or guardian. The implementation of this section is a local responsibility and it must be implemented as the local school board determines appropriate.	N	N
822	SECTION 59 63 55	State	Statute	Report required of certain injuries. A report of any head or spinal injury or broken limb suffered by a student enrolled in the public schools of this State shall be filed by the coach with the principal of the school. The report shall be made a part of the student's school record.	N	N
823	SECTION 59 63 60	State	Statute	School guards required to be safely attired. No person charged with the responsibility of assisting school children to cross streets near schools shall engage in such activity unless he is attired with some type of garment or equipment that can be clearly seen by the driver of an approaching motor vehicle. The school district official of each school district who is responsible for supervising such personnel shall be responsible for seeing that such persons within his district are furnished with the articles required by this section.	N	N
824	SECTION 59 63 65	State	Statute	Class size reduction; funding; facilities. School districts which choose to reduce class size to fifteen to one in grades one through three shall be eligible for funding for the reduced pupil teacher ratios from funds provided by the General Assembly for this purpose. Funding for schools in districts designated as impaired or for schools rated as unsatisfactory on the accountability ratings will receive priority in the distribution of funds. Funding for the impaired district schools and schools ranked unsatisfactory will be allocated based on the average daily membership in grades one through three in those schools for implementing reduced class size of fifteen to one in those grades. Other school districts will receive funding allocated based on free and reduced lunch eligible students. Local match is required for the lower ratio funding based on the Education Finance Act formula. Boards of trustees of each school district may implement the lower pupil teacher ratios on a school by school, grade by grade, or class by class basis. District boards of trustees implementing the reduced ratios must establish policies to give priority to reduce the ratios in schools with the highest number of students eligible for the federal free and reduced lunch program, and these students must be given priority in implementing the reduced class size. Unobligated funds from state appropriations which become available to a district during a fiscal year shall be redistributed to fund additional teachers on a prorated basis. Districts choosing to implement the reduced class size must track the students served in classes with a 15:1 ratio for three years so that the impact of smaller class size can be evaluated. The Department of Education, working with the Accountability Division, will develop a plan for evaluating the impact of this initiative and report to the Education Oversight Committee no later than December 1, 2001. School districts must document the use of these funds to reduce class size and the State Department of Education will conduct audits to confirm appropriate use of class size reduction funding. As used in this section, "teacher" refers to an employee possessing a professional certificate issued by the State Department of Education whose full time responsibility is instruction of students. Pupil teacher ratio is based on average daily membership.	Y	Y
825	SECTION 59 63 70	State	Statute	High school student participation in independent organized sports teams. During the season for any high school league sport except for football, a student, while a member of a school squad or team engaged in an interscholastic sport except for football, may become a member of or participate in an organized team that is independent of the school's control as long as the participation does not interfere with the scheduled league games or practices of the school squad or team. A school or student shall not be declared ineligible for participation in an interscholastic high school league sport except for football because of participation of a student as a member of an organized team independent of the school's control during the interscholastic sport's season. Any student participating on both a school squad or team and an independent squad shall have on file with the school's athletic director a statement signed by the parent or guardian indicating their child or children have permission to participate on both teams and signed by the independent coach acknowledging that the student's participation shall not interfere with the scheduled league games or practices. The provisions of this section do not permit a student to participate on a school football team and an organized football team independent of the school's control.	N	N

826	SECTION 59 63 75	State	Statute	Publication of guidelines regarding concussions; removal from play for concussion; immunity; definitions. (A) The South Carolina Department of Health and Environmental Control, in consultation with the State Department of Education, shall post on its website nationally recognized guidelines and procedures regarding the identification and management of suspected concussions in student athletes. The Department of Health and Environmental Control also shall post on its website model policies that incorporate best practices guidelines for the identification, management, and return to play decisions for concussions reflective of current scientific and medical literature developed by resources from or members of sports medicine community organizations including, but not limited to, the Brain Injury Association of South Carolina, the South Carolina Medical Association, the South Carolina Athletic Trainer’s Association, the National Federation of High Schools, the Centers for Disease Control and Prevention, and the American Academy of Pediatrics. Guidelines developed pursuant to this section apply to South Carolina High School League sanctioned events. (B) A local school district shall develop guidelines and procedures based on the model guidelines and procedures referenced in subsection (A). (C) Each year prior to participation in athletics, each school district shall provide to all coaches, volunteers, student athletes, and their parents or legal guardian, an information sheet on concussions which informs of the nature and risk of concussion and brain injury, including the risks associated with continuing to play after a concussion or brain injury. The parent or legal guardian’s receipt of the information sheet must be documented in writing or by electronic means before the student athlete is permitted to participate in an athletic competition or practice. (D)(1) If a coach, athletic trainer, official, or physician suspects that a student athlete, under the control of the coach, athletic trainer, official, or physician, has sustained a concussion or brain injury in a practice or in an athletic competition, the student athlete shall be removed from practice or competition at that time. (2) A student athlete who has been removed from play may return to play if, as a result of evaluating the student athlete on site, the athletic trainer, physician, physician assistant pursuant to scope of practice	Y	Y
827	SECTION 59 63 80	State	Statute	Development of policies governing individual health care plans for students with special health care needs; definitions; written statements. (A) As used in this section: (1) “medication” is defined as medication prescribed by a health care provider contained in the original packaging with the appropriate pharmacy label or in a secure package containing a note from the prescribing physician or pharmacist that appropriately identifies the medicine; (2) “monitoring device” is defined as implements prescribed by a health care provider for monitoring a chronic health condition; and (3) “individual health care plan” (IHP) is defined as a plan of care designed specifically for an individual student to provide for meeting the health monitoring and care of the student during the school day or at school sponsored functions. (B) Each school district shall adopt a policy requiring that students with special health care needs have individual health care plans. This policy must provide for the authorization of a student to self monitor and self administer medication as prescribed by the student’s health care provider unless there is sufficient evidence that unsupervised self monitoring or self medicating would seriously jeopardize the safety of the student or others. The policy must include, but is not limited to: (1) a requirement that the student’s parent or legal guardian provide to the school: (a) written authorization from the parent or legal guardian for the student to self monitor and self administer medication; and (b) a written statement from the student’s health care practitioner who prescribed the medication verifying that the student has a medical condition and has been instructed and demonstrates competency in self monitoring or self administration of medications, or both. (2) authorization for a student to possess on his person and administer medication while: (a) in the classroom and in any area of the school or school grounds; (b) at a school sponsored activity;	N	N
828	SECTION 59 63 90	State	Statute	Notice of available health related services and rights. The State Department of Education shall develop a notice to be sent by each school district to all parents or legal guardians that notifies them of available services and rights pursuant to Section 504 of the Rehabilitation Act of 1973, the IDEA, and medical homebound regulations at the beginning of the school year.	Y	Y

829	SECTION 59 63 95	State	Statute	Epinephrine auto injectors; obtaining, storing, dispensing, administering, and self administering; immunity from liability. (A) As used in this section, and unless the specific context indicates otherwise: (1) “Administer” means the direct application of an epinephrine auto injector into the body of a person. (2) “Advanced practice registered nurse” means a registered nurse prepared for an advanced practice registered nursing role by virtue of the additional knowledge gained through an advanced formal education program in a specialty area pursuant to Chapter 33, Title 40. (3) “Designated school personnel” means an employee, agent, or volunteer of a school designated by the governing authority of the school district or the governing authority of the private school who has completed the training required in accordance with the guidelines of the governing authority to provide for or administer an epinephrine auto injector to a student. (4) “Epinephrine auto injector” means a device that automatically injects a premeasured dose of epinephrine into a person. (5) “Governing authority of a school” means the board of trustees of a school district or the board of trustees of a private school. (6) “Participating governing authorities” means governing authorities of school districts and governing authorities of private schools that authorize schools to maintain a supply of undesignated epinephrine auto injectors and to provide and administer epinephrine auto injectors to students and other people pursuant to subsections (B) and (C). (7) “Physician” means a doctor of medicine licensed by the South Carolina Board of Medical Examiners pursuant to Article 1, Chapter 47, Title 40. (8) “Physician assistant” means a health care professional licensed to assist with the practice of medicine with a physician supervisor pursuant to Article 7, Chapter 47, Title 40. (9) “Provide” means to supply one or more epinephrine auto injectors to a student or other person. (10) “School” means a public or private school.	N	N
830	SECTION 59 63 100	State	Statute	Participation in interscholastic activities of public school district by home school, charter school, and Governor’s school students. (A) As used in this section: (1) “Charter school student” is a child enrolled in a charter school established pursuant to Chapter 40, Title 59. (2) “Governor’s school student” is a child enrolled at a Governor’s school established pursuant to this title. (3) “Home school student” is a child taught in accordance with Section 59 65 40, 59 65 45, or 59 65 47 and has been taught in accordance with one of these sections for a full academic year prior to participating in an interscholastic activity pursuant to this section. (4) “Interscholastic activities” includes, but is not limited to, athletics, music, speech, and other extracurricular activities. (B) Individual Governor’s school students and home school students may not be denied by a school district the opportunity to participate in interscholastic activities if the: (1) student meets all school district eligibility requirements with the exception of the: (a) school district’s school or class attendance requirements; and (b) class and enrollment requirements of the associations administering the interscholastic activities; (2) student’s teacher, in the case of a Governor’s school student, certifies by submitting an affidavit to the school district that the student fully complies with the law and any attendance, class, or enrollment requirements for a Governor’s school. In addition, a charter school student’s teacher, in the same manner required by this subsection for a Governor’s school student, also must certify by affidavit to the student’s school district that the student fully complies with the law and any attendance, class, or enrollment requirements for a charter school in order for the student to participate in interscholastic activities in the manner permitted by Chapter 40 of this title; (3) student participating in interscholastic activities:	N	N
831	SECTION 59 63 110	State	Statute	Citation of article. This article may be cited as the “Safe School Climate Act”.	N	N
832	SECTION 59 63 120	State	Statute	Definitions. As used in this article: (1) “Harassment, intimidation, or bullying” means a gesture, an electronic communication, or a written, verbal, physical, or sexual act that is reasonably perceived to have the effect of: (a) harming a student physically or emotionally or damaging a student’s property, or placing a student in reasonable fear of personal harm or property damage; or (b) insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school. (2) “School” means in a classroom, on school premises, on a school bus or other school related vehicle, at an official school bus stop, at a school sponsored activity or event whether or not it is held on school premises, or at another program or function where the school is responsible for the child.	N	N

833	SECTION 59 63 130	State	Statute	Prohibited conduct; reports by witnesses. (A) A person may not engage in: (1) harassment, intimidation, or bullying; or (2) reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying. (B) A school employee, student, or volunteer who witnesses, or has reliable information that a student has been subject to harassment, intimidation, or bullying shall report the incident to the appropriate school official.	N	N
834	SECTION 59 63 140	State	Statute	Local school districts to adopt policies prohibiting harassment; required components; model policies by State Board of Education; bullying prevention programs. (A) Before January 1, 2007, each local school district shall adopt a policy prohibiting harassment, intimidation, or bullying at school. The school district shall involve parents and guardians, school employees, volunteers, students, administrators, and community representatives in the process of creating the policy. (B) The policy must include, but not be limited to, the following components: (1) a statement prohibiting harassment, intimidation, or bullying of a student; (2) a definition of harassment, intimidation, or bullying no less inclusive than the definition in Section 59 63 120; (3) a description of appropriate student behavior; (4) consequences and appropriate remedial actions for persons committing acts of harassment, intimidation, or bullying, and for persons engaging in reprisal or retaliation; (5) procedures for reporting acts of harassment, intimidation, or bullying, to include a provision for reporting anonymously. However, formal disciplinary action must not be taken solely on the basis of an anonymous report. The procedures must identify the appropriate school personnel responsible for taking the report and investigating the complaint; (6) procedures for prompt investigation of reports of serious violations and complaints; (7) a statement that prohibits reprisal or retaliation against a person who reports an act of harassment, intimidation, or bullying; (8) consequences and appropriate remedial action for persons found to have falsely accused another; (9) a process for discussing the district's harassment, intimidation, or bullying policy with students; and (10) a statement of how the policy is to be publicized, including notice that the policy applies to participation in school sponsored functions. (C) To assist local school districts in developing policies for the prevention of harassment, intimidation, or	Y	Y
835	SECTION 59 63 150	State	Statute	Availability of civil or criminal redress; immunity of reporting school employee or volunteer. (A) This article must not be interpreted to prevent a victim from seeking redress pursuant to another available civil or criminal law. This section does not create or alter tort liability. (B) A school employee or volunteer who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the local school district's policy, and who makes this report in compliance with the procedures in the district's policy, is immune from a cause of action for damages arising from failure to remedy the reported incident.	N	N
836	SECTION 59 63 210	State	Statute	Grounds for which trustees may expel, suspend, or transfer pupils; petition for readmission; expulsion, suspension, or transfer. (A) Any district board of trustees may authorize or order the expulsion, suspension, or transfer of any pupil for the commission of any crime, gross immorality, gross misbehavior, persistent disobedience, or for violation of written rules and promulgated regulations established by the district board, county board, or the State Board of Education, or when the presence of the pupil is detrimental to the best interest of the school. Each expelled pupil has the right to petition for readmission for the succeeding school year. Expulsion or suspension must be construed to prohibit a pupil from entering the school or school grounds, except for a prearranged conference with an administrator, attending any day or night school functions, or riding a school bus. The provisions of this section do not preclude enrollment and attendance in any adult or night school. (B) A district board of trustees shall not authorize or order the expulsion, suspension, or transfer of any pupil for a violation of Section 59 150 250(B).	N	N

837	SECTION 59 63 217	State	Statute	Barring enrollment of student; grounds; notice and hearing; duration of bar. (A) In determining whether or not a student meets the standards of conduct and behavior promulgated by the board of trustees necessary for first time enrollment and attendance in a school in the district, the board shall consider nonschool records, the student's disciplinary records in any school in which the student was previously enrolled as these records relate to the adjudication of delinquency in any jurisdiction, within or without this State, of violations or activities which constitute violent crimes under Section 16 1 60, adjudications for assault and battery of a high and aggravated nature, the unlawful use or possession of weapons, or the unlawful sale of drugs whether or not considered to be drug trafficking. Based on this consideration of the student's record, the board may bar his enrollment in the schools of the district. (B) If the board bars a student from enrolling pursuant to this section, notice must be provided to the student's parent or legal guardian and the student is entitled to a hearing and all other procedural rights afforded under state law to a student subject to expulsion. (C) The bar to enrollment allowed by this section applies for a maximum of one year. After the bar is lifted, a student may reapply for enrollment and the board shall order the student enrolled if he otherwise meets enrollment criteria.	N	N
838	SECTION 59 63 220	State	Statute	Suspension of pupils by administrator. Any district board may confer upon any administrator the authority to suspend a pupil from a teacher's class or from the school not in excess of ten days for any one offense and for not more than thirty days in any one school year but no such administrator may suspend a pupil from school during the last ten days of a year if the suspension will make the pupil ineligible to receive credit for the school year without the approval of the school board unless the presence of the pupil constitutes an actual threat to a class or a school or a hearing is granted within twenty four hours of the suspension.	N	N
839	SECTION 59 63 230	State	Statute	Notices of suspensions; conferences with parents or guardian. When a pupil is suspended from a class or a school, the administrator shall notify, in writing, the parents or legal guardian of the pupil, giving the reason for such suspension and setting a time and place when the administrator shall be available for a conference with the parents or guardian. The conference shall be set within three days of the date of the suspension. After the conference the parents or legal guardian may appeal the suspension to the board of trustees or to its authorized agent.	N	N
840	SECTION 59 63 235	State	Statute	Expulsion of student determined to have brought firearm to school. The district board must expel for no less than one year a student who is determined to have brought a firearm to a school or any setting under the jurisdiction of a local board of trustees. The expulsion must follow the procedures established pursuant to Section 59 63 240. The one year expulsion is subject to modification by the district superintendent of education on a case by case basis. Students expelled pursuant to this section are not precluded from receiving educational services in an alternative setting. Each local board of trustees is to establish a policy which requires the student to be referred to the local county office of the Department of Juvenile Justice or its representative.	N	N
841	SECTION 59 63 240	State	Statute	Expulsion for remainder of year; hearings. The board may expel for the remainder of the school year a pupil for any of the reasons listed in Section 59 63 210. If procedures for expulsion are initiated, the parents or legal guardian of the pupil shall be notified in writing of the time and the place of a hearing either before the board or a person or committee designated by the board. At the hearing the parents or legal guardian shall have the right to legal counsel and to all other regular legal rights including the right to question all witnesses. If the hearing is held by any authority other than the board of trustees, the right to appeal the decision to the board is reserved to either party. The hearing shall take place within fifteen days of the written notification at a time and place designated by the board and a decision shall be rendered within ten days of the hearing. The pupil may be suspended from school and all school activities during the time of the expulsion procedures. The action of the board may be appealed to the proper court. The board may permanently expel any incorrigible pupil.	N	N
842	SECTION 59 63 250	State	Statute	Transfer of pupils. The board or a designated administrator may transfer a pupil to another school in lieu of suspension or expulsion but only after a conference or hearing with the parents or legal guardian. The parents or legal guardian may appeal a transfer made by an administrator to the board.	N	N
843	SECTION 59 63 260	State	Statute	Corporal punishment. The governing body of each school district may provide corporal punishment for any pupil that it deems just and proper.	N	N
844	SECTION 59 63 270	State	Statute	Regulation or prohibition of clubs or like activities. Any district board of trustees may regulate, control, or prohibit clubs or other such activities on school property or during school hours.	N	N

845	SECTION 59 63 275	State	Statute	Student hazing prohibited; definitions. (A) For purposes of this section: (1) “Student” means a person enrolled in a public education institution. (2) “Superior student” means a student who has attended a state university, college, or other public education institution longer than another student or who has an official position giving authority over another student. (3) “Subordinate student” means a person who attends a public education institution who is not defined as a “superior student” in item (2). (4) “Hazing” means the wrongful striking, laying open hand upon, threatening with violence, or offering to do bodily harm by a superior student to a subordinate student with intent to punish or injure the subordinate student, or other unauthorized treatment by the superior student of a subordinate student of a tyrannical, abusive, shameful, insulting, or humiliating nature. (B) Hazing at all public education institutions is prohibited. When an investigation has disclosed substantial evidence that a student has committed an act or acts of hazing, the student may be dismissed, expelled, suspended, or punished as the principal considers appropriate. (C) The provisions of this section are in addition to the provisions of Article 6, Chapter 3 of Title 16.	N	N
846	SECTION 59 63 280	State	Statute	“Paging device” defined; adoption of policies addressing student possession. (A) For purposes of this section, “paging device” means a telecommunications, to include mobile telephones, device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor. (B) The board of trustees of each school district shall adopt a policy that addresses student possession of paging devices as defined in subsection (A). This policy must be included in the district’s written student conduct standards. If the policy includes confiscation of a paging device, as defined in subsection (A), it should also provide for the return of the device to the owner.	N	N
847	SECTION 59 63 310	State	Statute	Short title. This article may be cited as the “School Crime Report Act”.	N	N
848	SECTION 59 63 320	State	Statute	Reporting form. By December 31, 1990, the State Department of Education, after consultation with the State Law Enforcement Division, shall develop a standard school crime reporting form which must be used by all school districts in the State. The form must define what constitutes criminal activity required to be reported and must include, but is not limited to, the following: (1) types and frequency of criminal incident; (2) crimes against the person, including: (a) description of crime; (b) age and sex of offender and whether the offender is a student. If the offender is a student, whether he attended the school where the crime occurred or a different school, and whether he was under school suspension or expulsion at the time of the offense; (c) age and sex of the victim and whether the victim is a student. If the victim is a student, whether he attended the school where the crime occurred or a different school. If the victim is not a student, whether he was employed at the school and, if so, in what capacity; (d) where, at what time, and under what circumstances the incident occurred; (e) the cost of the crime to the school and to the victim; (f) what action was taken by the school administration; (3) crimes against property, including: (a) description of the crime; (b) where, at what time, and under what circumstances the crime occurred; (c) the cost of the crime to the school and to the victim; (d) what action was taken by the school administration.	Y	Y
849	SECTION 59 63 330	State	Statute	Quarterly and annual reports. On forms prepared and supplied by the State Department of Education, each school district in the State shall report school related crime quarterly to the State Department of Education. The department shall compile the information received from the districts and annually, not later than January thirty first of the year following the districts’ final quarterly reports of the school year, make a report to the General Assembly on the findings. In addition, the State Department of Education shall, upon receipt, forward all information concerning school related crime to the Attorney General’s Office. This information shall be used by the Attorney General in the supervision of the prosecution of school crime.	Y	Y
850	SECTION 59 63 333	State	Statute	School crime requirements to conform to federal “No Child Left Behind Act”. The State Department of Education shall conform the requirements of Sections 59 63 310 through 59 63 340 on school crime so as to fulfill the provisions of the ‘No Child Left Behind Act of 2001’ (20 U.S.C. Section 7912) which includes reports on persistently dangerous schools and on the frequency, seriousness, and incidence of violence and drug related offenses resulting in suspensions and expulsions in elementary and secondary schools. A summary of the provisions of Article 4, Chapter 63 of Title 59 required to be included in the school’s student handbook each year must be revised to conform with the requirements of this section.	Y	Y

851	SECTION 59 63 335	State	Statute	Failure of school administrator to report criminal conduct; liability. Failure of a school administrator to report criminal conduct as set forth in Section 59 24 60 or failure to report information concerning school related crime pursuant to Section 59 63 330 shall subject the administrator and the school district to liability for payment of a party's attorney's fees and the costs associated with an action to seek a writ of mandamus to compel the administrator and school district to comply with Section 59 24 60 or 59 63 330.	N	N
852	SECTION 59 63 340	State	Statute	Promulgation of regulations. The State Board of Education shall promulgate regulations necessary to enforce the provisions of this article.	N	Y
853	SECTION 59 63 350	State	Statute	Local law enforcement. Local law enforcement officials are required to contact the Attorney General's "school safety phone line" when any felony, assault and battery of a high and aggravated nature, crime involving a weapon, or drug offense is committed on school property or at a school sanctioned or school sponsored activity or any crime reported pursuant to Section 59 24 60.	N	N
854	SECTION 59 63 360	State	Statute	Attorney General; representation of school districts. The Attorney General shall monitor all reported school crimes. The Attorney General or his designee may represent the local school district when a criminal case is appealed to an appellate court of competent jurisdiction.	N	N
855	SECTION 59 63 370	State	Statute	Student's conviction or delinquency adjudication for certain offenses; notification of senior administrator at student's school; placement of information in permanent school records. Notwithstanding any other provision of law: (1) When a student who is convicted of or adjudicated delinquent for assault and battery against school personnel, as defined in Section 16 3 612, assault and battery of a high and aggravated nature committed on school grounds or at a school sponsored event against any person affiliated with the school in an official capacity, a violent offense as defined in Section 16 1 60, an offense in which a weapon as defined in Section 59 63 370 was used, or for distribution or trafficking in unlawful drugs as defined in Article 3, Chapter 53 of Title 44 is assigned to the Department of Juvenile Justice, the Department of Corrections, or to the Department of Probation, Parole, and Pardon Services, that agency is required to provide immediate notice of the student's conviction or adjudication to the senior administrator of the school in which the student is enrolled, intends to be enrolled, or was last enrolled. These agencies are authorized to request information concerning school enrollment from a student convicted of or adjudicated delinquent for an offense listed in this item. (2) When a student convicted of or adjudicated delinquent for an offense listed in item (1) of this section is not sentenced to incarceration or probation, the presiding judge shall as part of his sentence order the clerk of the municipal, magistrate, or general sessions court to provide, within ten days, notification of the student's sentence to the appropriate school district for inclusion in the student's permanent record. If the student is under the jurisdiction of the family court and is not referred to the Department of Juvenile Justice, the prosecuting agency must provide notification within ten days to the appropriate school district. (3) An administrator notified pursuant to this section is required to notify each teacher or instructor in whose class the student is enrolled of a student's conviction or adjudication for an offense listed in item (1) of this section. This notification must be made to the appropriate teachers or instructors every year the student is enrolled in school.	N	N
856	SECTION 59 63 380	State	Statute	School official reporting school related crimes; immunity. A person affiliated with a school in an official capacity is granted immunity from criminal prosecution and civil liability when making a report of school related crime in good faith, to the extent that the exposure to criminal prosecution or civil liability arises from the same report of school related crime.	N	N
857	SECTION 59 63 390	State	Statute	Inclusion of school crime report act summary in student handbooks. The senior administrator of each school is responsible for including an accurate summary of the provisions of this article and Section 16 3 612 in the school's student handbook each year.	N	N
858	SECTION 59 63 410	State	Statute	Enrollment of pupils. The first two weeks of the opening of any public school in this State shall, for the purposes of this section, be known and designated as enrollment weeks. During these two weeks, all teachers in the free public schools of this State shall receive and enroll such pupils as they present themselves, if otherwise admissible under existing law.	N	N

859	SECTION 59 63 420	State	Statute	Effect of transfer on enrollment lists. In the event that any enrolled pupil ceases to attend the school in which he has been enrolled and desires to attend another public school of this State, the teacher in the school wherein the pupil was last enrolled shall furnish the pupil, upon his application or upon the application of his parent or guardian, a certificate or card, showing the date of the enrollment of such pupil and all other information required by law to be obtained at the time of enrollment. When any pupil applies for admission in any of the public schools of this State subsequent to the two enrollment weeks of the school, he shall, if he has theretofore been enrolled during said year, present to the teacher or superintendent, such certificate or card, and before he shall be so enrolled, the school teacher shall ascertain whether or not he has theretofore been enrolled during that year, and, if it be found that he has, he shall not be included among the enrolled pupils of the school to which he has thus transferred for that year, but a separate list of such pupils shall be kept and maintained and reported on a separate sheet attached to the list of enrolled pupils.	N	N
860	SECTION 59 63 425	State	Statute	Transfer upon violation of restraining order; interscholastic activity eligibility. A high school student who is the victim of physical abuse, harassment, or stalking by a classmate during school hours or otherwise resulting in a restraining order being granted against the classmate by a court of competent jurisdiction may transfer with the consent of the student's school district to another high school within or out of the district within thirty school days of the restraining order being violated, without any loss of eligibility to participate in interscholastic activities at the school to which the student transfers.	N	N
861	SECTION 59 63 430	State	Statute	Board shall furnish copies of relevant statutes to teachers. The State Board of Education shall have printed and furnish to the teachers in the free public schools of this State copies of Sections 59 63 410 and 59 63 420 and shall give such other publicity thereto as may be deemed expedient and advisable.	Y	Y
862	SECTION 59 63 440	State	Statute	Violations of Sections 59 63 410 to 59 63 430. Any person wilfully violating the provisions of Sections 59 63 410 to 59 63 430 shall be guilty of a misdemeanor and subject to a fine not exceeding twenty five dollars in the discretion of the court. The fines collected under this section shall be credited to the school fund of the county.	N	N
863	SECTION 59 63 450	State	Statute	No child shall be counted in enrollment more than once. A child must not be counted more than once in the school enrollment of a school district in any one school year. A pupil who enrolls in more than one school in any school year must be counted only in the enrollment of the first school which the pupil legally attends for at least thirty five days during the school year. A school officer charged with the duty of enrollment who wilfully violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both.	N	N
864	SECTION 59 63 460	State	Statute	Annual reports. The teacher or principal of every school shall keep and furnish annually to the trustees of the school district a list of all pupils that have attended the school during the preceding scholastic year, showing the names of the pupils, their respective places of residence and the number of days each pupil has attended. Such list shall be certified to the county board of education by the trustees on or before the first day of August in every year.	N	N
865	SECTION 59 63 470	State	Statute	Transfer of pupils when enrollment of such pupils threatens to disturb peace. Whenever the principal, superintendent, or any other responsible school official in charge of a school in this State has reason to believe that the enrollment of certain pupils in a certain school may threaten to result in riot, civil commotion, or may in any way disturb the peace of the citizens of the community in which the school is located, such school official shall notify the sheriff or other law enforcement officer in the county. On being so notified, the sheriff or other law enforcement officer in the county may remove such pupils from such school and may transfer them, at the direction of the superintendent, to another school in which there appears to be less likelihood of disturbing the peace. Any law enforcement officer is authorized to enforce the provisions of this section.	N	N

866	SECTION 59 63 480	State	Statute	Attendance at schools in adjacent county. If school children in one county reside closer to schools in an adjacent county, they may attend such schools upon the school authorities of the county of their residence arranging with the school officials of the adjacent county for such admission and upon payment of appropriate charges as herein authorized. The board of trustees in the school district in which the pupils reside shall make written application through its county board of education to the board of trustees of the district in which the school is located for the admission of such children, giving full information as to ages, residence and school attainment, and the board of trustees in the school district, agreeing to accept such pupils, shall give a written statement of agreement. Upon receipt of such application the board of trustees of the school and its county board of education shall determine the monthly per pupil cost of all overhead expenses of the school, which will include all expenses of the school not paid by the State. Upon proper arrangement being made for the payment monthly of such overhead per pupil cost for each such child the same shall be admitted to the schools of the adjacent county.	N	N
867	SECTION 59 63 485	State	Statute	Transfer of students from Fairfield County School District to Chester County School District; provision for payment of funds; State Superintendent of Education to settle disputes. (A) The General Assembly finds that numerous public school students reside in Fairfield County School District but are entitled to attend the schools of Chester County School District pursuant to Section 59 63 480. The General Assembly finds it necessary to provide by law for uniform arrangements between Fairfield County School District and Chester County School District pertaining to these students. (B) A student who qualifies for transfer pursuant to Section 59 63 480 may be admitted, and remain enrolled, by Chester County School District upon proof of eligibility as Chester County School District finds acceptable. A roster of these students must be kept current by Chester County School District and sent to Fairfield County School District as and when updated. (1) Each fiscal year, for each pupil authorized to transfer from Fairfield County School District to Chester County School District pursuant to Section 59 63 480 and actually enrolled in a public school of Chester County School District, the Fairfield County Treasurer, on behalf of and from funds of the Fairfield County School District, shall pay Chester County School District one hundred and three percent of Chester County School District's prior year local revenue per pupil for school operating purposes as reported in Chester County School District's annual audit for the immediately preceding fiscal year. (2) As used in this section, "prior year local revenue per pupil for school operating purposes" includes any state reimbursement paid for property tax exemptions from Chester County School District ad valorem taxes including, but not limited to, all payments pursuant to Section 11 11 156. (C) Upon invoice, the Fairfield County Treasurer, on behalf of and from the funds of the Fairfield County School District, shall pay Chester County School District the amount determined pursuant to subsection (B)(1) of this section. Payment to Chester County School District must be completed before the fifteenth day of February in each fiscal year. If the Fairfield County Treasurer fails to pay this invoice by the fifteenth day of February, the South Carolina Department of Education, upon application by Chester County School District, out of the funds otherwise meant for the next Education Finance Act disbursement to Fairfield	Y	Y
868	SECTION 59 63 490	State	Statute	Transfer to adjoining school district. When it shall so happen that any person is so situated as to be better accommodated at the school of an adjoining school district, whether special or otherwise, the board of trustees of the school district in which such person resides may, with the consent of the board of trustees of the school district in which such school is located, transfer such person for education to the school district in which such school is located, and the trustees of the school district in which the school is located shall receive such person into the school as though he resided within the district.	N	N
869	SECTION 59 63 500	State	Statute	Transfer without consent of school district of residence. The trustees of any school district who knowingly permit the enrollment of pupils who have not been transferred with the consent of the trustees of the district wherein such pupils reside shall be guilty of a misdemeanor and, upon conviction, shall pay a fine not exceeding twenty five dollars or be imprisoned not more than thirty days.	N	N
870	SECTION 59 63 510	State	Statute	County board of education authorized to order transfer. When a transfer of pupils from one district to another is sought and the trustees of the latter district unreasonably or capriciously withhold their consent, the county board of education of the county in which the districts are located shall have the right, after hearing, to make the transfer, but only on condition that each pupil so transferred pay semiannually, in advance, if financially able to do so in the opinion of the board of trustees, as tuition, an amount not less than the per capita expenditure from the special tax for operating the school to which the pupil is to be transferred, together with all other charges paid by patrons of such district for any special course or courses.	N	N

871	SECTION 59 63 520	State	Statute	Consent required for transfer. No child shall be transferred to an adjacent district without the prior written consent of such child's parent or legal guardian, or, where such child has neither a parent nor legal guardian, the prior written consent of the State Board of Education. Provided, however, transfers of children to adjacent districts prior to June 22, 1973 shall be rescinded upon the written request as provided herein and any such child for whom a request for retransfer to his former district is made shall be returned to such former district.	N	N
872	SECTION 59 63 530	State	Statute	Credit on tuition for taxes paid. Whenever under the provisions of law any school district or municipal corporation is authorized to levy a special tax for the support of public schools therein, any person not a resident of such school district or municipal corporation shall be entitled to a credit upon fees for the tuition of his children by the amount of such special tax paid by such person.	N	N
873	SECTION 59 63 540	State	Statute	Determination of pupil enrollment in primary or secondary schools for purpose of distributing state funds on per pupil basis. Notwithstanding any other provision of law, in the distribution of state funds provided on a per pupil basis in the State Annual General Appropriation Act, no pupil shall be counted as enrolled, or as having been enrolled, in any primary or secondary school who has not attended such school at least thirty five days during the school year on which the allocation of such funds is based. A pupil shall be counted as enrolled only in the first school district, or operating unit, such pupil legally attended.	N	N
874	SECTION 59 63 710	State	Statute	School lunch division in State Department of Education. To continue and expand the lunch program in the public schools of the State, in cooperation with the Food Distribution Administration of the United States Government, or any similar agency, there shall be a school lunch division in the State Department of Education, to be directed by a State supervisor, appointed by the State Board of Education. Such division shall also employ a steno clerk and a food consultant to plan meals and otherwise assist in the program and shall purchase all necessary and incidental office supplies. The salaries of the personnel herein provided for shall be fixed by the State Department of Education.	Y	Y
875	SECTION 59 63 720	State	Statute	County school lunch supervisors. School lunch supervisors shall be employed on a county basis, with one supervisor for each county of the State. In the larger counties of the State, where the number of school children and the area involved warrant, the State Department of Education may divide such counties into two districts and provide a supervisor for each district. In such cases the counties shall pay one half of the cost of the salaries and expenses of such additional supervisors.	Y	Y
876	SECTION 59 63 730	State	Statute	Employment and discharge of county school lunch supervisors. County boards of education may employ or discharge county school lunch supervisors at any time and the person or persons employed by the county boards as such shall be paid for such services from any funds provided therefor.	N	N
877	SECTION 59 63 740	State	Statute	Duties of county school lunch supervisors. School lunch supervisors shall be responsible for the supervision and promotion of school lunches in their respective counties and shall cooperate with government agencies furnishing food and produce and funds for the purchase of foods and shall see that these funds or foods are properly distributed among the schools and where they can be most effectively used. They shall cooperate with and carry out the general program as directed by the State Department of Education, to the end that hot lunches shall be furnished in all the public schools in the State in so far as possible.	Y	Y
878	SECTION 59 63 750	State	Statute	Compensation of school lunch supervisors; office space and equipment. Each supervisor shall be paid a salary and three hundred dollars per year for all expenses. The counties shall also furnish necessary office space and equipment for properly administering the program.	N	N
879	SECTION 59 63 760	State	Statute	State's school lunch policy. It is declared to be the policy of the State to receive and distribute such funds or food supplies as are available for the school lunch program or otherwise and to supervise and generally direct the program in the local schools.	N	N
880	SECTION 59 63 765	State	Statute	School breakfast program. If a school has at least a forty percent enrollment receiving free or reduced priced lunches, the school district may implement in that school a nutritional, well balanced school breakfast program if federal funds are available to cover the entire cost of the program and if no additional personnel are required to implement the program.	N	N

881	SECTION 59 63 770	State	Statute	Funds provided by State Budget and Control Board in event Federal Government resumes distribution of commodities to schools. Should the Federal Government at any time resume the distribution of commodities to schools, the State Budget and Control Board shall provide from the general funds of the State such an amount as may be necessary for the State to take advantage of such distribution.	N	N
882	SECTION 59 63 780	State	Statute	Inability to pay for school lunches; availability of federal funds. For purposes of the school lunch program, the school Superintendent and the lunchroom supervisor of the school which a pupil attends shall determine when a pupil is unable to pay for lunch. A pupil's inability to pay shall be determined according to income guidelines established by the appropriate authority. A determination as to the continuation of the school lunch program shall be based on the availability of federal funds.	N	N
883	SECTION 59 63 790	State	Statute	School districts to implement breakfast program in each school. Notwithstanding the provisions of Section 59 63 765 of the 1976 Code, by school year 1993 94 each school district shall implement in each school in the district a nutritional, well balanced school breakfast program.	N	N
884	SECTION 59 63 800	State	Statute	Waiver of school breakfast requirement. The State Board of Education may grant a waiver of the requirements of Section 59 63 790 to a school which lacks facilities or equipment to offer a school breakfast program and in which the acquisition of such equipment or facilities would cause an extreme hardship. Waivers may also be granted if participation in the program is too small to allow the program to be cost effective or may create substantial scheduling difficulties. The waiver may be permanent or may be of a specified length of time as determined by the board. The State Board of Education shall promulgate those regulations necessary to implement the provisions of this act.	Y	Y
885	SECTION 59 63 910	State	Statute	Monthly fire drills required; penalty. All teachers or superintendents in charge of the schools of the State which are supported in whole or in part by taxation shall conduct fire drills at least once each month. Any teacher or superintendent failing to observe the provisions of this section shall be fined not less than ten dollars nor more than twenty five dollars for each offense. Such fine shall be deducted from his salary and turned over to the county treasurer for ordinary county purposes.	N	N
886	SECTION 59 63 920	State	Statute	Certificate of compliance; collection of penalty. The principal or supervising teacher of each school shall indicate on his monthly pay voucher whether he has complied with the requirements of Section 59 63 910, and should it appear that he has failed to do so the superintendent of education shall deduct from that teacher's salary the minimum fine for the first offense and the maximum fine for each following offense.	N	N
887	SECTION 59 63 930	State	Statute	Printing and posting of relevant statutes. The county superintendent of education of each county of this State shall have copies of Sections 59 63 910 and 59 63 920 printed in suitable form and have at least one placed in a conspicuous place in each of the public school buildings of his county.	N	N
888	SECTION 59 63 1110	State	Statute	Consent to search person or his effects. Any person entering the premises of any school in this State shall be deemed to have consented to a reasonable search of his person and effects.	N	N
889	SECTION 59 63 1120	State	Statute	Searches by school administrators or officials with or without probable cause. Notwithstanding any other provision of law, school administrators and officials may conduct reasonable searches on school property of lockers, desks, vehicles, and personal belongings such as purses, bookbags, wallets, and satchels with or without probable cause.	N	N
890	SECTION 59 63 1130	State	Statute	Searches by principals or their designees. Notwithstanding any other provision of law, school principals or their designees may conduct reasonable searches of the person and property of visitors on school premises.	N	N
891	SECTION 59 63 1140	State	Statute	Strip searches prohibited. No school administrator or official may conduct a strip search.	N	N
892	SECTION 59 63 1150	State	Statute	Compliance with case law; training of school administrators. Notwithstanding any other provision of this article, all searches conducted pursuant to this article must comply fully with the "reasonableness standard" set forth in New Jersey v. T.L.O., 469 U.S. 328 (1985). All school administrators must receive training in the "reasonableness standard" under existing case law and in district procedures established to be followed in conducting searches of persons entering the school premises and of the students attending the school.	N	N

893	SECTION 59 63 1160	State	Statute	Posting of notice; costs of notice to be paid by State; effect of failure to post notice. Notice must be conspicuously posted on school property informing the provisions of this article. The notice must be posted at least at all regular entrances and any other access point to the school grounds. The costs of posting the notice required by this section must be paid by the State. No school or school district shall be required to incur any financial obligation for complying with the notice requirements contained in this section. The failure to post the notice provided in this section shall not constitute a defense to any civil action or criminal prosecution and shall not constitute grounds for any legal liability.	N	N
894	SECTION 59 63 1300	State	Statute	Alternative school programs established. The General Assembly finds that a child who does not complete his education is greatly limited in obtaining employment, achieving his full potential, and becoming a productive member of society. It is, therefore, the intent of this article to encourage district school boards throughout the State to establish alternative school programs. These programs shall be designed to provide appropriate services to students who for behavioral or academic reasons are not benefiting from the regular school program or may be interfering with the learning of others. It is further the intent of this article that cooperative agreements may be developed among school districts in order to implement innovative exemplary programs.	N	N
895	SECTION 59 63 1310	State	Statute	Alternative school programs; individual or cooperative programs; funding; sites. School districts which choose to establish, maintain, and operate, either individually or as a cooperative agreement among districts, alternative school programs shall be eligible for funding provided by the General Assembly for this purpose. The program must be operated at a site separate from other schools unless operated at a time when those schools are not in session or in another building on campus which would provide complete separation from other students. However, an existing alternative school program located in a defined area within a building which provides complete separation from other students and which otherwise meets the criteria established herein may continue at this site if the location is approved by the Department of Education. Provided, that a school district or consortium may apply for a waiver to the site requirement for a new program if it demonstrates to the satisfaction of the State Department of Education that no separate site is available and the cost of temporary classroom space cannot be justified, then the alternative school program may be established in a defined area within a building which provides complete separation from other students if the location is approved by the Department of Education. This waiver may be granted for a period of two years. In order for the district or consortium to reapply for a waiver, they must outline efforts made to acquire a separate facility.	N	N
896	SECTION 59 63 1320	State	Statute	Referral or placement of students in alternative school programs. Eligible alternative school programs shall be provided for, but not limited to, students in grades 6 12 as follows: (1) Students referred for voluntary attendance at the alternative school program and meeting the district criteria to attend based upon a documented need for the attention and assistance beyond that of a traditional program as established by the academic history of the student, including the student's academic plan as required in Section 59 18 500, and following other policies and procedures for documenting need established by the district board of trustees. (2) Students referred for voluntary attendance at the alternative school program and meeting the district criteria to attend based upon a documented need for the program due to habitual exhibitions of disruptive behavior in violation of the student conduct policies and behavior codes approved by the school board of trustees. Districts must establish clear guidelines and procedures for the referral of any student into an alternative school program and before a decision is made to assign a student to an alternative school program, a determination must be made that the written and distributed academic and disciplinary policies of the district have been followed. (3) Students placed in an alternative school program by the district board of trustees as an option to suspension or expulsion or by the dispositive order of a family court judge, with the consent of the local board of trustees. However, before a student may be placed in an alternative school program, a determination must be made by the local board that the written and distributed disciplinary policy of the district has been followed. Districts must establish clear guidelines and procedures for the placement of any student into an alternative school program and at a minimum they shall prescribe due process procedures for placement actions. When students are being considered for placement in an alternative school program, districts must consider the requirements of the Federal Individuals with Disabilities Education Act (IDEA).	Y	N
897	SECTION 59 63 1330	State	Statute	Discretion of school board. Nothing in this article shall abrogate the authority of any public school district and its governing board to take such disciplinary action as it is otherwise empowered by law to take against any student for misconduct including, but not limited to, expulsion, and nothing in this chapter shall require that any student be assigned to such an alternative school. These decisions shall rest solely in the discretion of the district and school board, regardless of the offense, record of the child, or other information presented from any source.	N	N

898	SECTION 59 63 1340	State	Statute	Scheduling, administrative structure, curriculum and setting. Within the requirements of Section 59 1 440, alternative school programs may differ from traditional education programs and schools in scheduling, administrative structure, curriculum, or setting and state requirements may be waived in these areas if such waiver assists the alternative school in meeting its purpose.	N	N
899	SECTION 59 63 1350	State	Statute	Eligibility for funding. To be eligible for funding, a district or consortium must submit a plan for the program which includes: (a) mission statement; (b) the policy for the basis of enrollment in the school; (c) location of the alternative school program; and (d) description of how the school will focus on the educational and behavioral needs of the students. This description must include strategies for individual student instruction plans, evaluations at regular intervals of the student's educational and behavioral progress, instructional methods in meeting academic achievement standards in the core academic areas, provisions for a low pupil teacher ratio, utilization of available technology, strict codes of student conduct, counseling, strategies to gain strong parental input and support, strategies to ensure students will adapt to a regular school setting upon departure from the alternative school program, and student time lines for meeting the academic and conduct standards set. The alternative program may be provided in conjunction with the adult education program, where appropriate. Goals, interim goals, and data collection for program evaluation must be a part of the program plan. The instructional program should enable students to make the transition to a regular school program, earn a high school diploma or GED, or seek postsecondary education. Steps should be taken to ensure that credit earned by students participating in the alternative school program can be transferred to other public schools in the State; provided, nothing herein shall prohibit school districts and/or the South Carolina Department of Education from establishing and providing new and innovative programs as may be authorized otherwise under law to meet the unique needs of alternative school students who otherwise might drop out of school or never be able successfully to complete the requirements for a diploma.	N	N
900	SECTION 59 63 1360	State	Statute	Transportation. A school district or consortium shall determine what, if any, transportation shall be provided to students attending an alternative school in accordance with written district guidelines.	N	N
901	SECTION 59 63 1370	State	Statute	Teachers at alternative school programs; staff development. Each school district or consortium shall establish procedures for ensuring that teachers assigned to alternative school programs possess the pedagogical and content related skills necessary to meet the needs of the student population served by the school. Each school board also shall ensure that adequate staff development activities are available for alternative school program faculty and staff and ensure that the faculty and staff participate in these activities. The State Department of Education in consultation with other appropriate entities shall provide assistance to school districts in the development of staff development programs which include best practices. These programs shall be made available to all district teachers.	N	N
902	SECTION 59 63 1380	State	Statute	Funding for alternative school programs. A school district shall allocate to an alternative school program the same per student expenditure to include federal, state, and local funds that would be allocated to the student's school if the student were attending the student's regularly assigned school. This shall include any appropriate special education funding. Districts or consortia meeting the eligibility requirements for alternative school funding shall receive an annual base funding minimum of \$30,000 or up to \$200,000 depending on the student population of the district; however, districts forming consortia will have as their base funding an amount equal to the total of the individual district's base funding, not to exceed \$350,000. The State Department of Education, for the purposes of establishing base funding, shall group districts according to their average daily membership and assign the amount of base funding that districts in a grouping would receive for eligible programs. Unobligated funds from state appropriations for base funding which become available during a fiscal year may be redistributed on a per pupil basis to eligible programs in countywide districts receiving base funding of less than \$100,000; however, this redistributed funding shall not become part of the base funding for the following year. Increases in fiscal year 2000 2001 funding over the fiscal year 1999 2000 recurring and nonrecurring funding shall be used to increase countywide districts' base funding by fifty percent and this new amount shall constitute their base funding. It is the intent of the General Assembly that, after meeting the funding requirements for base funding, eligible programs, beginning with school year 2000 2001, shall also receive per pupil funding based on the average daily membership of the students served by the program at an Education Finance Act weighting of 1.49 and beginning with school year 2001 2002 a weighting of 1.74. Per pupil funds for the alternative school program shall be distributed through the Education Finance Act formula provided for in Section 59 20 40. Beginning with school year 2002 2003, every district or district consortium shall provide alternative school opportunities for their students in grades 6 12, provided that state funding for alternative school programs is not reduced below the appropriation received in fiscal year 2001 2002.	Y	Y

903	SECTION 59 63 1390	State	Statute	Regulations; annual review. The State Board of Education shall promulgate regulations for establishment, maintenance, and operation of alternative school programs to include clear procedures for annual review of the implementation and progress of the alternative school program and a three year cycle evaluation shall examine the success of this initiative. If an annual review or the evaluation finds a program is not making progress to carry out the alternative school plan or meeting the locally established measures of success, the Department of Education shall provide technical assistance and future funding may be terminated.	Y	Y
904	SECTION 59 63 1400	State	Statute	Review; technical assistance. The State Department of Education shall review alternative school plans for eligibility for funding and provide technical assistance for planning, establishing, and implementing an alternative school based on best practice. The department shall assist any district or consortia whose plan does not meet the eligibility criteria; however, no funding will be approved until the plan ensures implementation of appropriate services for students served by the alternative school.	Y	Y
905	SECTION 59 65 10	State	Statute	Responsibility of parent or guardian; transportation for kindergarten pupils. (A) A parent or guardian shall require his child to attend regularly a public or private school or kindergarten of this State which has been approved by the State Board of Education, a member school of the South Carolina Independent Schools' Association, a member school of the South Carolina Association of Christian Schools, or some similar organization, or a parochial, denominational, or church related school, or other programs which have been approved by the State Board of Education from the school year in which the child is five years of age before September first until the child attains his seventeenth birthday or graduates from high school. A parent or guardian whose child is not six years of age on or before the first day of September of a particular school year may elect for their child or ward not to attend kindergarten. For this purpose, the parent or guardian shall sign a written document making the election with the governing body of the school district in which the parent or guardian resides. The form of this written document must be prescribed by regulation of the Department of Education. Upon the written election being executed, that child is not required to attend kindergarten. (B) Each school district shall provide transportation to and from public school for all pupils enrolled in public kindergarten classes who request the transportation. Regulations of the State Board of Education governing the operation of school buses shall apply.	Y	Y
906	SECTION 59 65 20	State	Statute	Penalty for failure to enroll or cause child to attend school. Any parent or guardian who neglects to enroll his child or ward or refuses to make such child or ward attend school shall, upon conviction, be fined not more than fifty dollars or be imprisoned not more than thirty days; each day's absence shall constitute a separate offense; provided, the court may in its discretion suspend the sentence of anyone convicted of the provisions of this article.	N	N
907	SECTION 59 65 30	State	Statute	Exceptions. The provisions of this article do not apply to: (a) A child who has graduated from high school or has received the equivalent of a high school education from a school approved by the State Board of Education, member school of South Carolina Independent Schools' Association, a private school in existence at the time of the passage of this article, or a member school of the South Carolina Association of Christian Schools; (b) A child who obtains a certificate from a psychologist certified by the State Department of Education or from a licensed physician stating that he is unable to attend school because of a physical or mental disability, provided there are no suitable special classes available for such child in the school district where he resides; (c) A child who has completed the eighth grade and who is determined by the court to be legally and gainfully employed whose employment is further determined by such court to be necessary for the maintenance of his home; (d) [Reserved] (e) A student who has a child and who is granted a temporary waiver from attendance by the district's attendance supervisor or his designee. The district attendance supervisor may grant a temporary waiver only if he determines that suitable day care is unavailable. The student must consult with the district supervisor or his designee in a timely manner to consider all available day care options or the district shall consider the student to be in violation of this chapter. (f) A child who has reached the age of sixteen years and whose further attendance in school, vocational school, or available special classes is determined by a court of competent jurisdiction to be disruptive to the educational program of the school, unproductive of further learning, or not in the best interest of the child, and who is authorized by the court to enter into suitable gainful employment under the supervision of the court until age seventeen is attained. However, prior to being exempted from the provisions of this article, the court may first require that the child concerned be examined physically and tested mentally to	N	N

908	SECTION 59 65 40	State	Statute	Home schooling programs. (A) Parents or guardians may teach their children at home if the instruction is approved by the district board of trustees of the district in which the children reside. A district board of trustees shall approve home schooling programs which meet the following standards: (1) the parent: (a) holds at least a high school diploma or the equivalent general educational development (GED) certificate and, beginning in the 1989 90 school year, attains a passing score on the basic skills examination developed pursuant to Section 59 26 20(b)(1) after the State Department of Education has validated the test for use with home schooling parents; or (b) has earned a baccalaureate degree; (2) the instructional day is at least four and one half hours, excluding lunch and recesses, and the instructional year is at least one hundred eighty days; (3) the curriculum includes, but is not limited to, the basic instructional areas of reading, writing, mathematics, science, and social studies and in grades seven through twelve, composition and literature; (4) as evidence that a student is receiving regular instruction, the parent shall present a system for maintaining and maintain the following records for inspection upon reasonable notice by a representative of the school district: (a) a plan book, diary, or other written record indicating subjects taught and activities in which the student and parent engage; (b) a portfolio of samples of the student's academic work; and (c) a record of evaluations of the student's academic progress. A semiannual progress report including attendance records and individualized assessments of the student's academic progress in each of the basic instructional areas specified in item (3) must be submitted to the school district. (5) students must have access to library facilities; (6) students must participate in the annual statewide testing program and the Basic Skills Assessment	N	N
909	SECTION 59 65 45	State	Statute	Alternative home schooling requirements. In lieu of the requirements of Section 59 65 40, parents or guardians may teach their children at home if the instruction is conducted under the auspices of the South Carolina Association of Independent Home Schools. Bona fide membership and continuing compliance with the academic standards of South Carolina Association of Independent Home Schools exempts the home school from the further requirements of Section 59 65 40. The State Department of Education shall conduct annually a review of the association standards to insure that requirements of the association, at a minimum, include: (a) a parent must hold at least a high school diploma or the equivalent general educational development (GED) certificate; (b) the instructional year is at least one hundred eighty days; and (c) the curriculum includes, but is not limited to, the basic instructional areas of reading, writing, mathematics, science, and social studies, and in grades seven through twelve, composition and literature. By January thirtieth of each year, the South Carolina Association of Independent Home Schools shall report the number and grade level of children home schooled through the association to the children's respective school districts.	N	N
910	SECTION 59 65 46	State	Statute	Home schooling of foster child. A foster parent may teach a foster child at home as provided in Sections 59 65 40, 59 65 45, or any other provision of law, if, in addition to any other requirements, home schooling of the child has been approved by the Department of Social Services or other agency having custody of the child.	N	N

911	SECTION 59 65 47	State	Statute	Associations for home schools; requirements. In lieu of the requirements of Section 59 65 40 or Section 59 65 45, parents or guardians may teach their children at home if the instruction is conducted under the auspices of an association for home schools which has no fewer than fifty members and meets the requirements of this section. Bona fide membership and continuing compliance with the academic standards of the associations exempts the home school from the further requirements of Section 59 65 40 or Section 59 65 45. The State Department of Education shall conduct annually a review of the association standards to ensure that requirements of the association, at a minimum, include: (a) a parent must hold at least a high school diploma or the equivalent general educational development (GED) certificate; (b) the instructional year is at least one hundred eighty days; (c) the curriculum includes, but is not limited to, the basic instructional areas of reading, writing, mathematics, science, and social studies, and in grades seven through twelve, composition and literature; and (d) educational records shall be maintained by the parent teacher and include: (1) a plan book, diary, or other record indicating subjects taught and activities in which the student and parent teacher engage; (2) a portfolio of samples of the student's academic work; and (3) a semiannual progress report including attendance records and individualized documentation of the student's academic progress in each of the basic instructional areas specified in item (c) above. By January thirtieth of each year, all associations shall report the number and grade level of children home schooled through the association to the children's respective school districts.	Y	Y
912	SECTION 59 65 50	State	Statute	Nonattendance reported to court having jurisdiction of juveniles. If the board of trustees of a school district or its designee is unable to obtain the school attendance of a child in the age group specified in Section 59 65 10, the board or its designee shall report such nonattendance in writing to the juvenile court or such other court in the county as may have jurisdiction of juveniles but exclusive of magistrate's courts notwithstanding the provisions of Section 22 3 540; provided, that no one except the board of trustees or its designee shall have the authority to institute the proceedings herein.	N	N
913	SECTION 59 65 60	State	Statute	Procedure upon receipt by court of report of nonattendance. (a) Upon receipt of such report, the court may forthwith order the appearance before such court of the responsible parent or guardian and if it deems necessary, the minor involved, for such action as the court may deem necessary to carry out the provisions of this article. (b) The court may, after hearing upon ten days notice, order such parent or guardian to require such child to attend school and upon failure of such parent to comply with such order may punish such parent or guardian as by contempt, provided, that punishment for such contempt cannot exceed fifty dollars or thirty days imprisonment for each offense. The procedure herein provided shall be alternative to the penalties provided in Section 59 65 20.	N	N
914	SECTION 59 65 70	State	Statute	Court empowered to declare child delinquent. If the court determines that the reported absence occurred without the knowledge, consent or connivance of the responsible parent or guardian or that a bona fide attempt has been made to control and keep the child in school, the court may declare such child to be a delinquent and subject to the provisions of law in such cases.	N	N
915	SECTION 59 65 80	State	Statute	Enrollment or attendance of expelled or suspended child not authorized. Nothing herein shall be construed as granting authority to require enrollment or attendance of a child who has been or may be expelled or suspended by the board of trustees of the district or any other person acting with authority from the board of trustees.	N	N
916	SECTION 59 65 90	State	Statute	Rules and regulations. The State Board of Education shall establish regulations defining lawful and unlawful absences beyond those specifically named in this article and additional regulations as are necessary for the orderly enrollment of pupils so as to provide for uniform dates of entrance. These regulations shall require: (1) that school officials shall immediately intervene to encourage the student's future attendance when the student has three consecutive unlawful absences or a total of five unlawful absences and (2) that the district board of trustees or its designee shall promptly approve or disapprove any student absence in excess of ten days. As used in this section, "intervene" means to identify the reasons for the child's continued absence and to develop a plan in conjunction with the student and his parent or guardian to improve his future attendance. Provided, However, That nothing within this section shall interfere with the Board's authority to at any time refer a child to a truancy prevention program or to the court pursuant to Section 59 65 50.	Y	Y

917	SECTION 59 65 210	State	Statute	State appropriation for attendance supervisor program. For each county which has indicated a desire for the service of an attendance supervisor or supervisors there shall be appropriated annually for the ensuing fiscal year a sum sufficient to pay the salaries and expenses of an attendance supervisor or supervisors for each county, one such supervisor for each ten thousand children, or fraction thereof, enrolled in each county as of the closing date of the school year immediately preceding the commencing of each such fiscal year. This sum shall be the State's portion of the attendance supervisor program. Nothing in this article shall limit the number of attendance supervisors that a county or a school district may employ at its own expense.	N	N
918	SECTION 59 65 220	State	Statute	Election of attendance supervisors. In each county desiring the services of an attendance supervisor, such supervisor shall, if his salary and expenses are to be paid by the State, be elected on or before July first of each year, or as soon thereafter as practicable, by the members of the county board of education whose terms of office run concurrently with or extend beyond the period of employment of such supervisor.	N	N
919	SECTION 59 65 230	State	Statute	Certification of attendance supervisors by State Board of Education. Attendance supervisors shall be certified by the State Board of Education. Qualifications for the certification of attendance supervisors shall be determined by the State Board of Education in the same manner as the Board now determines qualifications for all other teachers, provided, that such certification requirements shall not adversely affect attendance supervisors who were employed prior to the passage of this article.	Y	Y
920	SECTION 59 65 240	State	Statute	Census of children not enrolled in public schools; list submitted to attendance supervisor. Within thirty days after the opening date of each school year of each public school district in the State in which a public school is being operated, the trustees or other governing board thereof shall make or cause to be made a complete census of all children of school age therein, that is, between the years of seven and sixteen years, inclusive, who have not enrolled in such school district or in some other district during the thirty day enrollment period. The names, ages, places of residence and names of the parents or guardians of such children of school age not enrolled shall be forthwith filed with the county superintendent of education, who shall thereupon consolidate all of such names of children in alphabetical order into one list and certify the list to the attendance supervisor of the county.	N	N
921	SECTION 59 65 250	State	Statute	Cooperation between attendance supervisors and county and district agencies and the like. The county attendance supervisor whose salary shall be paid from State funds and such other attendance supervisors as may be employed by the county or school districts therein shall cooperate with the social and civic organizations and agencies of the county or district, as well as with the trustees of the several school districts in the county.	N	N
922	SECTION 59 65 260	State	Statute	Duties of attendance supervisor relating to nonattending children. The attendance supervisor shall, upon receiving the list of nonattending children from the county superintendent of education, contact as rapidly as possible the parents or guardians of such nonattending children with the object in mind of interesting nonattending children in school work, and influencing them by means of persuasion to attend school regularly. All principals shall report to such attendance supervisor on continuous absences which appear to be unwarranted, and the attendance supervisor shall make an earnest effort to have enrolled and keep enrolled all children of school age in the county.	N	N
923	SECTION 59 65 270	State	Statute	Procurement of books, clothing and shoes for nonattending children. In the event that any nonattending children reported to the attendance supervisor shall be unable to procure books, that fact shall be reported to the trustees and county superintendent of education, and steps shall be taken immediately to provide the necessary books and working material. In the event that such nonattending children shall not have suitable clothing or shoes, and the parents or guardians of such children are financially unable to provide the same, such condition shall be reported by the attendance supervisor to the social and civic organizations of such county for such action in the premises as to such social and civic organizations shall seem meet and proper.	N	N
924	SECTION 59 65 280	State	Statute	Acceptance of cash, clothing, shoes, books and similar articles from organizations and county or community agencies. The attendance supervisor shall accept and receive from the social or civic organizations and agencies of the county or community all cash, clothes, shoes, books, materials and similar articles as may be provided, and shall supply them to the nonattending school children of the county who are unable or whose parents or guardians are unable financially to provide such articles.	N	N

925	SECTION 59 65 470	State	Statute	Wil Lou Gray Opportunity School to have access to list of dropouts. To enable the Wil Lou Gray Opportunity School to inform dropouts of the school's academic and vocational training programs, the school is authorized to contact the attendance supervisors or principals at the various high schools or school districts of this State at reasonable intervals for the purpose of receiving access to the names and addresses of students reported by the supervisors and principals to be dropouts, and the attendance supervisors and principals must supply this information to the Wil Lou Gray Opportunity School.	N	N
926	SECTION 59 66 20	State	Statute	School safety coordinator grant program; funding; requirements. (A) The General Assembly annually shall provide funds in the general appropriations act to be awarded to school districts which choose to employ safety coordinators in accordance with this section. State funds may be awarded for not more than one safety coordinator for each county. The amount of the award for a county for fiscal year 1995 96 may not exceed twenty five thousand dollars, except for counties which are designated as economically distressed pursuant to Section 41 43 180. Economically distressed counties participating in the program shall receive additional state funds for fiscal year 1995 96 in the amount of five thousand five hundred dollars. The amount which may be awarded for a county, including the additional state funds for economically distressed counties, must be increased each fiscal year after 1995 96 by the same percentage as the average teacher salary. (B) An award of state funds to school districts under this program is contingent upon a district or group of districts jointly matching the state grant with an equal amount of funds and in kind contributions; however, school districts located primarily within an economically distressed county are not required to match any portion of the state grant. Additionally, funds only may be awarded where the duties of the safety coordinator relate exclusively to school and district safety functions. It is the intent of the General Assembly that the safety coordinator have a strong background in law enforcement, safety matters, or coordination of relevant services. (C) If a county consists of more than one school district, any or all school districts within the county may apply jointly for funds for a safety coordinator. Each participating school district must provide a portion of the local matching funds based upon the relationship the district's student membership bears to the total student membership of all participating districts within the county. Nonparticipating school districts in multi district counties may begin participation in the program by contributing to the local match in the same manner as those school districts originally participating in the program. (D) When more than one school district in a multi district county is provided funds under this section, the safety coordinator must be an employee of the school district with the largest student membership during	Y	Y
927	SECTION 59 66 30	State	Statute	Public middle schools and high schools to be equipped with metal detector; training; regulations. (A) Using funds appropriated by the General Assembly, each public middle, junior high, and high school in the State must be equipped with one hand held metal detector. (B) In consultation and cooperation with the Office of the Attorney General and the State Law Enforcement Division, the State Department of Education shall provide training in the use of hand held metal detectors to school officials who shall use the equipment. (C) The State Board of Education, through the State Department of Education, shall promulgate regulations to implement this section.	Y	Y
928	SECTION 59 66 40	State	Statute	School safety task force. (A)(1) There is created a school safety task force to: (a) examine the various funding streams for school based mental health services and determine how these streams may best be utilized in order to provide more accessible and efficient delivery of mental health programs; (b) examine school mental health staffing ratios and provide suggestions that allow for the full delivery of services and effective school community partnerships, including collaboration between school districts; (c) develop standards for district level policies to promote effective school discipline and mental health intervention services; (d) examine current intra and interagency collaboration and suggest ways to improve cooperation; and (e) examine how to best support multitiered systems of support. (2) Any recommendations made by the task force must be revenue neutral. (3) The task force shall report its findings and make recommendations concerning proposed changes to the General Assembly. (B) The task force must be composed of: (1) one member appointed by the South Carolina Association of Licensed Professional Counselors; (2) one member appointed by the South Carolina Society for Clinical Social Work; (3) one member appointed by the South Carolina Education Association; (4) one member appointed by the Palmetto State Teachers Association; (5) one member appointed by the South Carolina School Counselor Association; (6) one member appointed by the South Carolina Association of School Psychologists; (7) one member appointed by the South Carolina Association of School Social Workers; (8) one member appointed by the South Carolina Association for Marriage and Family Therapy; (9) one member appointed by the South Carolina Association of School Administrators; (10) one member appointed by the South Carolina School Boards Association;	Y	Y

929	SECTION 59 67 10	State	Statute	“School bus” defined. When used in this article, “school bus” shall be construed to mean every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.	N	N
930	SECTION 59 67 20	State	Statute	Regulations of State Board of Education governing design and operation of school buses. The State Board of Education, by and with the advice of the Department of Public Safety, shall adopt and enforce regulations not inconsistent with Chapter 5 of Title 56 to govern the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this State and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. Any officer or employee of any school district who violates any of such regulations or fails to include the obligation to comply with such regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such school district.	Y	Y
931	SECTION 59 67 30	State	Statute	Painting and markings of school buses. Every State owned school bus while being used in the transportation of school pupils shall be substantially painted with high visibility yellow paint, conforming and similar to National School Bus chrome yellow, and shall display the following markings: (1) Sides The words “SOUTH CAROLINA PUBLIC SCHOOLS” in not less than four inch high letters located directly under the windows. (2) Back The words “SCHOOL BUS” in letters not less than eight inches high located between the warning signal lamps. (3) Front The words “SCHOOL BUS” in letters not less than eight inches high located between the warning signal lamps. The State Board of Education is hereby authorized to adopt and to enforce whatever additional regulations regarding the painting and marking of school buses which they may deem necessary and proper.	N	N
932	SECTION 59 67 40	State	Statute	Applicability of laws and regulations to private school buses. All school buses owned and operated by a private school or operated under contract for a private school must conform to State laws and regulations of the State Board of Education with respect to painting, lettering on the front and rear of the bus, use of stop arm and warning lights for loading and unloading pupils on the highway, maximum speeds and stopping at railroad crossings. Buses not complying with these requirements shall be painted a color other than yellow and shall not be entitled to the privileges and protection of a school bus operating on the highways of this State.	Y	Y
933	SECTION 59 67 50	State	Statute	Removal of identification marks from former school buses. All school buses in this State, when no longer used for school purposes and sold to any person for private or public use, must have all marks of identification showing that these buses were used by schools and school districts removed before private or public use may be made of them. Any person violating the provisions of this section shall be subject to a fine not exceeding twenty five dollars or imprisonment upon the public works of the county in which the offense is committed for a period of not more than thirty days.	N	N
934	SECTION 59 67 60	State	Statute	Repainting of former school buses. Any person who purchases a used school bus must paint it a color other than yellow before operating such bus on the highway. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars or imprisoned for not more than thirty days, or both, in the discretion of the court.	N	N
935	SECTION 59 67 70	State	Statute	Dual wheels. County boards of education may at their discretion require that all replacement or new buses, placed in service in their respective counties, shall be equipped with dual wheels.	N	N
936	SECTION 59 67 80	State	Statute	Windshield wiper, brakes, lights and rear view mirrors. Every school bus shall be equipped with a power driven windshield wiper, adequate brakes and efficient lights which shall at all times when in use be in good working order and also with a rear view mirror or mirrors of such dimensions as will enable the driver, from the driver’s seat, to see reflected in them not only the occupants of the vehicle but also the road to the left and to the rear of the vehicle for a proper distance adequately to observe traffic in his rear.	N	N

937	SECTION 59 67 90	State	Statute	Gasoline tanks. The gasoline tank of every school bus shall be filled, vented and located entirely outside of that part of the school bus utilized for carrying passengers.	N	N
938	SECTION 59 67 100	State	Statute	Seating space; aisle; seats; number and location of pupils. Sufficient seating space must be provided so far as practicable for each passenger transported inside each school bus, an aisle in the school bus must not be less than twelve inches in width and all seats must be securely fastened to the floor or body of the vehicle. All students must be within the body of the bus at all times while the bus is in motion. Students are not permitted any place outside the bus and may not ride with heads or arms protruding through open windows. The number of students assigned to a school bus must not be greater than the manufacturer certified seating capacity, and all passengers transported must have adequate seating area to comply with the occupant protection performance standards required in the Federal Motor Vehicle Safety Standards. Provided, however, that a limited number of excess passengers on regular routes may be permitted until the bus routes can be adjusted to accommodate the overload but not to exceed twenty school days.	N	N
939	SECTION 59 67 105	State	Statute	Maximum ride time; routing. (A) A student may not ride continuously on a state owned school bus for more than ninety minutes. With the approval of the Department of Education, the ninety minute maximum ride time may be exceeded when the area's geography requires longer than average highway travel because of a circuitous or meandering road network, extremely low population density, or waterway barriers. The ninety minute maximum ride time may be exceeded when attendance zones are multidistrict or countywide. (B) The Department of Education annually shall assure that state owned school buses are routed in the most efficient manner and shall require that they are operated only on adequately maintained and safe public and private accessible highways and streets.	Y	Y
940	SECTION 59 67 108	State	Statute	Training and certification of drivers. (A)(1) Only a person who has been certified by the State Board of Education may drive a school bus, as defined in Section 59 67 10, when transporting preprimary, primary, or secondary students to or from school. (2) When transporting public school students, a driver operating a bus owned by the State, a local school agency, or by a private contractor that is in compliance with Section 56 5 2770 and the National School Bus chrome yellow requirements in Section 59 67 30 must possess a School Bus Driver's Certificate A, as established by the State Board of Education. A driver awarded a school bus driver's certificate pursuant to Section 59 67 470 shall be issued the School Bus Driver's Certificate A. (3) When transporting public school students, a driver operating a bus owned by a local school agency or by a private contractor that is not in compliance with either Section 56 5 2770 or the National School Bus chrome yellow requirements in Section 59 67 30 must possess a School Bus Driver's Certificate B, as established by the State Board of Education. A driver who possesses a School Bus Driver's Certificate B may not use traffic control devices permitted in Section 56 5 2770. (B) Any person transporting ten or more preprimary, primary, or secondary students to or from school, school related activities, or childcare in a vehicle with enabled traffic control devices must receive training as to the proper operation of these traffic control devices. The State Department of Education shall establish an appropriate level of driver certification.	Y	Y
941	SECTION 59 67 110	State	Statute	Front entrance exit; emergency exit. Every school bus shall be provided with a front entrance exit on the right side of the vehicle and a rear emergency exit or door, conspicuously marked on the inside "emergency door" and equipped with a fastening device capable of being quickly released in emergency but entirely safe from accidental opening upon the application of any pressure from within the bus. Except in the event of an emergency, no person shall be allowed to enter or leave the bus by any other than the front entrance exit.	N	N
942	SECTION 59 67 120	State	Statute	Tampering with governors prohibited. It shall be unlawful for any person, other than authorized mechanics, to tamper with governors on school buses operated in this State. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined the sum of one hundred dollars or be imprisoned for a term of thirty days.	N	N
943	SECTION 59 67 130	State	Statute	Inspection of road conditions on bus routes; reporting hazards. Prior to the opening of school each year, each school superintendent shall be responsible for inspecting the road conditions of all designated bus routes including school property and all conditions deemed to be hazardous shall be reported, in writing, to the State employed county transportation supervisor who shall verify any such hazardous conditions and report them, in writing, to the proper municipal, county, or State official who shall be responsible for taking corrective action.	N	N

944	SECTION 59 67 140	State	Statute	Inspection of road conditions on bus routes; duties of drivers. During the school year, each school bus driver shall report, in writing, to the proper school official any hazardous road conditions on his routes. The school official shall forward such reports to the county transportation supervisor who shall follow the procedure required of him in Section 59 67 130.	N	N
945	SECTION 59 67 150	State	Statute	Qualifications of bus driver; drinking or smoking on bus. The driver of each school bus must be an experienced driver of good moral habits, and neither he nor any pupil nor any other person shall use alcoholic liquors or smoke any cigar, cigarette, pipe, tobacco or other substance in such vehicle during the time he is operating the same as a school bus.	N	N
946	SECTION 59 67 160	State	Statute	Physical examination of school bus driver. A school bus driver shall have a physical examination certified by a physician, a nurse practitioner acting within an approved protocol, or a physician assistant acting within an approved scope of practice guideline before the testing required to operate a school bus and every two years after that. The examining physician, nurse practitioner, or physician assistant's certification must be made on forms provided by the State Department of Education or the United States Department of Transportation. The school bus driver candidate shall provide the testing administrator with the certified physical examination before taking the school bus driver physical performance test and the commercial driver's license skills test. The school bus driver candidate shall provide a copy of the physician, nurse practitioner, or physician assistant's certification to the employing school district. A school district may require additional physical examinations as the district determines to be appropriate. The State assumes no responsibility for the cost of physical examinations required by districts.	N	N
947	SECTION 59 67 180	State	Statute	General supervision of bus by driver. The driver of every school bus while the bus is being operated as such shall have general supervision of it and shall not permit or allow any person in the bus to occupy such a position as will interfere with the vision of the driver either to the front, either side or rear of the vehicle while it is in motion.	N	N
948	SECTION 59 67 190	State	Statute	Driver prohibited from leaving bus while engine is running. No driver or operator of a school bus shall leave the bus while the engine is running.	N	N
949	SECTION 59 67 200	State	Statute	Complete stop to receive or discharge passenger required. Each school bus must come to a complete stop with clutch disengaged before any passenger is permitted to alight or enter.	N	N
950	SECTION 59 67 210	State	Statute	School bus passing another school bus unlawful. It shall be unlawful for any person operating a school bus to pass another school bus unless the lead bus is in a stopped position and the driver of the lead bus has signalled to the operator of the bus in the rear that it is safe to pass. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined the sum of one hundred dollars or be imprisoned for a term of thirty days.	N	N
951	SECTION 59 67 220	State	Statute	Filling gasoline tank while engine is running or pupils are on bus prohibited. No gasoline tank on or in any vehicle used as a school bus shall be filled while the engine is running or, except in an emergency, when there are pupils in the bus.	N	N
952	SECTION 59 67 230	State	Statute	Driver required to stop before crossing railroad track. The operator of any school bus shall, before crossing at grade any tracks of any railroad, bring his vehicle to a full and complete stop within not less than fifteen feet nor more than fifty feet from the rail of the track nearest to the front of such vehicle and shall, after such stop, ascertain if it is safe to proceed before crossing such tracks.	N	N
953	SECTION 59 67 240	State	Statute	Other duties of driver; discipline of pupils for misconduct. The driver of each school bus shall cooperate with the teachers in their work in the school to which he is transporting pupils by being on time in the mornings and waiting in the afternoons until all his pupils are dismissed by the school faculty and safely aboard his bus. He also shall take particular notice along his route in the mornings and give pupils within sight a reasonable time in which to board his bus. The driver shall be responsible for maintaining good conduct upon his bus and shall report promptly to the governing head of the school to or from which the pupils are transported any misconduct or any violation of the driver's instructions by any person riding in his bus. District boards of school trustees in this State may authorize school administrators to suspend or expel pupils from riding a school bus for misconduct on the bus or for violating instructions of the driver.	N	N

954	SECTION 59 67 245	State	Statute	Interference with operation of school bus; penalties. No person shall wilfully and wrongfully interfere with the operation of a school bus, either public or private, by boarding, restricting movement or using threats, either physical or verbal, to the driver or any passenger while the bus is engaged in the transportation of pupils to and from school or any lawful school activity or while passengers are entering or leaving the bus nor shall any person wilfully fail or refuse to obey a lawful order of a school bus driver relating to the occupancy of a school bus. The use of threatening, obscene or profane language addressed to the driver or any passenger entering, leaving or waiting for a school bus is disorderly conduct and any person convicted for the use of such language shall be punished as provided in Section 16 17 530. Nothing contained herein shall be interpreted to infringe upon the power and duties of duly constituted authorities.	N	N
955	SECTION 59 67 250	State	Statute	Posting of copies of relevant statutes. The trustees of the various school districts shall cause to be posted in each school bus operating within their district at least two copies of Section 59 67 240, and the Superintendent of Education of this State shall furnish a sufficient number of copies of said section to the various school districts to the end that the provisions of this section may be complied with.	Y	Y
956	SECTION 59 67 260	State	Statute	Check of school bus operation by Department of Public Safety. The Department of Public Safety shall have the operation of school buses spot checked periodically and report all infractions of the laws or misconduct of any kind on the part of the drivers to the chairman of the board of trustees of the school that may be affected thereby.	N	N
957	SECTION 59 67 270	State	Statute	Inspection of buses. (A)(1) All publicly owned or leased school buses, including buses owned or leased by a public school district, must be inspected annually in compliance with either the State Department of Education's annual school bus inspection program or the federal Department of Transportation annual inspection program if the standards of the federal inspection program meet or exceed the standards of the state's program. The State Department of Education shall assist school districts using the Department of Education's program by providing the training and certification of a limited number of personnel designated by a school district to perform the inspection, providing the inspection manuals and forms, and supplying the inspection certificate stickers for the school buses. The State Department of Education's assistance must be free of charge. Any savings resulting from the ability to be inspected by either the State Department of Education or the federal Department of Transportation shall be expended on accountability programs set forth in Chapter 18 of this title. (2) All privately owned vehicles designed and used to transport ten or more preprimary, primary, or secondary students to or from school, school related activities, or childcare must be inspected annually. Inspections for these privately owned vehicles must comply with applicable federal inspection requirements. A copy of the vehicle inspection report must be kept on these vehicles at all times. (3) The owner or lessee of a school bus shall be solely responsible for the implementation and accountability of school bus inspections. (B) All school buses are subject to inspection at any time or place by officers of the State Transport Police or inspection forces. A school bus may not continue in operation in the transportation of students when the annual inspection is more than twelve months old or the school bus is found to be unsafe after any inspection until the unsafe conditions disclosed by the inspection have been corrected.	Y	Y
958	SECTION 59 67 280	State	Statute	Penalties. The doing of anything prohibited by this article or failing to do anything required by this article shall be a misdemeanor, punishable by a fine of not less than five dollars nor more than one hundred dollars or imprisonment in the county jail for not less than five nor more than thirty days.	N	N
959	SECTION 59 67 290	State	Statute	Negligence or carelessness of driver not imputable to passengers. The negligence or carelessness of the driver of any motor driven vehicle used for the transportation of children to and from school shall not be imputed to the passengers on such vehicle.	N	N
960	SECTION 59 67 300	State	Statute	Overnight parking. State owned school buses must be parked overnight and during the school day in a location that is central to the area in which the school buses are operated. The Department of Education shall grant a waiver to the requirements of this section if a waiver is requested by the district superintendent in compliance with Department of Education policies.	Y	Y
961	SECTION 59 67 410	State	Statute	Control by state Board of Education of school bus transportation. The control and management of all school bus transportation in the State shall be vested in the State Board of Education.	Y	Y

962	SECTION 59 67 415	State	Statute	Parental responsibility for safe and timely arrival of children to and from bus stop. Parents or guardians are responsible for the safety, conduct, and the timely arrival of their children to, from, and at the designated school bus stop before the arrival of the school bus for pick up and transport to school and the timely departure of the children after the school bus leaves the designated school bus stop after transporting the children from school. For purposes of this section, the phrase “arrival of the school bus” includes the time that the school bus assigned to the school bus stop activates the required pedestrian safety devices, stops, and loads or unloads students until the school bus deactivates all pedestrian safety devices.	N	N
963	SECTION 59 67 420	State	Statute	Extent of transportation to be provided. (A) The State, acting through the State Board of Education, assumes no obligation to transport any student to or from school who lives within one and one half miles of the school he attends, nor to provide transportation services extending within three tenths of a mile walking distance of the residence of any student, nor to furnish transportation for any student who attends a school outside the school attendance zone in which the student resides when the same grade is taught in an appropriate school that is located within the school district in which the student resides. The State shall bear the cost of transporting students to regularly organized instructional classes in the school attendance area for which state required school credit is given. The State is not responsible for any additional transportation that is not authorized by state law or regulation. (B) The State may assume the obligation of transporting students living within one and one half miles of their schools and within three tenths of a mile walking distance of their residences when it is for the health and safety of the students where hazardous traffic conditions are involved, provided funds are appropriated annually by the General Assembly for this purpose. In these cases, the local school district shall apply in writing to the State Department of Education for the State to assume the financial responsibility for this transportation, provided funds are appropriated annually by the General Assembly for this purpose. If funds are not appropriated by the General Assembly, then neither the State nor a local school district is required to assume this obligation. Highway and railroad traffic hazardous criteria must be established by the school district governing body and must address the safety of the walk zone as it relates to the location of the school to the student’s residence, the traffic patterns, speeds and volume on roadways and railroads, the existence of sidewalks or other walk paths, the student’s age, available crossing control systems and personnel, and other factors considered pertinent. The districts shall weigh the need for state hazardous transportation funds by giving priority to students who are least familiar with traffic movement and the complexity of the traffic hazards. The Department of Education shall equitably allocate appropriated funds to the district for hazardous transportation services, provided funds are	Y	Y
964	SECTION 59 67 421	State	Statute	Liability in regard to school transportation within hazardous areas. In relation to expenditures for transportation within hazardous areas as authorized by Section 59 67 420, no school district shall suffer liability for designation of such area as within the authority of Section 59 67 420 or for failure to designate any area as hazardous.	N	N
965	SECTION 59 67 425	State	Statute	Transportation of children attending kindergarten or child development programs. Three, four, or five 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 or as long as transportation services may be provided at no additional cost to the State.	N	N
966	SECTION 59 67 440	State	Statute	Board may borrow from Division of Sinking Funds and Property to effect purchases of school bus equipment. The State Board of Education is empowered to borrow, and the Division of Sinking Funds and Property is empowered and directed to lend to the State Board of Education, such sums of money as the State Board of Education shall require to enable it to effect purchases of school bus equipment, provided, that, the aggregate of such indebtedness to be outstanding shall not at any time exceed one million five hundred thousand dollars. The indebtedness shall be repayable not later than one year from the occasion that it shall be incurred, and shall be incurred only to the extent that the aggregate of such indebtedness, plus the other indebtedness incurred pursuant to Article 5 of Chapter 71 of this Title for school bus equipment, shall not exceed, on the date that such indebtedness shall mature, the limit prescribed by Section 59 71 420 for outstanding bonded indebtedness incurred for the purpose of school bus equipment, it being intended that notwithstanding that the aggregate of indebtedness prescribed for school bus equipment may be increased through the incurring of indebtedness pursuant to this section to an extent which may, on the occasion that the short term indebtedness herein authorized shall be incurred, exceed the limit prescribed for bonded debt to be outstanding for school bus equipment, the limit established by Section 59 71 420 shall not be otherwise exceeded.	Y	Y

967	SECTION 59 67 450	State	Statute	Form of indebtedness; interest; payment. The indebtedness incurred pursuant to Section 59 67 440 shall be in such form and shall bear such rate of interest as may be agreed upon between the State Budget and Control Board and the State Board of Education. For the payment of the indebtedness and the interest to accrue thereon, the principal proceeds of the next bonds to be issued pursuant to Article 5 of Chapter 71 of this Title for school purposes shall be pledged and on the occasion that such further school bonds shall be issued pursuant thereto, sufficient of the proceeds thereof shall be used to retire such indebtedness, both principal and interest.	Y	N
968	SECTION 59 67 460	State	Statute	Contracts for transportation services with private individuals or contractors; State aid. Any county board of education may at any time contract for any part or all of its transportation services with private individuals or contractors for the furnishing of such services. In any such instance the county board of education shall execute the contracts. The county board shall be responsible for the payment of all sums due under contracts so entered into and shall receive aid from the State for pupils thus transported only on the basis of the average per pupil operating cost of State owned equipment for the current year as determined by the State Board of Education. The Board may enter into agreements with county boards of education whereby pupils living in isolated areas may be transported by special arrangements when such transportation can be provided at lower cost than by operating a regular bus route.	Y	Y
969	SECTION 59 67 470	State	Statute	Bus drivers; selection; eligibility, training and certificates. The school bus drivers, whether students or adults, shall be selected and employed by the respective boards of trustees of the school districts, subject to the approval of the respective county boards of education. No person under sixteen years of age shall be eligible for consideration as a bus driver. Before being employed, all prospective drivers shall be examined by the State Board of Education to determine their competency. The State Board of Education shall provide a rigid school bus driver training course and issue special "school bus driver's certificates" to successful candidates. No person shall be authorized to drive a school bus in this State transporting children, whether the bus be owned by the State, by a local school agency, or by a private contractor, who has not been so certified by the State Board of Education. All school bus driver certificates shall be renewed every three years. Drivers who have certificates issued prior to September 1962, must enroll and satisfactorily complete bus driver training courses prior to September 1965, and each three years thereafter. Local school superintendents shall supervise the conduct of pupils being transported and of school bus drivers. When any person is relieved of his duties as a bus driver, for just cause, the local school superintendent shall require the driver to turn in his school bus driver certificate which shall be forwarded to the State Board of Education. A certificate may be reissued to such a driver at a later date upon approval of the local superintendent and the State Board of Education. The provisions of this section shall not apply to private schools.	Y	Y
970	SECTION 59 67 480	State	Statute	Salaries of drivers of State owned buses. Salaries of school bus drivers of State owned buses shall be fixed annually by the General Assembly.	N	N
971	SECTION 59 67 490	State	Statute	Proposed routes shall be submitted to Board of Education annually; approval. The boards of trustees of each district shall make a thorough study of transportation needs each year, and shall submit proposed route descriptions in accordance with the limitations of Section 59 67 420 and approved by county school authorities to the State Board of Education annually. All routes served by State owned equipment shall be subject to the approval of the Board and the local board of trustees; no such equipment shall be operated except upon routes so approved.	Y	Y
972	SECTION 59 67 500	State	Statute	Routes of buses owned and operated by local school agencies. The Board shall have no jurisdiction over the routing of buses owned and operated by local school agencies either directly or by contract.	N	N
973	SECTION 59 67 510	State	Statute	Use of transportation equipment for special events, office of Adjutant General and armed services reserve component functions, and other educational purposes. County boards of education may permit the use of school bus equipment for transportation in connection with athletic events, boy's and girl's clubs, special events in connection with the schools, official functions by the office of the Adjutant General of South Carolina, and the Reserve Components of the United States Armed Forces which must reimburse the boards of education, at least, for the costs of use of the buses, including depreciation, and other educational purposes as may appear proper to the respective boards.	N	N

974	SECTION 59 67 515	State	Statute	Speed limit for public school buses; exceptions. No public school bus may be operated in this State in excess of forty five miles an hour, except when traveling on a highway with a posted maximum speed limit above fifty five miles an hour, or when traveling to and from special events which necessitate travel on interstate or state primary highways. Special event variances from the authorized speed limit for public school buses must be obtained by written authorization from the Department of Education. In no instance may the public school bus be authorized to exceed the speed of fifty five miles an hour. Public school buses are not required to have devices to govern the speed or operation of the vehicles.	N	N
975	SECTION 59 67 520	State	Statute	Transportation of handicapped persons. Notwithstanding the provisions of Sections 59 33 50, 59 67 420 and 59 67 510, the State Department of Education shall have the responsibility for transporting handicapped persons of lawful school age to and from the nearest school in which a handicapped pupil has been duly assigned. Additionally, when a school district is providing classes for handicapped persons between the ages of five and twenty one years at the same location where classes and programs are provided for handicapped persons under age five and over age twenty one, and when a cost reduction will result, the Department may enter into a reciprocal agreement with the facility whereby certain handicapped persons between the ages of five and twenty one years may be transported on buses not owned by the Department and certain handicapped persons under age five and over age twenty one may be transported on Department owned buses.	Y	Y
976	SECTION 59 67 530	State	Statute	Expenses of operation of State and locally owned buses. The Board shall be responsible for all expenses of operation of State owned buses and for the replacement of obsolete equipment. The State shall assume no obligation whatever for the expenses of operating buses owned by local or county school agencies, except as provided in Section 59 67 460.	N	N
977	SECTION 59 67 535	State	Statute	Use of boats for transportation of school children from Sandy Island to transport residents. Boats operated by the State Department of Education for transportation of school children from Sandy Island to mainland schools also may be used to transport, on a space available basis only, any Sandy Island resident. A person requesting boat transportation shall present his residence verification to the employee or representative of the State Department of Education who is in charge of the particular boat. The term “resident” as used herein means a person with an official residential address on Sandy Island. Use of these boats by residents shall be only on a space available basis and only at such time as the boat is being otherwise operated on official business. School children in every case shall be given priority of carriage. Provided, that other trips on the Sandy Island boat may be approved by the county school district, in which case the operations, logistics, and all costs shall be borne by the school district to the extent that funds are available. The school district may contract with a third party to operate the ferry and manage the logistics associated with the other trips. Persons who are not residents of Sandy Island may be allowed to be transported by the boat when accompanied by a resident. Any person authorized for transportation pursuant to the provisions of this section shall, prior to boarding, execute a “covenant not to sue” the State of South Carolina or any agency thereof, on a form approved by the State Department of Education. Nothing in this section shall be construed as a waiver of the state’s general immunity from liability and suit.	Y	Y
978	SECTION 59 67 540	State	Statute	Supplies and maintenance of State owned buses; maintenance and supply stations. The Department of Transportation shall be responsible for providing all supplies required for the operation of state owned school buses and for maintaining them in efficient and safe mechanical condition. The department shall be reimbursed periodically by the State Board of Education for expenditures incident to the operation and maintenance of buses, but no charge by, or reimbursement to, the Department of Transportation shall be made except to cover direct and additional expenses incurred by the department on account of the performance of this service. Provided, however, that the Board of Education shall have authority to establish and operate maintenance and supply stations, on an experimental or permanent basis, if it should be determined to be of advantage to the State, and in connection therewith to acquire real property by purchase or lease.	Y	Y

979	SECTION 59 67 545	State	Statute	Parents and other adult school volunteers or employees authorized to ride route school buses on space available basis. Parents and other adult school volunteers or employees may ride route school buses on a space available basis. Parents and other adults also may ride school buses in conjunction with special programs that are sponsored by the local school district. This use of route school buses shall be in accordance with local school district board policies and programs. School districts may not re route school buses in order to accommodate the pickup of adults authorized to ride school buses as provided by this section. The State is not responsible for any costs associated with parents and other adults riding school buses in conjunction with special programs. The provisions of this section shall not be construed as a waiver or abrogation of the state's limited immunity from liability and suit under the State Tort Claims Act.	N	N
980	SECTION 59 67 550	State	Statute	Instalment purchase of maintenance shops. The State Board of Education is authorized to enter into an instalment payment agreement with any political subdivision offering to convey real property to the Board for use as a school bus maintenance shop, whereby payments for such property may be extended over a period of not more than ten years.	Y	Y
981	SECTION 59 67 570	State	Statute	Rules and regulations. The State Board of Education may adopt such rules and regulations as may be necessary to carry out the intent and purposes of this article. Such rules and regulations shall have the full force and effect of law. But rules and regulations that affect the functions of the Department of Public Safety under this article or the operation of buses on the highways shall be adopted only jointly with the Department of Public Safety.	Y	Y
982	SECTION 59 67 580	State	Statute	Replacement cycle; funding. (A) With funds appropriated by the General Assembly for school bus purchases, the State Board of Education shall implement a school bus replacement cycle to replace approximately one fifteenth of the fleet each year with new school buses, resulting in a complete replacement of the fleet every fifteen years. These funds must not be used for school bus maintenance or fuel. (B) With funds appropriated by the General Assembly for transportation grant programs, the department shall establish a grant program to fund transportation of students to alternate public schools including, but not limited to, vocational second and third choice schools, magnet schools, montessori schools, international baccalaureate schools, and English as a second language schools. Those districts having alternate public schools may apply to the department for grant funds to pay for the additional cost of transporting students to these schools. If funds are not appropriated by the General Assembly for this purpose, then neither the State nor a local school district is required to assume this obligation.	Y	Y
983	SECTION 59 67 585	State	Statute	Use of biodiesel fuel. The State Department of Education, when feasible, shall utilize biodiesel fuel as an energy source to power the state school bus fleet.	N	N
984	SECTION 59 67 710	State	Statute	Contracts of insurance on State owned school buses. (1) The Director of the Division of General Services, with the approval of the State Budget and Control Board, shall provide insurance coverage on all state owned school buses which are operated under the authority of, and which are being used for the purposes of, Article 3 of this chapter. Such insurance contracts must be provided either through commercial carriers or through the insurance reserve funds of the Division of General Services. The insurance contracts shall provide at least the following benefits: (a) for the lawful occupant of any such school bus who suffers bodily injuries or death, a death benefit of not less than fifty thousand dollars; (b) for the lawful occupant of any such school bus who suffers bodily injuries, an amount sufficient to defray the cost of hospitalization, surgery, dentistry, medicine, and all other medical expenses up to three thousand dollars or such amount as promulgated by regulation of the Department of Education; (c) additional coverage must also be provided for the following named perils: (i) for the loss of both hands or both feet or sight of both eyes, fifty thousand dollars; (ii) for loss of one hand and one foot, thirty thousand dollars; (iii) for loss of either hand or foot and sight of one eye, thirty thousand dollars; and (iv) for loss of either hand or foot or sight of one eye, thirty thousand dollars. (2) The benefits provided for in subsection (1) shall exist without regard to fault or negligence. The insurance shall cover any accident which occurs: (a) while getting on a school bus; (b) while riding within a school bus; (c) by being thrown from within a school bus; (d) while getting off a school bus; (e) by being run down, struck, or run over while crossing a public highway while approaching or leaving a school bus at the point of loading or unloading; or (f) by being run down, struck, or run over by any moving vehicle while en route between home and the	N	N

985	SECTION 59 67 720	State	Statute	Payment of premiums. The premiums on all insurance contracts procured under the authority of Section 59 67 710 shall be paid out of the annual appropriation for transportation operated by the State Board of Education. Such premiums shall be considered a part of the general expenses of operating school bus transportation.	N	N
986	SECTION 59 67 730	State	Statute	Counties and other political subdivisions prohibited from providing supplemental benefits on State owned buses. No county or other political subdivision shall supplement the benefits provided in this article by the procuring of insurance or by any other means on State owned buses.	N	N
987	SECTION 59 67 740	State	Statute	Contracts of insurance on county and district owned and contract buses. County and district boards of education owning school buses are directed to provide the same insurance coverage for the lawful occupants of a county or district owned bus as is provided for the lawful occupants of a State owned school bus under Section 59 67 710. County and district boards of education are further directed to see that this same insurance coverage is provided for all lawful occupants of any contract vehicle operated under contract with such county and district boards of education.	N	N
988	SECTION 59 67 760	State	Statute	Waiver of claim against bus driver. The acceptance of any payment or the bringing of any action authorized by this article shall constitute a waiver of any liability that might otherwise exist on the part of the driver of any State owned school bus operated under the authority of Article 3 of this chapter.	N	N
989	SECTION 59 67 765	State	Statute	Waiver of sovereign immunity up to limits of insurance coverage. For the purpose of this article, the doctrine of sovereign immunity for the State is hereby waived up to the limits of the insurance coverage specified therein.	N	N
990	SECTION 59 67 770	State	Statute	State's immunity not waived. Nothing in this article shall be construed as a waiver of the State's general immunity from liability and suit beyond the limits of the insurance coverage specified therein.	N	N
991	SECTION 59 67 780	State	Statute	Rules and regulations. The Director of the Sinking Funds and Property Division of the State Budget and Control Board may promulgate any rules or regulations or set up any procedure which will, in his judgment, clarify the provisions or facilitate the purposes of this article.	N	N
992	SECTION 59 67 790	State	Statute	Pupil Injury Insurance Fund. There is hereby created a fund to be administered by the Director of the Division of General Services to provide major medical benefits for bodily injuries to school bus passengers when the cost exceeds the benefits provided for in subsection (1)(a) of Section 59 67 710 of the 1976 Code. No claim shall exceed fifty thousand dollars for any one person for any one accident. The Director of the Division of General Services shall pay into the Pupil Injury Insurance Fund that portion of the premiums charged to the State Department of Education for providing insurance covering buses he deems necessary to maintain the Pupil Injury Insurance Fund at an actuarially sound level sufficient to pay the benefits authorized by this section. No payment from the Pupil Injury Insurance Fund shall be permitted when other insurance benefits or workers' compensation is available to pay such cost or where no charge is made for treatment. Whoever shall file a claim for payment from the Pupil Injury Insurance Fund shall at the same time file an affidavit swearing under oath that the requested claim is not covered by other insurance benefits or workers' compensation to be received for that claim; provided, this shall not apply to any injured school bus passenger who receives, for bodily injuries, an amount not exceeding three thousand dollars under Section 59 67 710(1)(b) of the 1976 Code. Any recovery from the State or governmental entity under Chapter 78 of Title 15 of the 1976 Code shall be reduced by the sum received pursuant to this section. In any recovery from a third party, the State shall have a right of subrogation for recovery of payments pursuant to this section. The Director of the Division of General Services, with the approval of the State Budget and Control Board, shall promulgate such rules and regulations as may be necessary to carry out the provisions of this section.	N	N
993	SECTION 59 69 10	State	Statute	State Treasurer may invest certain fund received from United States Government. The State Treasurer may invest the fund received by him pursuant to an act entitled "An Act to Authorize the State Treasurer to Receive from the United States Government a Certain Fund and to Hold the Same Subject to the Uses Declared by an Act of Congress," approved February 20, 1907, as amended by an act approved February 25, 1908, in bonds or stocks of the State, in loans secured by like bonds or stock of the State or in bonds of any county, school district or municipality within the State and shall hold the same subject to the trust and uses in said act of Congress designated, and the State Treasurer may, in making such investments, pay the market value for bonds, whether the same be above par or not.	N	N

994	SECTION 59 69 20	State	Statute	State Treasurer shall hold certain property and moneys for educational purposes. The State Treasurer shall take and hold in trust for the State any grant or devise of lands and any gift or bequest of money or other personal property made to him for educational purposes, all gifts to the State when the purpose is not designated, all escheated property, the net assets or funds of all estates or copartnerships in the hands of the courts of the State when there have been no claimants for the same within the last seventy years and other money that came into the State Treasury by reason of the twelfth section of an act entitled “An Act to Provide a Mode of Distribution of the Moneys as Collected as Direct Tax from the Citizens of this State by the United States, and Turned Over in Trust to the State of South Carolina,” approved December 24, 1891 (Acts 1891, p. 1067), together with such other means as the General Assembly may provide. For faithful management of all property so received the State Treasurer shall be responsible upon his bond to the State as for other funds received by him in his official capacity.	N	N
995	SECTION 59 69 30	State	Statute	Investment of such fund. The State Treasurer shall from time to time invest in bonds of this State or of the United States or in bonds of any county, school district or municipality within the State all such money in the name of the State as a permanent State school fund and shall pay out the income derived therefrom to the counties of the State as the same may be apportioned among the counties by the State Board of Education. But no disposition shall be made of any property, grant, devise, gift or bequest inconsistent with the purposes, conditions or terms thereof.	N	N
996	SECTION 59 69 40	State	Statute	Funds given to State Superintendent for educational purposes. The State Superintendent of Education shall take and hold in trust for the State any grant or devise of lands and any gift or bequest of money or other personal property made to him for educational purposes and he shall pay into the State Treasury, for safekeeping and investment, all moneys and incomes from property so received. The State Treasurer shall, from time to time, invest all such moneys in the name of the State and shall pay to the State Superintendent of Education, on the warrant of the Comptroller General, the income or principal thereof as he may, from time to time, require; provided, that no disposition shall be made of any grant, devise, gift or bequest inconsistent with the conditions or terms thereof. For all such property the State Treasurer shall be responsible on his bond as for other funds received by him in his official capacity.	Y	Y
997	SECTION 59 69 110	State	Statute	Authorization for creation of reserve fund to place schools on cash basis. In any county in this State in which the schools have not funds sufficient to pay all claims in cash the county board of education may, at its discretion, direct the county superintendent of education to set aside from the school funds of the county, or any of the school districts, an amount annually not in excess of ten per cent of such funds, for so many years as may be necessary to create a sufficient fund to put the schools of such county or any of the school districts on a cash basis.	N	N
998	SECTION 59 69 120	State	Statute	Use of reserve fund. Whenever any such reserve fund reaches an amount sufficient to put the county or school district, as the case may be, on a cash basis, the fund may be used for said purpose. And in each year during the time necessary to create such reserve fund, the county superintendent of education shall use the fund accumulated as a loan, without interest, to pay claims held by teachers to whom pay certificates were originally issued, the funds so used to be replaced annually from taxes collected for school purposes.	N	N
999	SECTION 59 69 210	State	Statute	Prerequisites to payment of claims. Every claim which is chargeable against the fund raised for the support of the free public schools of the State, except such as is otherwise provided for by law, must be signed by at least a majority of the board of trustees of the school district against which the claim is chargeable, and the correctness and legality of the same shall be sworn to and subscribed by the person presenting such claim before it shall be approved by the person or persons authorized by law to give such approval. The oath required by this section may be administered by any person authorized to administer oaths either within or without the State. School trustees and county superintendents of education shall, free of charge, administer oaths to persons presenting claims under this section.	N	N
1,000	SECTION 59 69 215	State	Statute	Notwithstanding the provisions of this article, the treasurer of any county shall disburse to any school district within his county any funds which he may have on hand available for use in the operation of the school district; provided, the governing body of the school district requests disbursement to the school district funds as they become available and; provided, further, that the governing body of the county concurs in the request made by the district. Upon receipt of the school district funds, it may maintain its own bank account for the purpose of making disbursement for the payment of expenses approved by the governing body of the district. Funds received by the school district from the county treasurer which are not needed for immediate disbursement may be invested by the district in interest bearing accounts or certificates of deposit issued by banking institutions or savings and loan associations licensed to do business in this State or in securities issued by or guaranteed by the United States Government. Upon establishing the disbursement method from the county treasurer to the district, the disbursement by the county treasurer shall continue to the district as funds become available unless the procedure is rescinded by action of the governing body of the district or the county governing body.	N	N

1,001	SECTION 59 69 220	State	Statute	Approval of warrants by county superintendent of education or his agent. No school warrants issued by any board of school trustees against any public school fund shall be paid by the county treasurer or other officer having the custody of such fund until the warrant has been approved by the county superintendent of education of the county in which such warrant is drawn or by such person in the office of such county superintendent as may be designated by him in writing, provided the person designated shall have furnished good and sufficient bond payable to the county for the faithful performance of his duties in the sum of one thousand dollars or in the sum of the bond of the county superintendent of education, whichever is higher.	N	N
1,002	SECTION 59 69 230	State	Statute	Payments from school funds. All moneys disbursed by any county treasurer on account of school funds or taxes shall be paid on the order of the board of school trustees, countersigned by the county superintendent of education, or as otherwise directed by law.	N	N
1,003	SECTION 59 69 240	State	Statute	Treasurer required to report monthly to superintendent of education. Each county treasurer shall report monthly, on the fifteenth day of each month, to the county superintendent of education of his county the amount of collections and disbursements made by him for the month on account of school tax and all other school funds. It shall be a misdemeanor on the part of any county treasurer to neglect, fail or refuse to make such report and, on conviction thereof, he shall pay a fine of not more than five hundred dollars to be used for school purposes in his county.	N	N
1,004	SECTION 59 69 250	State	Statute	Treasurer required to carry forward unexpended balances; report. The county treasurer shall carry forward all sums in his hands collected for any previous year or years for school purposes and unexpended to the next fiscal year and credit the same to the school districts respectively, for which they were apportioned. He shall report such sums to the county superintendent of education.	N	N
1,005	SECTION 59 69 260	State	Statute	Officials shall not acquire interest in claims or contracts. It is unlawful for any county treasurer, county auditor, member of a county board of education, or school trustee to buy, discount, or share, directly or indirectly, or be in any way interested in any teacher's pay certificate or other order on a school fund, except those as are payable to him for his own services. If any of the above officers violate the provisions of this section, he is guilty of a misdemeanor and upon conviction must be fined not less than one hundred dollars nor more than five hundred dollars to be used for school purposes in his county or must be imprisoned not less than three months nor more than twelve months, or both. He shall also forfeit the amount of the claim or of his interest in the claim. The provisions of this section do not prohibit a county board of education member, a school trustee, or a business with which he is associated from providing services or selling products to the district of which he is a board member or trustee as long as all these transactions are in accordance with the provisions of Chapter 13 of Title 8.	N	N
1,006	SECTION 59 69 270	State	Statute	Borrowing to pay school claims. The county treasurer and the county supervisor or other managing officer of the several counties in this State shall, upon the application of the county boards of education of the respective counties, borrow from time to time during any fiscal year such sums of money as may be necessary to pay the school claims of such counties, not to exceed seventy five per cent of the amount reported by the county auditors for schools for such fiscal year. In addition thereto they may borrow not exceeding fifty per cent of the estimated receipts from the State for school aid or any other school fund that may be estimated to be paid to such county, at a rate of interest not exceeding the rate of six per cent per annum. They may pledge the taxes to be collected for that purpose or the funds to be paid therefor as security for the payment of the money so borrowed and the interest thereon. All money borrowed shall be held and paid out by the county treasurer as school funds and without extra commission.	N	N
1,007	SECTION 59 71 10	State	Statute	Short title. This article may be cited as the "School Bond Act."	N	N

1,008	SECTION 59 71 20	State	Statute	Definitions. As used in this article: (1) The word “authorities” shall mean the board of trustees or the commission vested by law with the duty of operating the public schools in any particular district, unit or county of the State; (2) The term “operating school unit” shall mean any type of school district, whether it be located in its entirety in one county or located partly in more than one county or, in case the schools of any county be operated by the county unit plan, the county; (3) The term “capital improvements” shall mean the constructing, improving, equipping, renovating and repairing of school buildings or other school facilities or the cost of the acquisition of land whereon to construct or establish such school facilities; and (4) The term “county board” shall mean the county board of education of the county wherein the operating school unit is located, except that when an operating school unit is located partly in one county and partly in another county such term shall in such instances relate to the county boards of education of the counties wherein the operating school unit is located.	N	N
1,009	SECTION 59 71 30	State	Statute	Authorities of operating school units authorized to issue general obligation bonds. The authorities of any operating school unit may issue general obligation bonds of such operating school unit for the purpose of defraying the cost of capital improvements to any amount not exceeding the constitutional debt limitation applicable to such operating school unit, if: (1) The election required by this article as a condition precedent to the issuance of bonds results favorably thereto; (2) The bonds are issued within three years following the holding of the election; and (3) The county board wherein such operating school unit is located, if there is such, shall give its approval to the issuance of such bonds.	N	N
1,010	SECTION 59 71 40	State	Statute	Election. The election hereby required shall be ordered by the authorities, who shall fix the date thereof and prescribe the form of the notice of the holding of the election. Advices of the action thus taken by the authorities shall be transmitted to the commissioners of election for the county, or counties, wherein the election is to be held. It shall thereupon become the duty of the commissioners of election to conduct the election so ordered. To that end, the commissioners of election shall prescribe the form of ballot, arrange for voting places in each precinct, or any part of a precinct, constituting all or a portion of the operating school unit, appoint managers, and receive the returns of the election. After duly canvassing the returns, the commissioners of election shall declare the results thereof and certify such results to the authorities.	N	N
1,011	SECTION 59 71 50	State	Statute	Notice of election. Notice of the holding of such an election shall be given by publication thereof, in some newspaper published in the county wherein the operating school unit is located, at least once not less than fifteen days prior to the occasion set for the holding of such election. If the operating school unit lies partly in one county and partly in another the publication required by this section shall be made in both counties. Such notice shall state: (1) The occasion of the holding of the election; (2) The location of the several polling places; (3) The qualifications imposed upon persons desirous of voting; (4) The amount of bonds to be issued; and (5) A brief description of the purpose for which the proceeds of the bonds shall be applied.	N	N
1,012	SECTION 59 71 60	State	Statute	Declaration of result of election; declaration conclusive unless contested within thirty days. Upon the receipt of the returns of the election the authorities shall by resolution declare the results thereof and may provide for the filing of a certified copy of such resolution declaring the results of the election in the office of the clerk of the court for each county wherein the operating school unit is located. In such event the results of the election, as declared by resolution of the authorities so certified and filed, shall not be open to question except by a suit or proceeding instituted within thirty days from the date of the filing thereof.	N	N
1,013	SECTION 59 71 70	State	Statute	Maturity of bonds. Such bonds shall mature in such annual series or installments as the authorities shall provide, except that: (1) The first maturing bonds shall mature within three years from the date as of which they may be issued; (2) Not less than three per cent of the aggregate of the issue shall mature in any year; and (3) No bond shall mature later than twenty five years from the date as of which it may be issued. The provisions of this section shall not prevent the authorities from issuing the aggregate of the bonds authorized by the election on one or more occasions as two or more issues.	N	N

1,014	SECTION 59 71 80	State	Statute	Provision for redemption. Any bond may be issued with a provision for its redemption prior to its stated maturity at par and accrued interest, plus such redemption premium as may be prescribed by the authorities, but no bond shall be redeemable before maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of such bonds, provision shall be made specifying the manner of call and the notice thereof that must be given.	N	N
1,015	SECTION 59 71 90	State	Statute	Negotiability and registration. The bonds issued pursuant to this article shall be in the form of negotiable coupon bonds, payable to bearer, with the privilege to the holder of having them registered as to principal on the books of the treasurer of the county wherein the operating school unit is located, in whole or in part, and the principal thus made payable to the registered holder (unless the last registered transfer shall have been to bearer) upon such conditions as the authorities may prescribe. Unless registered such bonds shall have all the qualities of negotiable instruments under the law merchant and the Uniform Commercial Code.	N	N
1,016	SECTION 59 71 100	State	Statute	Place of payment. The bonds issued pursuant to this article shall be made payable at such places, within or without the State, as the authorities shall provide.	N	N
1,017	SECTION 59 71 110	State	Statute	Interest rate. Such bonds shall bear interest at rates to be named by the authorities.	N	N
1,018	SECTION 59 71 120	State	Statute	Execution of bonds. Such bonds and the coupons annexed thereto shall be executed in the manner provided for by the authorities.	N	N
1,019	SECTION 59 71 130	State	Statute	Sale of bonds. The bonds shall be sold at public sale, after advertisement of such sale in a newspaper having general circulation in the State or in a financial publication published in the city of New York or, in the discretion of the authorities, in both such publications. Such advertisement shall appear not less than ten days prior to the occasion set for such sale. The bonds may be disposed of at private sale if there are no bids received or if all bids are rejected. The provisions of this section shall not prevent a sale at private sale to the United States of America or any agency thereof.	N	N
1,020	SECTION 59 71 140	State	Statute	Minimum sales price. All such bonds must be sold at a price of not less than par and accrued interest to the date of delivery.	N	N
1,021	SECTION 59 71 150	State	Statute	Credit pledged for payment; tax therefor. For the payment of the principal and interest on such bonds as they respectively mature and for the creation of such sinking fund as may be necessary therefor the full faith, credit and resources of the operating school unit are irrevocably pledged and there shall be levied annually by the auditor of each county wherein such operating school unit is located, and collected by the treasurer of such county in the same manner as county taxes are levied and collected, a tax, without limit, on all taxable property in such operating school unit sufficient to pay the principal and interest of such bonds as they respectively mature and to create such sinking fund as may be necessary therefor.	N	N

1,022	SECTION 59 71 155	State	Statute	General obligation bonds; transfers from state general fund to make payments on bonded indebtedness of school districts; maximum amount allowed for transfers. (A) This section applies to existing and future general obligation bonds issued by an operating school unit. For purposes of this section, general obligation bonds are obligations expressly secured by the full faith, credit, and taxing power of the operating school unit that issues the bonds. (B) The county treasurer of a county in which any operating school unit has outstanding general obligation bonds shall notify the State Treasurer on the fifteenth day prior to the due date of any payment of principal or interest on the bonds if the county treasurer does not have on deposit, or there is not on deposit with a paying agent, the sum required to make that payment. If the county treasurer or paying agent does not have on deposit the sum required to make that payment on the third business day prior to the due date, the State Treasurer shall transfer to the county treasurer from the general fund of the State the sum necessary to enable the county treasurer or paying agent to make payment of principal and interest then coming due. However, the total amount to be advanced to operating school units for this purpose in any fiscal year may not exceed the amount appropriated in that year under the Education Finance Act. Immediately upon receipt of the sum from the State Treasurer on a bond for which a paying agent other than the county treasurer has been appointed, the county treasurer shall transfer to the paying agent all amounts required to effect punctual payment of the sum due. The State Treasurer shall withhold from the operating school unit from the next and subsequent distributions of any revenue to that operating school unit sufficient monies necessary to reimburse the general fund of the State for the sums applied to pay the principal and interest on the bonds and for the investment earnings that would have been received on the monies advanced from the general fund. In addition, the State Treasurer may direct the county treasurer to apply to the payment due on the bonds any monies being held by the county treasurer in any fund, other than the sinking fund, derived from state revenue for the operating school unit. (C) The amounts forwarded to any county treasurer by the State Treasurer under subsection (B) must be	N	N
1,023	SECTION 59 71 160	State	Statute	Exemption of bonds from taxes. Bonds issued under this article shall be exempt from all State, county, municipal, school district and other taxes or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.	N	N
1,024	SECTION 59 71 170	State	Statute	Bonds as legal investments. It shall be lawful for all executors, administrators, guardians, committees and other fiduciaries and all sinking fund commissions to invest any moneys in their hands in bonds issued under this article.	N	N
1,025	SECTION 59 71 180	State	Statute	Deposit and use of proceeds. The proceeds derived from the sale of the bonds must be deposited with the treasurer of the county in which the operating school unit is located, in whole or in part, in a special fund to the credit of the operating school unit and must be applied solely to the purposes for which the bonds were issued, except that the accrued interest, if any, must be used to discharge in part the first interest to become due on the bonds.	N	N
1,026	SECTION 59 71 190	State	Statute	Investment of sinking funds in defense securities. The county treasurers of the various counties of the State may invest the sinking funds of the school districts of their respective counties in United States Defense Bonds and Defense Securities upon the written request of the county superintendent of education and a majority of the trustees of the school district whose funds are to be invested.	N	N
1,027	SECTION 59 71 310	State	Statute	Resolution of school district concerning bonds in default. The district board of any school district authorized to issue general obligation bonds of the school district is hereby authorized to provide by resolution duly adopted that if the principal or interest of any general obligation bonds issued by the school district are not paid when they become due, the holder of the bonds and coupons may present them to the State Treasurer of South Carolina who, to the extent that moneys shall be available to the school district for any purpose and from any source, shall effect payment of them and charge such payments to the account of the school district and diminish the payments otherwise to be made to the extent thereof; provided, that no such resolution shall be effective unless it has been approved by the State Treasurer as provided in Section 59 71 320.	N	N

1,028	SECTION 59 71 320	State	Statute	Duties of State Treasurer. Upon adoption of the resolution, a copy shall be transmitted to the State Treasurer together with a concise statement showing the principal and estimated interest payments to become due on the bonds to be issued. If the State Treasurer determines (a) that sufficient funds can reasonably be expected to accrue to the school district from State revenues otherwise applicable to the school district for other purposes to provide debt service on the bonds, (b) that the resolution provides adequate assurance that ad valorem taxes will be levied annually on all taxable property within the school district sufficient to pay the principal and interest on the bonds as they become due and (c) that an interest savings can be expected to result from his approval of the resolution, the State Treasurer shall approve the resolution by signing it. It is not the intent of this section to give the State Treasurer authority to approve or disapprove a local bond issue.	N	N
1,029	SECTION 59 71 330	State	Statute	Rules and regulations. The State Treasurer is hereby authorized to prescribe rules and regulations (a) requiring the filing of such information as he deems pertinent with respect to bonds to be sold with the provision authorized by Section 1 of 1973 Act No. 378, (b) requiring school districts issuing bonds to provide him with an analysis of each annual tax levy to be made therein before it is imposed, (c) providing for the immediate withholding of any funds due to a school district which fails to impose adequate millage for debt service, or which fails to perform any of the terms and provisions contained in any such resolution or to comply with any such rules and regulations.	N	N
1,030	SECTION 59 71 340	State	Statute	Levy of additional tax. The State Comptroller is directed in any year to levy and the State Treasurer is directed to collect in any school district which does not levy adequate millage for that year, to provide debt service to become due on bonds sold with the provision authorized by Section 1 of 1973 Act No. 378, an ad valorem tax on all taxable property in the school district without limit as to rate or amount sufficient to pay the principal of and interest on the bonds as they become due, including all bonds and coupons paid by him pursuant to Section 2 of 1973 Act No 378. A notice of such tax levy shall be provided to the district board by March first.	N	N
1,031	SECTION 59 71 410	State	Statute	Authority to issue State school bonds. For the purpose of enabling the State Board of Education to raise funds for capital improvements and other purposes in addition to those funds provided by Article 3 of Chapter 21 of this Title, for the purpose of enabling the Board to raise funds necessary to acquire the school bus equipment authorized to be acquired by the provisions of Article 3 of Chapter 67 of this Title and for the purpose of permitting the Board to raise funds to refinance the short term indebtedness incurred in connection with the acquisition of school bus equipment, the Governor and the State Treasurer may issue State schools bonds under the conditions prescribed by this article.	N	Y
1,032	SECTION 59 71 420	State	Statute	Limits on aggregates of indebtedness; maturity date. The aggregate outstanding principal indebtedness on account of bonds issued for capital improvements and other purposes, after deducting that part of any sinking fund applicable to the retirement of bonds issued for such purposes, shall never exceed one hundred thirty seven million, five hundred thousand dollars. The aggregate outstanding principal indebtedness on account of bonds issued to acquire the school bus equipment authorized by the provisions of Article 3 of Chapter 67 of this Title, after deducting that part of any sinking fund applicable to the retirement of bonds issued for such purpose, shall never exceed nine million dollars. Within such limits, State school bonds may be issued from time to time under the conditions prescribed by this article, but in no event to mature later than July 1, 1991.	N	N
1,033	SECTION 59 71 430	State	Statute	Request for issuance of bonds. Before any State school bonds are issued, the State Board of Education shall transmit to the Governor and to the State Treasurer a request for the issuance thereof and shall embody in such request: (a) A schedule showing the aggregate of bonds issued pursuant to previous requests, the purposes for which they were issued, the annual payments required to retire such bonds, the interest thereon and the amount of sinking fund applicable to the retirement of such outstanding bonds, apportioned in accordance with the requirement of Section 59 71 570; (b) the amount of bonds sought to be issued; (c) a schedule showing future annual principal requirements and estimated annual interest requirements on the bonds requested to be issued; (d) a schedule showing (i) the estimated total funds required to cover applications for capital improvements and other purposes to be approved by the Board in that fiscal year; (ii) the amount of funds then available to apply on such applications and; (iii) the remaining amount required to cover such applications, being the amount for which it is proposed that State school bonds be issued.	Y	Y

1,034	SECTION 59 71 440	State	Statute	Conditions warranting issuance of bonds. If the following shall appear to the satisfaction of the Governor and the State Treasurer from the foregoing request: (a) That the amount of revenues derived from the retail sales tax received during the next preceding fiscal year will, if received annually thereafter, be sufficient to pay as they fall due the principal and interest on such proposed State school bonds and all other State school bonds theretofore issued; (b) that the amount of revenues estimated by the State Board of Education to be received during the term for which such proposed State school bonds will be outstanding will be sufficient to pay, as the same respectively mature, the principal and interest of such bonds and of all other State school bonds theretofore issued; (c) that the estimate by the State Board of Education of its needs as shown pursuant to Section 59 71 430 requires bonds to be issued in the amount requested; (d) that the issue will be within the limitations prescribed by Section 59 71 420; it shall be the duty of the Governor and the State Treasurer to issue State school bonds in accordance with such request.	N	N
1,035	SECTION 59 71 450	State	Statute	Form of bonds; time, place and medium of payment. The State school bonds shall be issued in such form and with such provisions as to time, place or places and medium of payment as may be determined by the Governor and the State Treasurer, subject to the provisions of this article.	N	N
1,036	SECTION 59 71 460	State	Statute	Denomination of bonds. State school bonds shall each be in the denomination of one thousand dollars or some multiple thereof.	N	N
1,037	SECTION 59 71 470	State	Statute	Form of bonds; registration. State school bonds issued pursuant to this article may be in the form of negotiable coupon bonds, payable to bearer, with the privilege to the holder of having them registered in his name on the books of the State Treasurer as to principal only, or as to both principal and interest, and such principal, or both principal and interest, as the case may be, thus made payable to the registered holder, subject to such conditions as the State Treasurer may prescribe. State school bonds so registered as to principal in the name of the holder may thereafter be registered as payable to bearer and made payable accordingly. State school bonds may also be issued as fully registered bonds with both principal and interest thereof made payable only to the registered holder. Such fully registered bonds shall be subject to transfer under such conditions as the State Treasurer may prescribe. Such fully registered bonds may, if the proceedings authorizing their issuance so provide, be convertible into negotiable coupon bonds with the attributes set forth in the first paragraph of this section.	N	N
1,038	SECTION 59 71 480	State	Statute	Interest; maturities; redemption. State school bonds shall bear interest, payable semiannually, at a rate or rates not exceeding the maximum interest rate specified in the Board's request for the issuance thereof. Each issue of State school bonds shall mature in annual series or installments, the first of which annual series or installments shall mature not more than ten years after the date of the bonds and the last not more than twenty four years after such date. The installments or series may be equal or unequal in amount. State school bonds may, in the discretion of the Board, be made subject to redemption at par and accrued interest, plus such redemption premium as it shall approve and on such occasions as it may specify in its request for the issuance of such bonds. State school bonds shall not be redeemable before maturity unless they contain a statement to that effect.	N	N
1,039	SECTION 59 71 490	State	Statute	Exemption of bonds from taxes. All State school bonds issued under this article, and the income therefrom, shall be exempt from all State, county, municipal, school district and other taxes or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.	N	N
1,040	SECTION 59 71 510	State	Statute	Pledge of credit and revenues for payment of bonds. For the payment of the principal and interest on all State school bonds at any time issued and outstanding pursuant to this article as now constituted or hereafter amended, there shall be pledged the full faith, credit and taxing power of the State and, in addition thereto, but subject to the provisions of Section 59 71 520, the entire amount of revenue derived from the retail sales tax levied by Chapter 35 of Title 12. The revenues derived from such retail sales tax during each fiscal year shall be discharged from the foregoing pledge when payment or provision for payment has been made for the principal and interest of all State school bonds maturing in such fiscal year and when the requirements of Section 59 71 570 as to payments into the sinking fund have been met.	N	N

1,041	SECTION 59 71 520	State	Statute	Revision of retail sales tax not precluded by pledge. The pledge of such revenue derived from such retail sales tax shall not preclude the revision of such retail sales tax as to rate or as to the item taxed, either or both, if the State Auditor shall certify that his estimate of the revenue to be derived annually from the tax as thus revised will not be less than one hundred and fifty per cent of that sum which is equal to the maximum annual principal and interest requirements on all State school bonds outstanding or then requested to be issued on the date such certificate bears. Such certificate shall be appended to the enrolled act reducing such tax and be presented to the joint assembly of the General Assembly on the occasion such act is presented for ratification.	N	N
1,042	SECTION 59 71 530	State	Statute	Sale of bonds. State school bonds whose proceeds are to be applied exclusively to the purchase of school bus equipment may be privately placed, if the terms and conditions of such disposition shall be approved by resolution duly adopted by the State Budget and Control Board. All other State school bonds shall be sold by the Governor and the State Treasurer upon sealed proposals, after publication of notice of such sale one or more times at least ten days before such sale, in a newspaper of general circulation in the State and also in a financial paper published in New York City which regularly publishes notices of sale of state or municipal bonds. The bonds shall be awarded to the highest bidder at a price not less than par and accrued interest to the date of delivery, but the right shall be reserved to reject all bids and to readvertise the bonds for sale. For the purpose of bringing about successful sales of such bonds, the Board may do all things ordinarily and customarily done in connection with the sale of State or municipal bonds. All expenses incident to the sales of such bonds shall be paid from the proceeds of the sale of such bonds.	N	N
1,043	SECTION 59 71 540	State	Statute	Bonds as lawful investments. It shall be lawful for all executors, administrators, guardians and other fiduciaries and all sinking fund commissions to invest any moneys in their hands in State school bonds.	N	N
1,044	SECTION 59 71 550	State	Statute	Disposition of proceeds of sale. The proceeds of the sale of State school bonds shall be received by the State Treasurer and placed by him to the credit of the State Board of Education, except that the premium, if any, shall be placed in the sinking fund established by Section 59 71 570 and the accrued interest, if any, shall be used to discharge in part the first interest to become due on such bonds. On the occasion that he receives the proceeds of State school bonds from the purchasers, the State Treasurer shall segregate that part of the proceeds which are intended for allocation to school districts for capital improvements and other purposes from that portion intended for the purchase of school bus equipment, but the purchasers of such bonds shall in no wise be liable for the proper application of the proceeds to the purposes for which they are intended. The State Board of Education shall in turn credit each of the several school districts with its proportionate share of the proceeds of the bonds applicable to capital improvements and other purposes, each district's share being determined in the ratio of its public school enrollment to the enrollment of the State as a whole.	Y	Y
1,045	SECTION 59 71 560	State	Statute	Use of proceeds; segregation for different uses. The proceeds derived from the sale of State school bonds shall be applied by the Board only to the purposes for which the bonds are issued, and, if it shall be provided that a part of the proceeds of an issue of bonds shall be allocated to school districts for capital improvements and other purposes and another part be applied to defray the cost of school bus equipment, the State Treasurer shall, upon the receipt of the proceeds of such bonds, segregate such proceeds in accordance with the provisions of the request made to the Governor and the State Treasurer pursuant to the provisions of Section 59 71 430.	N	N
1,046	SECTION 59 71 570	State	Statute	Sinking fund payments. If the annual principal payment on account of outstanding bonds be less than five per cent of the aggregate of all bonds outstanding, there shall be placed in the sinking fund hereby established for the retirement of State school bonds such sum as is the difference between five per cent of the outstanding State school bonds and the amount retired by way of principal of such outstanding bonds during such year. The sinking fund shall be duly apportioned between debt existing by reason of borrowings for advances to the school districts or operating units of the several counties and debt existing by reason of borrowings to defray the cost of acquiring school bus equipment, in the proportion that each bears to the total of State school bonds outstanding. Notwithstanding the preceding paragraph, the remaining balance in the Sinking Fund as of July first, 1981, shall be remitted to the General Fund of the State.	N	N
1,047	SECTION 59 71 580	State	Statute	Retail sales tax provisions as part of contract with bondholders. The provisions of Chapter 35 of Title 12 levying the retail sales tax and of this article pledging the proceeds thereof to the payment of the principal and interest of State school bonds and to the sinking fund to be established for the retirement of the outstanding principal of the bonds shall be deemed to partake of the obligation of the contract between the State and the holders of the State school bonds.	N	N

1,048	SECTION 59 139 05	State	Statute	Purpose of chapter. It is the purpose of the General Assembly in this chapter: (1) to place an emphasis on early childhood education and prevention while promoting assistance for students at every grade level which is more flexible and tailored to individual needs and learning styles; (2) to focus the state's resources on academic success and prevention of academic problems; (3) to establish the expectation that by providing extra assistance and learning time that enables young students to attain essential skills and success all children will be prepared for the fourth grade and all students will graduate from high school with their peers; (4) to promote the advancement of developmentally appropriate curriculum and coordinated programs from preschool through grade three which are supportive of the curriculum for grades four through twelve; and (5) to allow districts and schools greater flexibility in providing targeted, coordinated programs of student assistance.	N	N
1,049	SECTION 59 139 10	State	Statute	Districts and schools to design plan; what plan must include; early childhood development initiative; academic assistance initiative; staff training; goals; progress review; school improvement council input; peer review; requests for funds. (A) The State Board of Education, through the Department of Education and in consultation with the Education Oversight Committee, shall develop and implement regulations requiring that beginning in school year 1993 94 and by school year 1994 95, each school district, in coordination with its schools, and each school in the district shall design a comprehensive, long range plan with annual updates to carry out the purposes of this chapter. To that end, the plans shall: (1) establish an early childhood initiative which integrates the planning and direction of the half day program for four year olds established in Section 59 5 65, the parenting program established in Section 59 1 450, the early childhood assistance program established in Section 59 139 20, school practices in kindergarten through grade three, and any other federal, state, or district programs for preschool children in the district in order to better focus on the needs of this student population; (2) develop an academic assistance initiative to support students with academic difficulties in grades four through twelve so they are able to progress academically and move through school with their peers; and (3) provide staff training, upon appropriation of funds by the General Assembly for this purpose, to prepare and train teachers and administrators in the teaching techniques and strategies needed to implement the district and school plan. (B) The State Board of Education, through the Department of Education, shall establish criteria by regulation for the comprehensive plan and the annual updates to be prepared by each district and school so that the plans address, but are not limited to, the interrelationship of the various components of the early child development initiative and the academic assistance initiative, strategies to be implemented for expanding and improving early child development activities, plans for accelerating the performance of students performing below their peers, methods of assessing the efficacy of these strategies, and the coordination of the strategies with federally funded programs. However, in every instance, district and	Y	Y
1,050	SECTION 59 139 11	State	Statute	Use of SACS Plan by Southern Association of Colleges and Schools accredited institutions. A school accredited by the Southern Association of Colleges and Schools (SACS) may substitute the SACS five year plan and annual updates for the comprehensive plan and updates required by Section 59 139 10(B), provided that all requirements for information and evaluation and the participation requirements for the community and School Improvement Council are met as mandated in Chapters 18 and 139 of Title 59. Beginning with 2001, with approval by the State Board of Education, a school district may request to have its combined strategic plan/accountability system cycle required by Chapters 18 and 139 adjusted to coincide with its schools' SACS review.	N	N
1,051	SECTION 59 139 15	State	Statute	Extension of completion dates of certain long range, comprehensive plans. Notwithstanding any other provision of law, the stipulated completion dates of the long range, comprehensive plans required by Chapter 139 of Title 59 of the 1976 Code may be extended until the end of school year 1994 95 upon approval from the State Board of Education. Districts requesting such a waiver must outline how the extension will improve the planning and implementation of Act 135 of 1993 and provide the expected date of completion. Before implementation of the plans, the plans must be submitted to the State Department of Education to be subjected to the peer review process; districts wishing to submit their plans before the required or expected completion date may do so. For 1994 95 schools and districts shall implement strategies for academic assistance to students experiencing difficulties in kindergarten through grade twelve. For school year 1993 94, schools may submit either the improvement plans consistent with state department guidelines or its five year plan.	N	N

1,052	SECTION 59 139 20	State	Statute	Appropriations for academic assistance initiative; uses of funds; matching of weighted pupil units. Beginning in fiscal year 1994 95 in the annual general appropriations act, the General Assembly shall determine an appropriation level for the academic assistance initiative. The State Board of Education through the Department of Education shall promulgate regulations to implement a system to provide a pro rata matching of the weighted pupil units pursuant to Section 59 20 40 to the pupils in the districts of the State as follows: (1) early childhood assistance for students in kindergarten through grade three who are eligible for the federal free and reduced price lunch program at a weight of .26; (2) grade four through twelve academic assistance for students in these grades who score below minimum basic skills act standards in reading, mathematics, or writing, or their equivalent, at a weight of .114. Funds generated by kindergarten through grade three students must be used by the districts and schools to provide to any student in these grades needed academic assistance. The assistance may be for short, intensive periods or for longer, on going assistance as needed by each student. Based upon the district and school plans provided for in Section 59 139 10, a portion of these funds may be used to support other components of the early child development initiative in order to better prepare children for entering school. Further, districts may request a waiver from the State Board of Education to use a portion of the funds generated by students in kindergarten through grade three for students in grades four through twelve, if such a change promotes better coordination of state and federal funds provided for programs for these children. Funds generated by students in grades four through twelve must be used to provide any student with needed academic assistance with an emphasis on assistance at the time of need and on accelerating the progress of students performing below their peers. The assistance may be for short, intensive periods or for longer, on going assistance as needed by the student. Enhanced opportunities for learning must be emphasized. In reviewing the districts' plans, provided for in Section 59 139 10, the State Board of	Y	Y
1,053	SECTION 59 139 30	State	Statute	Formula for allocating funds. For fiscal year 1993 94, funds must be allocated to districts on the same percentage as they received funds for the Compensatory and Remedial Programs for 1992 93. By January 1, 1995, the Joint Legislative Committee to Study Formula Funding in Education Programs shall review and approve the allocation formula.	N	N
1,054	SECTION 59 139 40	State	Statute	Development of criteria for monitoring district and school plans and implementation. By December, 1993, the State Board of Education, through the Department of Education and in consultation with the Education Oversight Committee, shall develop criteria for the monitoring of the district and school plans and the implementation of the plans required in this chapter.	Y	Y
1,055	SECTION 59 139 50	State	Statute	Development of plan for providing technical assistance to districts in designing and implementing plans. By September, 1993, the Department of Education, in consultation with the State Board of Education and the Education Oversight Committee, shall develop a written plan outlining the process for providing technical assistance to districts in designing their overall plans and implementing those plans, including compiling and disseminating research on effective practice and contracting with recognized groups for providing expertise to the districts and schools in the areas addressed by this chapter.	Y	Y
1,056	SECTION 59 139 60	State	Statute	Evaluating fulfillment of purposes of chapter; assessments of students, schools, and districts; sharing of results. The State Board of Education, through the State Department of Education and in consultation with the Education Oversight Committee, shall establish an assessment system to evaluate the degree to which the purposes of this chapter are met. To that end, the State Board of Education, through the Department of Education shall: (1) develop or adapt a developmentally appropriate assessment program to be administered to all public school students by the end of grade three that is designed to measure a student's strengths and weaknesses in skills required to perform academic work considered to be at the fourth grade level. Information on each student's progress and on areas in need of improvement must be provided to the student's parent and fourth grade teacher. Aggregated information on student progress must be given to the students' kindergarten through third grade schools so that deficiencies in the schools' academic programs can be addressed; (2) review the performance of students on the eighth grade basic skills assessment test pursuant to Section 59 30 10, or its equivalent, for progress in meeting the skill levels required by these examinations. Student data must be aggregated by the schools the students attended so that programs' deficiencies can be addressed; (3) review the data on students overage for grade in each school at grades four and nine; (4) monitor the performance of schools and districts so that continuing weaknesses in the programs preparing students for the fourth grade and ninth grade shall receive special assistance from the Department of Education; and (5) propose other methods or measures for assessing how well the purposes of this chapter are met.	Y	Y

1,057	SECTION 59 139 70	State	Statute	Half day program for four year olds to be maintained. The half day program for four year old children established in Section 59 19 340, must be maintained at no less than the 1993 94 level in each school district as funded by the General Assembly.	N	N
1,058	SECTION 59 139 80	State	Statute	Targeted technical assistance if goals and time lines are not met; assistance if progress lacking after two years. If a review of a district's comprehensive plan indicates the goals and time lines established by the district are not being met, the Department of Education, after consultation with the district's administration, shall provide targeted technical assistance. If after two consecutive years, the district is not making progress toward achieving its goals, the State Board of Education, through the State Department of Education, shall enter into a partnership with the district board of trustees to review implementation of the district's comprehensive plan, make recommendations for improvement, and provide assistance in implementing the recommendations.	Y	Y
1,059	SECTION 59 139 90	State	Statute	Strategic plans to include goals and objectives for parent involvement. The school and district strategic plans required in Section 59 139 10 must include the stated goals and objectives for parent involvement and the methods used for data collection to support statewide evaluation of parent involvement efforts.	N	N
1,060	SECTION 59 141 10	State	Statute	National education goals. (A) The State Department of Education shall formulate an implementation plan to accomplish the following national education goals as applicable to South Carolina, which are: (1) By the year 2000, all children in America will start school ready to learn. (2) By the year 2000, the high school graduation rate will increase to at least ninety percent. (3) By the year 2000, American students will leave grades four, eight, and twelve having demonstrated competency over challenging subject matter including English, mathematics, science, history, and geography, and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy. The South Carolina goals also include the areas of foreign languages, health and physical education, arts and humanities, and occupational education as part of this goal. (4) By the year 2000, U.S. students will be first in the world in science and mathematics achievement. (5) By the year 2000, every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship. (6) By the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive of learning. The Department of Education, building upon the South Carolina Total Quality Education Framework for Change and the South Carolina Goals Panel Report shall formulate this plan, which must focus on equity, productivity, and interagency collaboration to meet the National Goals by the year 2000. The plan at a minimum shall address: (a) a review of the Education Finance Act and a Defined Maximum Program; (b) a review of the Education Improvement Act and Target 2000; (c) an alignment of the plan with the national goals; (d) an identification of sources and reallocation of funds and revenue; (e) accountability measures for state agencies, local school districts, and local communities;	Y	Y
1,061	SECTION 59 144 10	State	Statute	Use of Children's Education Endowment Fund. Funds available from the Children's Education Endowment Fund, as established in Chapter 143 of this title, must be used for public school facilities assistance as provided in this chapter.	N	N
1,062	SECTION 59 144 20	State	Statute	Legislative purpose. For the benefit of the people of the State and the increase of their commerce, welfare, and prosperity, it is essential that the school districts of this State be assisted in obtaining adequate school facilities to assist youth in achieving the required levels of learning. It is the purpose of this chapter to provide a measure of assistance to the school districts of this State in securing the facilities and structures which are needed to accomplish the goals and purposes of public education, all to the public benefit and good, to the extent and manner provided in this chapter.	N	N

1,063	SECTION 59 144 30	State	Statute	Funds for permanent school facilities and fixed equipment. Funds made available through this chapter must be used for permanent school instructional facilities and fixed equipment including the costs for construction, improvement, enlargement, or renovation of public school facilities. The district may use its fiscal year 1996 97 allocation for payment of debt service provided that the debt service relates to school facilities as defined herein. In subsequent years, after all construction and renovation needs identified in a district's school facilities improvement plan have been met, the district may request to use its allocation for payment of debt service provided the debt service relates to school facilities as defined herein. As used in this chapter, "school facilities" only includes facilities necessary for instructional and related purposes including, but not limited to, classrooms, libraries, media centers, laboratories, cafeterias, physical education spaces, related interior and exterior facilities, and the conduit, wiring, and powering of hardware installations for classroom computers or for area network systems. "School facilities" does not include unimproved real property, centralized district administration facilities, portable classrooms, or other facilities, including those normally identified with interscholastic sports activities. However, for fiscal year 1996 97 only, "school facilities" includes portable classrooms. As used in this chapter, fixed equipment means a fixture as defined in Section 36 9 313(1)(a).	N	N
1,064	SECTION 59 144 40	State	Statute	Accumulation of annual allotments. From annual allotments made to the various districts, a school district may accumulate its allotments for up to seventy two months to meet the facilities' needs identified in its capital improvement plan.	N	N
1,065	SECTION 59 144 100	State	Statute	Allocation of funds to school districts. (A) Funds made available under this chapter must be allocated annually to the school districts in the following manner: (1) thirty five percent of the funds allocated annually to the several school districts for facilities' needs must be allocated on a per pupil basis using the weighted pupil units of each district for the preceding year; (2) thirty five percent must be allocated according to the preceding year's Education Finance Act (EFA) formula; (3) fifteen percent of the funds allocated annually to the several school districts for facilities' needs must be distributed based on a standardized assessment of the districts' needs for facilities using a uniform estimate of costs as established in Section 59 144 120. Individual district allotments must be based on the district facilities need relative to the state total facilities need; (4) fifteen percent of the funds allocated annually to the school districts must be distributed based on equalized effort defined as the prior five years' average expenditures for capital projects and debt service, including lease purchase obligations, for school instructional facilities divided by the average assessed value of all property subject to ad valorem school taxation and adjusted to reflect an equalized per pupil mill value. Individual district allotments must be based on a district's equalized effort relative to the state total equalized effort. The amount included for lease purchase obligations shall not include the costs of utilities or operation and maintenance of the leased facility; (5) a district's annual allotment must be the sum of the four amounts calculated as provided in this section. Funds from a district's allotment shall be made available as needed once approval is received from the State Board of Education pursuant to Chapter 23 of this title. (B) The Department of Juvenile Justice, the Wil Lou Gray Opportunity School, the John de la Howe School, and the South Carolina School for the Deaf and the Blind also shall be annually allocated funds from the Children's Education Endowment Fund for facilities' needs on a per pupil basis using weighted pupil units	N	N
1,066	SECTION 59 144 120	State	Statute	State Board of Education responsibilities. The State Board of Education responsibilities in regard to this chapter include: (1) developing policies, guidelines, and standards for a uniform assessment of facilities' needs and standardized cost allowances for estimating the cost in meeting these needs in order to provide for a systematic reporting of each district's needs to be used in calculating the allotment of funds under Section 59 144 100. Any standardized cost allowances must take into account regional variances that are beyond the control of individual districts. Facilities' needs include, but are not limited to, facility need capacity and condition, space requirements, program standards, and pupil growth. Costs allowances shall be developed to include such measures as costs per square foot, costs per pupil, or costs per teaching unit with such costs adjusted annually to reflect changes in the cost of labor and materials. These standards and cost allowances are to be used only for providing a uniform reporting of districts' needs for formula allotment purposes and are not intended to limit district options in determining the most appropriate manner in which to meet individual district needs; and (2) adopting policies, standards, and regulations to ensure the accuracy of district reporting required under this chapter and the use of funds disbursed under this chapter.	Y	Y
1,067	SECTION 59 144 130	State	Statute	Report to General Assembly. Every three years by December first beginning with the year 1998, the State Board of Education shall report to the General Assembly the projected five year school facilities improvement requirements reported by the school districts, the needs identified since the last report, and those previously identified needs addressed since the last report.	Y	Y

1,068	SECTION 59 144 140	State	Statute	Department of Education responsibilities. The Department of Education’s responsibilities shall include: (1) providing staffing assistance to the State Board of Education in the development of policies, guidelines, standards, and regulations implementing this chapter; and (2) ensuring compliance with state standards and requirements, inspecting construction projects for education facilities, and approving completed construction pursuant to Chapter 23 of this title for projects financed in whole or in part with funds allocated under this chapter. To assist with the inspection of construction projects, the State Board of Education may designate selected local units of administration which have staff qualified to conduct the inspections to act on behalf of the Department of Education.	Y	Y
1,069	SECTION 59 144 150	State	Statute	Qualification for funds. To qualify for funds under this chapter, each school district shall meet the provisions of this chapter and any regulations promulgated hereunder. Funds must be withheld from districts when inappropriate reporting of facilities’ needs is found or when inappropriate use of funds is documented.	N	N
1,070	SECTION 59 144 160	State	Statute	Recommendations to General Assembly. By December 1, 1998, the State Board of Education shall recommend to the General Assembly changes to be made to this chapter regarding program objectives, appropriate funding levels, and funding allotment formulas.	Y	Y
1,071	SECTION 59 146 10	State	Statute	Short title. This chapter may be cited as the “State School Facilities Bond Act”.	N	N
1,072	SECTION 59 146 20	State	Statute	Purpose of chapter to assist school districts to provide educational facilities. It is declared that, for the benefit of the people of the State, the increase of their commerce, welfare, and prosperity, and the improvement of their health and living conditions, it is essential that this and future generations of youth be given the full opportunity to learn and to develop their intellectual and mental capacities; that it is essential that school districts of this State be provided with adequate educational facilities and appropriate additional means to assist the youth in achieving the required levels of learning and development of their intellectual and mental capacities; and that it is the purpose of this chapter to provide a measure of assistance to enable school districts in this State to provide the facilities and structures which are needed to accomplish the purposes of this chapter, all to the public benefit and good, to the extent and manner provided in this chapter.	N	N
1,073	SECTION 59 146 30	State	Statute	Definitions. As used in this chapter: (1) “Department” means the State Department of Education. (2) “School district” means a public body corporate and politic operating as a school district under the provisions of Chapter 17, Title 59. (3) “School facilities” means only those facilities defined as ‘school facilities’ in Section 59 144 30. (4) “State board” means the State Board of Education. (5) “State school facilities bonds” means general obligation bonds of the State of South Carolina issued under the authority of this chapter.	N	N
1,074	SECTION 59 146 40	State	Statute	School facilities bonds. In order to obtain funds for allocation to school districts for school facilities, there shall be issued from time to time state school facilities bonds under the conditions prescribed by this chapter.	N	N
1,075	SECTION 59 146 50	State	Statute	Maximum principal amount of state school facilities bonds; expiration of authority to issue bonds. The maximum principal amount of state school facilities bonds that may be issued pursuant to this chapter shall not exceed seven hundred fifty million dollars except that this limitation shall not apply to any state school facilities bonds issued for the purpose of refunding prior issues of state school facilities bonds. The General Assembly directs the Department of Education to allocate seven hundred fifty million dollars pursuant to Section 59 144 100 and to inform each school district of its individual allocation. Further, it is the intent of the General Assembly that not more than two hundred fifty million dollars of state school facilities bonds shall be issued in fiscal year 1999 2000, except that no bonds issued in fiscal year 1999 2000 may be released until after January 1, 2000. The authority to issue bonds under this chapter shall expire four years from the effective date of this chapter. The four year limitation, however, does not apply to bonds issued to retire bond anticipation notes.	Y	Y

1,076	SECTION 59 146 60	State	Statute	State Board of Education notification to State Budget and Control Board. The State Board of Education, by resolution, shall notify the State Budget and Control Board of the following: (1) the amount then required for allocation to local school districts for school facilities for the next fiscal year; (2) a tentative time schedule setting forth the period of time during which the sum requested will be expended; (3) a debt service table showing the annual principal and interest requirements for all state school facilities bonds then outstanding; and (4) the total amount of all state school facilities bonds issued. This notification shall be presented to the Budget and Control Board by March first of each year.	Y	Y
1,077	SECTION 59 146 70	State	Statute	Issuance of state school facilities bonds by State Budget and Control Board. Following the receipt of the notification presented pursuant to Section 59 146 60, the State Budget and Control Board shall, by resolution duly adopted, effect the issuance of state school facilities bonds, or pending the issuance thereof, effect the issuance of bond anticipation notes pursuant to Chapter 17 of Title 11.	N	N
1,078	SECTION 59 146 80	State	Statute	Resolution by State Budget and Facilities Board for issuance of state school facilities bonds. In order to effect the issuance of state school facilities bonds, the State Budget and Control Board shall adopt a resolution providing for the issuance of state school facilities bonds pursuant to the provisions of this chapter. The authorizing resolution must include: (1) schedules setting forth the aggregate of all general obligation debt of the State (excluding highway bonds, state institution bonds, tax anticipation notes, and bond anticipation notes) together with certificates of the State Treasurer and State Auditor evidencing compliance with the provisions of paragraph 6(c) of Section 13 of Article X of the South Carolina Constitution; (2) a schedule showing the aggregate of state school facilities bonds issued, the purposes for which they were issued, the annual payments required to retire the state school facilities bonds, the interest thereon, and the amount of any special funds applicable to the retirement of the outstanding state school facilities bonds; (3) the amount of state school facilities bonds to be issued; and (4) a schedule showing future annual principal requirements and estimated annual interest requirements on the state school facilities bonds to be issued.	N	N
1,079	SECTION 59 146 90	State	Statute	Terms of state school facilities bonds. The state school facilities bonds must bear the date and mature at the time that the resolution provides, except that no state school facilities bond may mature more than thirty years from its date of issue. The state school facilities bonds may be in the denominations, be payable in the medium of payment, be payable at the place and at the time, and be subject to redemption or repurchase and contain other provisions determined by the State Budget and Control Board before their issuance. The bonds may bear interest payable at the times and at the rates as determined by the State Budget and Control Board.	N	N
1,080	SECTION 59 146 100	State	Statute	Tax exemption of state school facilities bonds. All state school facilities bonds issued under this chapter are exempt from taxation as provided in Section 12 2 50.	N	N
1,081	SECTION 59 146 110	State	Statute	Execution and authentication of state school facilities bonds. All state school facilities bonds issued under this chapter must be signed by the Governor and the State Treasurer. The Governor and the State Treasurer may sign these obligations by a facsimile of their signatures. The Great Seal of the State must be affixed to, impressed on, or reproduced upon each of them and each must be attested by the Secretary of State. The delivery of the state school facilities bonds executed and authenticated is valid notwithstanding changes in officers or seal occurring after the execution or authentication.	N	N
1,082	SECTION 59 146 120	State	Statute	Payment of principal and interest. For the payment of the principal and interest on all state school facilities bonds issued and outstanding pursuant to this chapter there is pledged the full faith, credit, and taxing power of the State of South Carolina, and in accordance with the provisions of paragraph (4) of Section 13 of Article X of the South Carolina Constitution, the General Assembly hereby allocates on an annual basis sufficient tax revenues to provide for the punctual payment of the principal and interest on the debt authorized by this chapter.	N	N

1,083	SECTION 59 146 130	State	Statute	Sale of state school facilities bonds. State school facilities bonds must be sold by the Governor and the State Treasurer upon sealed proposals, after publication of notice of the sale one or more times at least seven days before the sale, in a financial paper published in New York City which regularly publishes notices of sale of state or municipal bonds. The state school facilities bonds may be awarded only to the lowest interest cost bidder, but the right is reserved to reject all bids and to readvertise the state school facilities bonds for sale. For the purpose of bringing about successful sales of the bonds, the State Budget and Control Board may do all things ordinarily and customarily done in connection with the sale of state or municipal bonds. All expenses incident to the sale of the bonds must be paid from the proceeds of the sale of the bonds.	N	N
1,084	SECTION 59 146 140	State	Statute	Proceeds of sale of state school facilities bonds. The proceeds of the sale of state school facilities bonds must be received by the State Treasurer and applied by the State Treasurer to the purposes for which issued, except that the accrued interest, if any, must be used to discharge in part the first interest to become due on the bonds, but the purchasers of the bonds are not liable for the proper application of the proceeds to the purposes for which they are intended.	N	N
1,085	SECTION 59 146 150	State	Statute	Investment in state school facilities bonds by fiduciaries. It is lawful for all executors, administrators, guardians, and other fiduciaries to invest any monies in their hands in bonds issued pursuant to this chapter.	N	N
1,086	SECTION 59 146 160	State	Statute	Allocation of proceeds of sale of state school facilities bonds. The proceeds received from the issuance of state school facilities bonds, after deducting the costs of issuance, must be allocated to the school districts in the same manner and for the same purposes as provided in Section 59 144 100 and the first paragraph of Section 59 144 30.	N	N
1,087	SECTION 59 146 170	State	Statute	Responsibilities and duties of State Department of Education and State Board of Education. The responsibilities and duties of the State Department of Education and State Board of Education shall be as outlined in Sections 59 144 120, 59 144 130, and 59 144 140.	N	N
1,088	SECTION 59 146 180	State	Statute	Qualification of school districts for funds. To qualify for the funds under this chapter, each school district shall meet the requirements of this chapter and any guidelines promulgated hereunder. Funds must be withheld from districts when inappropriate reporting of facilities' needs is found or when inappropriate use of funds is documented.	Y	N
1,089	SECTION 59 155 110	State	Statute	South Carolina Read to Succeed Office. There is established within the South Carolina Department of Education the South Carolina Read to Succeed Office to implement a comprehensive, systemic approach to reading which will ensure that: (1) classroom teachers use evidence based reading instruction in prekindergarten through grade twelve, to include oral language, phonological awareness, phonics, fluency, vocabulary, and comprehension; administer and interpret valid and reliable assessments; analyze data to inform reading instruction; and provide evidence based interventions as needed so that all students develop proficiency with literacy skills and comprehension; (2) classroom teachers periodically reassess their curriculum and instruction to determine if they are helping each student progress as a proficient reader and make modifications as appropriate; (3) each student who cannot yet comprehend grade level text is identified and served as early as possible and at all stages of his or her educational process; (4) each student receives targeted, effective, comprehension support from the classroom teacher and, if needed, supplemental support from a reading interventionist so that ultimately all students can comprehend grade level texts; (5) each student and his parent or guardian is continuously informed in writing of: (a) the student's reading proficiency needs, progress, and ability to comprehend and write grade level texts; (b) specific actions the classroom teacher and other reading professionals have taken and will take to help the student comprehend and write grade level texts; and (c) specific actions that the parent or guardian can take to help the student comprehend grade level texts by providing access to books, assuring time for the student to read independently, reading to students, and talking with the student about books; (6) classroom teachers receive pre service and in service coursework which prepares them to help all students comprehend grade level texts;	Y	Y

1,090	SECTION 59 155 120	State	Statute	Definitions. As used in this chapter: (1) “Board” means the State Board of Education. (2) “Department” means the State Department of Education. (3) “Discipline specific literacy” means the ability to read, write, listen, and speak across various disciplines and content areas including, but not limited to, English/language arts, science, mathematics, social studies, physical education, health, the arts, and career and technology education. (4) “Readiness assessment” means assessments used to analyze students’ literacy, mathematical, physical, social, and emotional behavioral competencies in prekindergarten or kindergarten. (5) “Reading interventions” means individual or group assistance in the classroom and supplemental support based on curricular and instructional decisions made by classroom teachers who have proven effectiveness in teaching reading and an add on literacy endorsement or reading/literacy coaches who meet the minimum qualifications established in guidelines published by the Department of Education. (6) “Reading portfolio” means an organized collection of evidence and assessments documenting that the student has demonstrated mastery of the state standards in reading equal to at least a level above the lowest achievement level on the state reading assessment. (7) “Reading proficiency” means the ability of students to meet state reading standards in kindergarten through grade twelve, demonstrated by readiness, formative, or summative assessments. (8) “Reading proficiency skills” means the ability to understand how written language works at the word, sentence, paragraph, and text level and mastery of the skills, strategies, and oral and written language needed to comprehend grade level texts. (9) “Research based formative assessment” means assessments used within the school year to analyze strengths and weaknesses in reading comprehension of students individually to adapt instruction to meet student needs, make decisions about appropriate intervention services, and inform placement and instructional planning for the next grade level.	N	N
1,091	SECTION 59 155 130	State	Statute	Duties of Office. The Read to Succeed Office must guide and support districts and collaborate with university teacher training programs to increase reading proficiency through the following functions, including, but not limited to: (1) providing professional development to teachers, school principals, and other administrative staff on reading and writing instruction and reading assessment that informs instruction; (2) providing professional development to teachers, school principals, and other administrative staff on reading and writing in content areas; (3) working collaboratively with institutions of higher learning offering courses in reading and writing and those institutions of higher education offering accredited master’s degrees in reading literacy to design coursework leading to a literacy teacher add on endorsement by the State; (4) providing professional development in reading and coaching for already certified reading/literacy coaches and literacy teachers; (5) developing information and resources that school districts can use to provide workshops for parents about how they can support their children as readers and writers; (6) assisting school districts in the development and implementation of their district reading proficiency plans for research based reading instruction programs and assisting each of their schools to develop its own implementation plan aligned with the district and state plans; (7) annually designing content and questions for and review and approve the reading proficiency plan of each district; (8) monitor and report to the State Board of Education the yearly success rate of summer reading camps. Districts must provide statistical data to include the: (a) number of students enrolled in camps; (b) number of students by grade level who successfully complete the camps; (c) number of third graders promoted to fourth grade;	Y	Y

1,092	SECTION 59 155 140	State	Statute	State Reading Proficiency Plan. (A)(1) The department, with approval by the State Board of Education, shall develop, implement, evaluate, and continuously refine a comprehensive state plan to improve reading achievement in public schools. The State Reading Proficiency Plan must be approved by the board by June 15, 2015, and must include, but not be limited to, sections addressing the following components: (a) reading process; (b) professional development to increase teacher reading expertise; (c) professional development to increase reading expertise and literacy leadership of principals and assistant principals; (d) reading instruction; (e) reading assessment; (f) discipline specific literacy; (g) writing; (h) support for struggling readers; (i) early childhood interventions; (j) family support of literacy development; (k) district guidance and support for reading proficiency; (l) state guidance and support for reading proficiency; (m) accountability; and (n) urgency to improve reading proficiency. (2) The state plan must be based on reading research and proven effective practices, applied to the conditions prevailing in reading literacy education in this State, with special emphasis on addressing instructional and institutional deficiencies that can be remedied through faithful implementation of research based practices. The plan must provide standards, format, and guidance for districts to use to develop and annually update their plans, as well as to present and explain the research based rationale for	Y	Y
1,093	SECTION 59 155 150	State	Statute	Readiness assessment. (A) With the enactment of this chapter, the State Superintendent of Education shall ensure that every student entering publically funded prekindergarten and kindergarten beginning in Fiscal Year 2014 2015 will be administered a readiness assessment by the forty fifth day of the school year. Initially the assessment shall focus on early language and literacy development. Beginning in Fiscal Year 2016 2017, the assessment must assess each child's early language and literacy development, mathematical thinking, physical well being, and social emotional development. The assessment may include multiple assessments, all of which must be approved by the board. The approved assessments of academic readiness must be aligned with first and second grade standards for English/language arts and mathematics. The purpose of the assessment is to provide teachers and parents or guardians with information to address the readiness needs of each student, especially by identifying language, cognitive, social, emotional, health problems, and concerning appropriate instruction for each child. The results of the assessment and the developmental intervention strategies recommended to address the child's identified needs must be provided, in writing, to the parent or guardian. Reading instructional strategies and developmental activities for children whose oral language skills are assessed to be below the norm of their peers in the State must be aligned with the district's reading proficiency plan for addressing the readiness needs of each student. The results of each assessment also must be reported to the Read to Succeed Office. (B) Any student enrolled in prekindergarten, kindergarten, first grade, second grade, or third grade who is substantially not demonstrating proficiency in reading, based upon formal diagnostic assessments or through teacher observations, must be provided intensive in class and supplemental reading intervention immediately upon determination. The intensive interventions must be provided as individualized and small group assistance based on the analysis of assessment data. All sustained interventions must be aligned with the district's reading proficiency plan. These interventions must be at least thirty minutes in duration and be in addition to ninety minutes of daily reading and writing instruction provided to all	Y	Y

1,094	SECTION 59 155 160	State	Statute	Mandatory retention. (A) Beginning with the 2017 2018 School Year, a student must be retained in the third grade if the student fails to demonstrate reading proficiency at the end of the third grade as indicated by scoring at the lowest achievement level on the state summative reading assessment that equates to Not Met 1 on the Palmetto Assessment of State Standards (PASS). A student may be exempt for good cause from the mandatory retention but shall continue to receive instructional support and services and reading intervention appropriate for their age and reading level. Good cause exemptions include students: (1) with limited English proficiency and less than two years of instruction in English as a Second Language program; (2) with disabilities whose individual education plan indicates the use of alternative assessments or alternative reading interventions and students with disabilities whose Individual Education Plan or Section 504 Plan reflects that the student has received intensive remediation in reading for more than two years but still does not substantially demonstrate reading proficiency; (3) who demonstrate third grade reading proficiency on an alternative assessment approved by the board and which teachers may administer following the administration of the state assessment of reading; (4) who have received two years of reading intervention and were previously retained; (5) who through a reading portfolio document, the student's mastery of the state standards in reading equal to at least a level above the lowest achievement level on the state reading assessment. Such evidence must be an organized collection of the student's mastery of the state English/language arts standards that are assessed by the grade three state reading assessment. The Read to Succeed Office shall develop the assessment tool for the student portfolio; however, the student portfolio must meet the following minimum criteria: (a) be selected by the student's English/language arts teacher or summer reading camp instructor; (b) be an accurate picture of the student's ability and only include student work that has been independently produced in the classroom;	N	N
1,095	SECTION 59 155 170	State	Statute	Reading comprehension of print and nonprint texts authentic to content area. (A) To help students develop and apply their reading and writing skills across the school day in all the academic disciplines, including, but not limited to, English/language arts, mathematics, science, social studies, the arts, career and technology education, and physical and health education, teachers of these content areas at all grade levels must focus on helping students comprehend print and nonprint texts authentic to the content area. The Read to Succeed Program is intended to institutionalize in the public schools a comprehensive system to promote high achievement in the content areas described in this chapter through extensive reading and writing. Research based practices must be employed to promote comprehension skills through, but not limited to: (1) vocabulary; (2) connotation of words; (3) connotations of words in context with adjoining or prior text; (4) concepts from prior text; (5) personal background knowledge; (6) ability to interpret meaning through sentence structure features; (7) questioning; (8) visualization; and (9) discussion of text with peers. (B) These practices must be mastered by teachers through high quality training and addressed through well designed and effectively executed assessment and instruction implemented with fidelity to research based instructional practices presented in the state, district, and school reading plans. All teachers, administrators, and support staff must be trained adequately in reading comprehension in order to perform effectively their roles enabling each student to become proficient in content area reading and writing. (C) During Fiscal Year 2014 2015, the Read to Succeed Office shall establish a set of essential	Y	Y

1,096	SECTION 59 155 180	State	Statute	Pre service and in service teacher education programs. (A) As a student progresses through school, reading comprehension in content areas such as science, mathematics, social studies, English/language arts, career and technology education, and the arts is critical to the student’s academic success. Therefore, to improve the academic success of all students in prekindergarten through grade twelve, the State shall strengthen its pre service and in service teacher education programs. (B)(1) Beginning with students entering a teacher education program in the fall semester of the 2016 2017 School Year, all pre service teacher education programs including MAT degree programs must require all candidates seeking certification at the early childhood or elementary level to complete a twelve credit hour sequence in literacy that includes a school based practicum and ensures that candidates grasp the theory, research, and practices that support and guide the teaching of reading. The six components of the reading process that are comprehension, oral language, phonological awareness, phonics, fluency, and vocabulary will provide the focus for this sequence to ensure that all teacher candidates are skilled in diagnosing a child’s reading problems and are capable of providing an effective intervention. All teacher preparation programs must be approved for licensure by the State Department of Education to ensure that all teacher education candidates possess the knowledge and skills to assist effectively all children in becoming proficient readers. The General Assembly is not mandating an increase in the number of credit hours required for teacher candidates, but is requiring that pre service teacher education programs prioritize their missions and resources so all early and elementary education teachers have the knowledge and skills to provide effective instruction in reading and numeracy to all students. (2) Beginning with students entering a teacher education program in the fall semester of the 2016 2017 School Year, all pre service teacher education programs, including MAT degree programs, must require all candidates seeking certification at the middle or secondary level to complete a six credit hour sequence in literacy that includes a course in the foundations of literacy and a course in content area reading. All middle and secondary teacher preparation programs must be approved by the department to ensure that	N	N
1,097	SECTION 59 155 190	State	Statute	Local school districts. Local school districts are encouraged to create family school community partnerships that focus on increasing the volume of reading, in school and at home, during the year and at home and in the community over the summer. Schools and districts should partner with county libraries, community organizations, local arts organizations, faith based institutions, pediatric and family practice medical personnel, businesses, and other groups to provide volunteers, mentors, or tutors to assist with the provision of instructional supports, services, and books that enhance reading development and proficiency. A district shall include specific actions taken to accomplish the requirements of this section in its reading proficiency plan.	N	N
1,098	SECTION 59 155 200	State	Statute	Promotion of reading and writing habits and skills development. The Read to Succeed Office and each school district must plan for and act decisively to engage the families of students as full participating partners in promoting the reading and writing habits and skills development of their children. With support from the Read to Succeed Office, districts and individual schools shall provide families with information about how children progress as readers and writers and how they can support this progress. This family support must include providing time for their child to read, as well as reading to the child. To ensure that all families have access to a considerable number and diverse range of books appealing to their children, schools should develop plans for enhancing home libraries and for accessing books from county libraries and school libraries and to inform families about their child’s ability to comprehend grade level texts and how to interpret information about reading that is sent home. The districts and schools shall help families learn about reading and writing through open houses, South Carolina Educational Television, video and audio tapes, websites, and school family events and collaborations that help link the home and school of the student. The information should enable family members to understand the reading and writing skills required for graduation and essential for success in a career. Each institution of higher learning may operate a year round program similar to a summer reading camp to assist students not reading at grade level.	Y	Y
1,099	SECTION 59 155 210	State	Statute	Standards, practices, and procedures. The board and department shall translate the statutory requirements for reading and writing specified in this chapter into standards, practices, and procedures for school districts, boards, and their employees and for other organizations as appropriate. In this effort, they shall solicit the advice of education stakeholders who have a deep understanding of reading, as well as school boards, administrators, and others who play key roles in facilitating support for and implementation of effective reading instruction.	Y	Y

1,100	SECTION 59 156 110	State	Statute	South Carolina Child Early Reading Development and Education Program. There is created the South Carolina Child Early Reading Development and Education Program which is a full day, four year old kindergarten program for at risk children which must be made available to qualified children in all public school districts within the State. The program must focus on: (1) a comprehensive, systemic approach to reading that follows the State Reading Proficiency Plan and the district's comprehensive annual reading proficiency plan, both adopted pursuant to Chapter 155, Title 59; (2) successfully completing the readiness assessment administered pursuant to Section 59 155 150; (3) the developmental and learning support that children must have in order to be ready for school; (4) incorporating parenting education, including educating the parents as to methods that may assist the child pursuant to Section 59 155 110, 59 155 130, and 59 155 140; and (5) identifying community and civic organizations that can support early literacy efforts.	Y	N
1,101	SECTION 59 156 120	State	Statute	Trial districts. (A)(1) The South Carolina Child Early Reading Development and Education Program first must be made available to eligible children from the following eight trial districts in Abbeville County School District et al vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3. (2) With any funds remaining after funding the eight trial districts, the program must be expanded to the remaining plaintiff school districts in Abbeville County School District et al vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of ninety percent or greater. Priority must be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006 2007 School Year, then in the plaintiff districts having proportionally the largest population of underserved at risk four year old children. (3) With any funds remaining after funding the school districts delineated in items (1) and (2), the program must be expanded statewide. The General Assembly, in the annual general appropriations bill, shall set forth the priority schedule, the funding, and the manner in which the program is expanded. (B) Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers, especially reading barriers, may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.	Y	Y
1,102	SECTION 59 156 130	State	Statute	Eligibility for enrollment in program. (A) Each child residing in the program's district, who has attained the age of four years on or before September first of the school year and meets the at risk criteria, is eligible for enrollment in the South Carolina Child Early Reading Development and Education Program for one year. (B)(1) The parent of each eligible child may enroll the child in one of the following programs: (a) a school year four year old kindergarten program delivered by an approved public provider; or (b) a school year four year old kindergarten program delivered by an approved private provider. (2) The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and documentation of the student's eligibility as evidenced by family income documentation showing an annual family income of one hundred eighty five percent or less of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services or a statement of Medicaid eligibility. (3) In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of six and one half hours of instructional time daily and operates for a period of not less than one hundred eighty days a year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program. (C)(1) No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this chapter. Nothing in this chapter prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs. (2) If by October first of the school year at least seventy five percent of the total number of children eligible for the Child Early Reading Development and Education Program in a district or county are projected to be enrolled in that program, Head Start, or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, Child Early Reading Development and Education	N	N

1,103	SECTION 59 156 140	State	Statute	Application for school providers. (A) Public school providers participating in the South Carolina Child Early Reading Development and Education Program must submit an application to the Department of Education. Private providers participating in the South Carolina Child Early Reading Development and Education Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this section, and will comply with all reporting and assessment requirements. (B) Providers shall: (1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services; (2) comply with all state and local health and safety laws and codes; (3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children; (4) be accountable for meeting the educational needs of the child and report at least quarterly to the parent or guardian on his progress; (5) comply with all program, reporting, and assessment criteria required of providers; (6) maintain individual student records for each child enrolled in the program, including, but not limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences; (7) designate whether extended day services will be offered to the parents and guardians of children participating in the program; (8) be approved, registered, or licensed by the Department of Social Services; and (9) comply with all state and federal laws and requirements specific to program providers. (C) Providers may limit student enrollment based upon space available, but, if enrollment exceeds	N	N
1,104	SECTION 59 156 150	State	Statute	Duties of Department of Education, Read to Succeed Office, and Office of First Steps to School Readiness. The Department of Education, the Read to Succeed Office, and the Office of First Steps to School Readiness shall: (1) develop the provider application form; (2) develop the child enrollment application form; (3) develop a list of approved research based preschool curricula for use in the program based upon the South Carolina Content Standards, and provide training and technical assistance to support its effective use in approved classrooms serving children; (4) develop a list of approved prekindergarten readiness assessments to be used in conjunction with the program, and provide assessments and technical assistance to support assessment administration in approved classrooms serving children; (5) establish criteria for awarding new classroom equipping grants; (6) establish criteria for the parenting education program providers must offer; (7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications; (8) develop a list of data collection needs to be used in implementation and evaluation of the program; (9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements; (10) establish criteria for granting student retention waivers; and (11) establish criteria for granting classroom size requirements waivers.	Y	Y

1,105	SECTION 59 156 160	State	Statute	Providers to offer complete educational program. (A) Providers of the South Carolina Child Early Reading Development and Education Program shall offer a complete educational program in accordance with age appropriate instructional practice and a research based preschool curriculum aligned with school success. The program must focus on: (1) a comprehensive, systemic approach to reading that follows the State Reading Proficiency Plan and the district's comprehensive annual reading proficiency plan, both adopted pursuant to Chapter 155, Title 59; (2) successfully completing the readiness assessment administered pursuant to Section 59 155 150; (3) the developmental and learning support that children must have in order to be ready for school; (4) incorporating parenting education, including educating the parents as to methods that may assist the child pursuant to Section 59 155 110, 59 155 130, and 59 155 140, including strengthening parent involvement in the learning process with an emphasis on interactive literacy; and (5) identifying community and civic organizations that can support early literacy efforts. (B) Providers shall offer high quality, center based programs, including, but not limited to, the following: (1) employ a lead teacher with a two year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education for public schools or from the Office of First Steps to School Readiness for private centers; (2) employ an education assistant with pre service or in service training in early childhood education; (3) maintain classrooms with at least ten four year old children, but no more than twenty four year old children, with an adult to child ratio of 1:10. With classrooms having a minimum of ten children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case by case basis; (4) offer a full day, center based program with six and one half hours of instruction daily for one hundred eighty school days;	Y	Y
1,106	SECTION 59 156 170	State	Statute	Classroom requirements; lead teacher; education assistants. (A) Every classroom providing services to four year old children established pursuant to this chapter must have a qualified lead teacher and an education assistant as needed to maintain an adult to child ratio of 1:10. (B)(1) In classrooms in private centers, the lead teacher must have at least a two year degree in early childhood education or a related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. (2) In classrooms in public schools, the lead teacher must meet state requirements pertaining to certification. (C) All education assistants in private centers and public schools must have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The assistant must have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children five years old and younger. The providers must request this waiver in writing to First Steps or the Department of Education, as applicable, and provide appropriate documentation as to the qualifications of the teaching assistant.	N	N
1,107	SECTION 59 156 180	State	Statute	Professional development. The General Assembly recognizes there is a strong relationship between the skills and preparation of prekindergarten instructors and the educational outcomes of students. To improve these educational outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Early Reading Development and Education Program to participate annually in a minimum of fifteen hours of professional development, including, teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age appropriate progress of prekindergarten students in developing emergent literacy skills, including, but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.	N	N
1,108	SECTION 59 156 190	State	Statute	Eligibility for transportation funds. Both public and private providers are eligible for transportation funds for the transportation of children to and from school. Nothing in this section prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56 5 195. Providers must not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four year old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than one hundred eighty five dollars for each student may be retained by the Department of Education for the purposes of transporting four year old students. This amount annually must be increased by the same projected rate of inflation as determined by the Office of Research and Statistics of the Revenue and Fiscal Affairs Office for the Education Finance Act.	Y	N

1,109	SECTION 59 156 200	State	Statute	Duties of Office of First Steps to School Readiness to private providers. For all private providers approved to offer services pursuant to this chapter, the Office of First Steps to School Readiness shall: (1) serve as the fiscal agent; (2) verify student enrollment eligibility; (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children; (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers; (5) serve as a clearing house for information and best practices related to four year old kindergarten programs; (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria; (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four year old kindergarten programs; (8) maintain a database of the children enrolled in the program; and (9) promulgate guidelines as necessary for the implementation of the program.	N	N
1,110	SECTION 59 156 210	State	Statute	Duties of Department of Education to public school providers. For all public school providers approved to offer services pursuant to this chapter, the Department of Education shall: (1) serve as the fiscal agent; (2) verify student enrollment eligibility; (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children; (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers; (5) serve as a clearing house for information and best practices related to four year old kindergarten programs; (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria; (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four year old kindergarten programs; (8) maintain a database of the children enrolled in the program; and (9) promulgate guidelines as necessary for the implementation of the program.	Y	Y
1,111	SECTION 59 156 220	State	Statute	Funding for students enrolled with private providers. (A) Eligible students enrolling with private providers during the school year must be funded on a pro rata basis determined by the length of their enrollment. (B) Private providers transporting eligible children to and from school must be eligible for a reimbursement of up to five hundred fifty dollars for each eligible child transported, funded on a pro rata basis determined by the length of the child's enrollment. Providers who are reimbursed are required to retain records as required by their fiscal agent. (C) Providers enrolling between one and six eligible children must be eligible to receive up to one thousand dollars for each child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed ten thousand dollars. (D) Providers receiving equipment grants are expected to participate in the program and provide high quality, center based programs for a minimum of three years. A provider who fails to participate for three years shall return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.	Y	N
1,112	SECTION 59 156 230	State	Statute	Duties of Department of Social Services. The Department of Social Services shall: (1) maintain a list of all approved public and private providers; and (2) provide the Department of Education and the Office of First Steps information necessary to carry out the requirements of this chapter.	N	N
1,113	SECTION 59 156 240	State	Statute	Collection and maintenance of data. The Office of First Steps to School Readiness is responsible for the collection and maintenance of data on the state funded programs provided through private providers.	N	N

South Carolina Code of Regulations CHAPTER 43 - STATE BOARD OF EDUCATION

Item	Law Number	Statuary Requirement and/or Authority Granted	Does this law specify who (customer) the agency must or may serve? (Y/N)	Does the law specify a deliverable (product or service) the agency must or may provide? (Y/N)
1,114	ARTICLE 3 REQUIREMENTS FOR TEACHER EDUCATION AND CERTIFICATION REGULATIONS 43-50 Persons Required to Hold a Teaching Certificate.	Each individual employed in an instructional, classroom teaching position or who serves in a position designed for the support of the instructional program in a public school of this state must hold an appropriate South Carolina teaching credential. The licensing of related educational professionals in the areas of Audiology, Nursing, and Social Work is remanded to the established licensing boards effective July 1, 2000. Individuals employed as Trade and Industrial teachers are required to meet all general certification requirements except where specified otherwise. HISTORY: Amended by State Register Volume 23, Issue No. 6, eff June 25, 1999.	Y	N
1,115	43-51 Certification Requirements.	I. Requirements for Certification The applicant must meet all requirements for certification that are in effect in the current application year (July 1 June 30). The responsibility for providing accurate and complete documentation of eligibility for certification is that of the applicant. To qualify for certification in South Carolina, the applicant must fulfill the following requirements: A. Earn a bachelor's or master's degree either from an institution that has a state approved teacher education program and is accredited for general collegiate purposes by a regional accreditation association, or from a South Carolina institution that has programs approved for teacher education by the State Board of Education, or from an institution that has programs approved for teacher education by the National Council for Accreditation of Teacher Education (NCATE). Professional education credit must be earned through an institution that has a teacher education program approved for initial certification. 1. Graduate degrees acceptable for certificate advancement include academic or professional degrees in the field of education or in an academic area for which a corresponding or relevant teaching area is authorized by the State Board of Education. 2. All credit at the graduate level must be earned through the graduate school of an institution that is accredited for general collegiate purposes by a regional accreditation association and that has a regular graduate division that meets regional accreditation requirements. Graduate credit can also be earned through a South Carolina institution that has graduate programs approved for teacher education by the State Board of Education or through an institution that has graduate programs approved for teacher education by the National Council for Accreditation of Teacher Education (NCATE). B. Submit the required teacher area examination score(s) as adopted by the State Board of Education for purposes of certification. Effective July 1, 2006, the required score on the examination of general professional knowledge (pedagogy) as adopted by the State Board of Education for purposes of certification will be required for initial certification. Until that date, the general professional knowledge (pedagogy) examination will be required only for professional certification.	Y	Y

1,116	43-52 Application for Teaching Credential.	I. Required Documentation The Office of Teacher Certification requires the following forms of documentation from applicants for teacher certification: A. Application Form. The applicant must submit the completed State Department of Education application form. B. Recommendation Form. The applicant must include a completed “Verification of College Preparation: Recommendation for Teacher Certificate” form, signed by the dean or a designated college official. C. College Transcripts. The applicant must submit complete and official transcript(s). Each transcript must bear the official seal of the institution, the signature of the designated official, the type of degree earned, if any, and the date awarded. Only official transcripts will be accepted for certification purposes. Electronically transmitted transcripts from the individual college will be accepted as the technology becomes available in the State Department of Education. D. Examination Scores. The applicant must submit the required teaching area examination score(s) as adopted by the State Board of Education for purposes of certification. Effective July 1, 2006, the required score on the examination of general professional knowledge (pedagogy) as adopted by the State Board of Education for purposes of certification will be required for initial certification. Until that date, the general professional knowledge (pedagogy) exam will be required only for professional certification. Only official score reports will be accepted. E. Experience Verification. The applicant must submit appropriate verification of previous teaching experience. F. FBI Fingerprint Card and Background Check. The applicant must submit an FBI fingerprint card and must undergo a criminal records check by the South Carolina Law Enforcement Division and a national criminal records check supported by fingerprints conducted by the FBI. If the applicant does not complete the initial certification process within eighteen months from the original date of application, the FBI fingerprint process must be repeated. Eligible applicants who have prior arrests and/or convictions must undergo a review by the	Y	Y
1,117	43-53 Credential Classification. (Statutory Authority: S.C. Code Ann. Section 59 5 60(1) (2004), 59 25 110 (2004), 59 26 10 et seq. (2004 and Supp. 2010), and 20 U.S.C. 6301 et seq (2001))	I. Types of Credential Classification A. Initial Certificate An initial certificate is valid for three years. Beyond the initial three year validity period, teachers who do not yet meet the requirements for professional certification, but who are employed by a public school district at the annual contract level, as defined in S.C. Code Ann. Section 59 26 40, may have their certificates renewed annually at the request of the employing school district. Teachers who hold initial certificates and are employed in a nonpublic school educational setting may have their certificates renewed annually for an indefinite period at the request of the educational entity, provided that certificate renewal requirements, as specified in R.43 55 (Renewal of Credentials) are met every five years. Teachers who hold initial certificates but who are not employed by a public school district in a position requiring certification at the time the initial certificate expires, and who have not otherwise met the requirements for professional certification, may reapply for an initial certificate at such time as they become employed by a public school district or private school, subject to the requirements for initial certification in effect at the time of reapplication. To qualify for an initial certificate, the applicant must fulfill the following requirements: 1. Earn a bachelor’s or master’s degree either from an institution that has a state approved teacher education program and is accredited for general collegiate purposes by a regional accreditation association, or from a South Carolina institution that has programs approved for teacher education by the State Board of Education, or from an institution that has programs approved for teacher education by the National Council for Accreditation of Teacher Education (NCATE). Professional education credit must be earned through an institution that has a teacher education program approved for initial certification. 2. Submit the required teaching area examination score(s) as adopted by the State Board of Education for purposes of certification. Effective July 1, 2006, the required score on the examination of general professional knowledge (pedagogy) as adopted by the State Board of Education for purposes of certification will also be	Y	Y

1,118	43-55 Renewal of Credentials.	I. For the purposes of this regulation an educator is defined as any person who holds a professional certificate issued by the South Carolina Department of Education. II. An educator's professional certificate is valid for five years and expires on June 30 of the expiration year. III. The total number of years an individual has held any type of temporary credential issued by the South Carolina Department of Education will be deducted from the normal five year period of the professional certificate at the time of issue. IV. To renew a professional certificate, educators must comply with all applicable guidelines relative to certificate renewal options and criteria, renewal credits, and verification requirements, in accordance with the current Certificate Renewal Plan, as developed by the Office of Teacher Certification and approved by the State Board of Education, as follows: (A) An applicant who is employed in a position that requires educator certification must maintain verification of having earned a minimum of 120 renewal credits during the certificate's five year validity period. Renewal credits may be earned through professional activities that directly relate to the educator's professional growth and development plan, support the goals of the employing educational entity, and promote student achievement, as required by Regulation 43 205.1, Assisting, Developing, and Evaluating Professional Teaching (ADEPT), and Regulation 43 165.1, Program for Assisting, Developing, and Evaluating Principal Performance (ADEPP). (B) An applicant who is not employed in a position that requires educator certification but who chooses to maintain a current certificate must submit verification of having earned a minimum of 120 renewal credits during the certificate's five year validity period. Renewal credits may be earned through professional activities that directly relate to the educator's current area(s) of certification or to a formal program of study (master's, specialist, or doctorate) in a certification area in which the educator is officially enrolled. V. Educators who do not hold a master's degree must earn a minimum of sixty renewal credits of the 120 credits required during each five year validity period by completing at least three semester hours of college credit at the graduate level. These credits must be earned from a national or regionally accredited college or	Y	Y
1,119	43-56 Foreign Applicants.	Applicants for initial teacher certification who have foreign transcripts or other credentials must consult with appropriate personnel at a regionally or nationally accredited college approved for teacher education purposes or which has programs approved for teacher education by the South Carolina State Board of Education to determine if requirements are met in the certification area. HISTORY: Amended by State Register Volume 23, Issue No. 6, eff June 25, 1999.	N	N
1,120	43-57 Prior Work Experience.	The State Department of Education shall maintain records indicating the work experience for which persons are entitled.	Y	Y
1,121	43-57.1 Computing the Experience of Teachers.	A. In the computation of experience credit, the following conditions will apply. 1. Full time equivalents (FTEs) of the 190 day school year will be utilized as the basis of computation. The minimum experience to be credited shall be one tenth (.1) FTE per year; the maximum experience to be credited shall be one (1) FTE per year. A school day is defined as a minimum of seven hours. 2. One year of experience may be credited provided the teacher is employed in a full time position for a minimum of eight tenths (.8) of the contract year but in no case fewer than 152 days. 3. Partial year experience may be utilized to compute full years of experience provided the sum of the partial experience meets the requirement stated in number 1, above. 4. Summer school teaching credit will be calculated at the rate of two (2) days of summer school as the equivalent of one (1) regular school day provided the teacher works one (1) session for four (4) hours per day or at the rate of one (1) regular school day provided the teacher works two (2) sessions for eight (8) hours per day. Summer school teaching credit may be added to partial years of experience. HISTORY: Amended by State Register Volume 16, Issue No. 3, eff March 27, 1992; State Register Volume 24, Issue No. 2, eff February 25, 2000; State Register Volume 25, Issue No. 6, eff June 22, 2001.	N	N

1,122	43-57.2 Teaching Experience Acceptable for Credit.	A. To receive experience credit, the applicant must provide an official description of the professional duties for which he or she wishes to receive the credit. These duties must have been connected to the primary educational program through teaching, education administration, curriculum development, or teacher training. With the exception of trade and industry experience credit (see R. 43 63), employment must meet the requirements for full time or half time employment as stated below. B. For an individual to receive experience credit, he or she must verify full time or half time employment in one of the following educational positions: 1. A professional position in a public, private, or parochial elementary or secondary school. 2. A professional position in a regionally or nationally accredited institution of higher education or an institution with teacher education programs approved by the South Carolina State Board of Education. 3. A position as a teacher's aide, provided the applicant had an earned undergraduate degree during the period of employment. 4. A professional education position in a teacher exchange program or a city, county, state, or federal education program for school aged or adult populations. 5. A professional education or training position in a privately funded education program for school aged or adult populations. 6. A professional education position in a city, county, state, or federal educational system that supports the primary education program for a school aged or adult population. HISTORY: Amended by State Register Volume 23, Issue No. 6, eff June 25, 1999; State Register Volume 25, Issue No. 6, eff June 22, 2001.	N	N
1,123	43-57.5 Military Service.	Experience credit may be granted for up to five years of service in the Armed Forces provided the applicant held a valid South Carolina or out of state teaching credential prior to or during the period of military service.	N	N
1,124	43-58 Disciplinary Action on Educator Certificates. (Statutory Authority: S.C. Code Ann. Section Section 59 1 445 (2004), 59 5 60 (2004), 59 5 65 (2004), 59 25 110, et seq. (2004), 59 25 530 (2004), 59 26 40 (2004), and 20 7 840, et seq. (Supp. 2004))	The State Board of Education has the legal authority to deny, revoke, or suspend a certificate, or issue a public reprimand for the following causes: 1. incompetence, 2. willful neglect of duty, 3. willful violation of the rules and regulations of the State Board of Education, 4. unprofessional conduct, 5. drunkenness, 6. cruelty, 7. crime against the law of this state or the United States, 8. immorality, 9. any conduct involving moral turpitude, 10. dishonesty, 11. evident unfitness for the position for which one is employed, 12. sale or possession of narcotics, 13. obtaining or attempting to obtain a certificate by fraudulent means or through misrepresentation of material facts, 14. failure to comply with the provisions of a contract without the written consent of the local school board, 15. test security violation, 16. failure to comply with a court order for child support, and 17. failure for a second time to complete successfully the formal evaluation process as an annual contract teacher. HISTORY: Amended by State Register Volume 30, Issue No. 5, eff May 26, 2006.	Y	Y

1,125	43-58.1 Reporting of Terminations of Certain School District Employees.	A district superintendent, on behalf of the local board of education, shall report to the Chair of the State Board of Education and the State Superintendent of Education, the name and certificate number of any certified educator who is dismissed, resigns, or is otherwise separated from employment with that district based on allegations of misconduct including, but not limited to, misconduct involving drugs, sexual misconduct, the commission of a crime, immorality, moral turpitude, or dishonesty, that is reasonably believed by the district superintendent to constitute grounds for revocation or suspension of the certificate issued to the educator by the State Board. This report is required notwithstanding any termination agreement to the contrary that the district board of trustees or superintendent may enter into with the educator. The reasons for the educator's termination of employment with the district shall also be provided along with all evidence in the possession of the district relating to the termination. The intentional failure of a district board of trustees to instruct the district superintendent to report the termination of school employees as required by this regulation shall be considered by the State Department as an accreditation deficiency pursuant to R43 130 and, upon approval of the State Board of Education, all district schools will be placed on an accreditation status of probation. The intentional failure of a district superintendent to report the termination of employees as required by this regulation shall be considered an act of unprofessional conduct and may be sufficient cause for revocation of such person's education certificate pursuant to Section 59 25 160, Code of Laws of South Carolina, 1976. Pending the issuance of a Final Order revoking or suspending a certificate by the State Board in a proceeding pursuant to Section 59 25 260, Code of Laws of South Carolina, 1976, no preliminary information gathered by the State Department of Education concerning misconduct reasonably believed to constitute grounds for revocation or suspension of a certificate, including the name and certificate number of the certified educator, shall be disclosed to any third party. HISTORY: Amended by State Register Volume 17, Issue No. 7, eff July 23, 1993.	Y	Y
1,126	43-62 Requirements for Additional Areas of Certification.	I. GENERAL INFORMATION A. Individuals who desire to add areas of certification to an existing certificate must complete a State Board of Education approved program and present a passing score on the appropriate content area examination(s) in the specific subject field, or complete the following add on certification requirements specified by the Board. B. In the event that the State Board of Education should eliminate, revise, or adopt new certification areas, currently certified individuals who are affected may retain the areas of certification for which they previously qualified. However, the State Board of Education may require previously certified individuals to upgrade their certification by completing the new requirements within a specified period of time. C. The following designations apply to the grade spans for teacher certification in South Carolina, effective September 1, 2005. CERTIFICATION GRADE SPANS Early childhood = pre-Kindergarten-grade 3 Elementary = grades 2–6 Middle-level = grades 5–8 Secondary = grades 9–12 The areas of art, music, physical education, English for Speakers of Other Languages (ESOL), foreign languages, theater, and exceptional children education (all categories) have a pre Kindergarten (pre K 12) grade span. D. Instructional areas may not be added to certificates in guidance, media specialist, or school psychologist unless the applicant has completed a teacher education program designed and approved for initial certification purposes. E. Certification is divided into four sections: (1) regular program, (2) exceptional children education, (3) career and technology education, and (4) other types of specialized certification.	Y	Y

1,127	43-62 continued...	A. ART 1. Bachelor's degree 2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K-12 level 3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education 4. Specialized Preparation Semester Hours Art History/Appreciation 6 Work devoted to the basic techniques of design and color 6 Work devoted to drawing and painting (the student should 6 use as many different media as possible) School art program 3 Crafts 3 B. DRIVER EDUCATION 1. Bachelor's degree 2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K-12 level 3. Evidence of at least three years of successful driving experience. Applicant must provide a copy of his or her driver's record from the applicable state transportation department. An applicant whose driver's license has six or more points against it will not be accepted for add-on certification in driver education. 4. Valid driver's license issued by South Carolina or another state in which the teacher is a legal resident. (If a teacher holding certification in driver education has his or her driver's license revoked or suspended, the teacher must report this action to the Office of Educator Certification upon which the certification in driver education will automatically be rescinded.) 5. Professional education The following twelve (12) hours are required to add the area of driver education to an existing certificate. Semester Hours Basic instructor's course in driver education 3		
1,128	43-62 continued...	1. Bachelor's Degree 2. Initial or professional certificate at the early childhood or elementary level, or in special education or Speech and Language 3. Minimum qualifying score on the content area examination(s) required by the State Board of Education 4. Specialized Preparation Semester Hours Human Growth and Development 3 Introduction to Early Childhood Special Education 3 Partnerships in Early Childhood Special Education: Team- 3 ing with Parents and Professionals Assessment of Young Children with Disabilities 3 Procedures for Working with Young Children with Disabili- 3 ties Social/Emotional Development and Guidance for Young Children with Disabilities Practicum/Field Experience* 3 *Practicum may be waived based on two years' successful experience teaching young children with disabilities. NOTE: Individuals who have three (3) years teaching experience within the last five (5) years with young children with disabilities (birth to six years) will be granted add-on certification in Early Childhood Special Education by achieving the minimum qualifying score on the content area examination(s) required by the State Board of Education for Early Childhood Special Education within the five-year period. Timeline: Effective July 1, 2016, all individuals working as Early Childhood Special Education teachers will be required to hold certification in Early Childhood Special Education. B. EDUCATION OF BLIND AND VISUALLY IMPAIRED 1. Bachelor's degree 2. Initial or professional certificate at the early childhood, elementary, middle, secondary, or pre-K-12		

1,129	43-62 continued...	4. Specialized Preparation Semester Hours Accounting 6 Business Communications 3 Business Law Computer applications and technology (to include, but not 9 be limited to: word processing, spreadsheets, database management, and Web publishing//multimedia) Economics 3 Entrepreneurship 3 Hospitality, Tourism or Hotel/Motel Management 3 International Business 3 Management 3 Marketing 3 Instructional Methods for Teaching Business, Marketing, 3 Computer Technology C. COMPUTER PROGRAMMING (for Career and Technology Education programming courses) 1. Bachelor's degree 2. Initial or professional certificate at the secondary level in any subject area. 3. Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education 4. Specialized Preparation Semester Hours Computer programming (any combination of currently rele- 9 vant language(s) being used in business) Note: Programming courses completed at the post-secondary level within the past five years may be counted toward this endorsement.		
1,130	43-62 continued...	a. Bachelor's degree b. Initial or Professional certificate at the early childhood, elementary, middle, secondary, or pre-K-12 level AND c. Six semester hours in the following courses Semester Hours Living in Poverty 3 One course from among the following: 3 Language, Literacy, and Poverty Teaching and Assessing Children of Poverty Home, Community, and Classroom Partnerships in High Poverty Areas 2. Add-on Certification a. Bachelor's degree b. Initial or Professional certificate at the early childhood, elementary, middle, secondary or pre-K-12 level c. Specialized Preparation Semester Hours Living in Poverty 3 Language, Literacy, and Poverty 3 Teaching and Assessing Children of Poverty 3 Home, Community, and Classroom Partnerships in 3 High Poverty Areas NOTE: All courses must include a field experience component. HISTORY: Amended by State Register Volume 23, Issue No. 6, eff June 25, 1999; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 28, Issue No. 6, eff June 25, 2004; State Register		

1,131	43-63 Requirements for Career and Technology Education Work Based Certification.	A. POLICIES AND REGULATIONS GOVERNING CERTIFICATION The policies and regulations governing the certification requirements for Career and Technology Education educators as presented in this document replace all such procedures and regulations approved prior to this publication, except as indicated. (1) Certificates are issued in levels based on educational background and experience in the field in which the certificate is requested. The level of the certificate is used to determine salary. (2) Career and Technology Education Program Areas Covered in This Regulation (a) Engineer/Industrial Technology Cluster: All courses in this program area are included in this regulation. Entry level into teaching these courses shall be defined in this regulation. (b) Family and Consumer Sciences Cluster: The courses covered in this program area are Clothing and Interior Design, Culinary Arts, and Early Childhood. An associate degree is the minimum requirement for entry level into teaching these courses. (c) Health Science Technology Cluster: All courses in this program area are included in this regulation. An associate degree is the minimum requirement for entry level into teaching these courses. (d) Hospitality and Tourism Cluster: All courses in this program area are included in this regulation. An associate degree is the minimum requirement for entry level into teaching these courses. (e) Information Technology Cluster: All courses in this program area are included in this regulation. An associate degree is the minimum requirement for entry level into teaching these courses. B. PERSONS REQUIRED TO HOLD A CERTIFICATE (1) A valid South Carolina educator's certificate is required of each individual employed in an instructional or classroom teaching position in a public school of this state. (2) Each individual who serves in a position designed for the support of the instructional program is also required to hold the appropriate South Carolina educator's certificate. C. REQUIREMENTS FOR CERTIFICATION (1) The applicant must meet all requirements for certification that are in effect on the date of receipt by the	Y	Y
1,132	43-64 Requirements for Certification at the Advanced Level.	I. ADMINISTRATION A. Elementary School Principal and Supervisor (Tier 1) 1. Master's degree 2. Valid South Carolina Educator's Professional Certificate at the elementary level 3. Minimum qualifying score(s) on the area examinations required by the State Board of Education 4. Verification of three years' teaching experience, including at least one year of teaching in grades Pre K 8 5. Completion of an advanced program approved by the State Board of Education for the training of elementary principals and supervisors Note: Eligibility for Tier 2 certification requires successful completion of the Principal Induction Program (PIP) in the principal's first year, as well as an overall rating of Proficient or Exemplary on the Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP) evaluation instrument in the second year of employment as a principal. B. Secondary School Principal and Supervisor (Tier 1) 1. Master's degree 2. Valid South Carolina Professional Certificate at the secondary level 3. Minimum qualifying score(s) on the area examination(s) required by the State Board of Education 4. Verification of three years' teaching experience, including at least one year of teaching in grades 7 12 5. Completion of an advanced program approved by the State Board of Education for the training of secondary principals and supervisors Note: Eligibility for Tier 2 certification requires successful completion of the PIP in the principal's first year, as well as an overall rating of Proficient or Exemplary on the PADEPP evaluation instrument in the second year of employment as a principal. C. Elementary or Secondary School Principal or Supervisor (Tier 1 Alternative Route for Career Changers) 1. Master's degree 2. Verification of at least three years of successful experience in leadership, supervision, upper level management, or other position in a business, corporation, agency, or the military with responsibilities similar to those of a principal	Y	Y

1,133	ARTICLE 4 TEXTBOOK REGULATIONS 43-70 Textbook Adoption Regulation. (Statutory Authority: 1976 Code Section Section 59 5 60 and 59 31 550 Code of Laws of South Carolina) 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	Y	Y
1,134	43-71 Free Textbooks. (Statutory Authority: 1976 Code Section Section 59 5 60 and 59 31 360)	Section 1. Free Basal Textbook Enabling Act. Pursuant to Section 59 31 360 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 may be deemed advisable.	Y	Y

1,135	43-73 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. 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	Y	Y
1,136	ARTICLE 5 TRANSPORTATION REGULATIONS 43-80 Operation of Public Pupil Transportation Services. (Statutory Authority: 1976 Code Sections 59 5 60, 59 67 20, 59 67 410 and 59 67 570)	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.	Y	Y

1,137	43-80 continued...	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 FFSB. 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.	Y	Y
1,138	ARTICLE 6 TEACHER TRAINING INSTITUTIONS 43-90 Program Approval Standards for South Carolina Teacher Education Institutions.	The South Carolina State Board of Education requires that all teacher education programs meet the standards as established by a national accreditation association with which the South Carolina Department of Education has a partnership agreement. For State Board of Education approval, public institutions must seek and receive national accreditation. Private institutions may seek national accreditation or meet national standards for State Board of Education approval. The South Carolina Department of Education will develop guidelines to assist teacher education programs to meet the national standards. Statutory authority to determine accreditation decisions for and impose sanctions against teacher education programs is granted to the State Board of Education. HISTORY: Amended by State Register Volume 19, Issue No. 6, eff July 1, 1996; State Register Volume 26, Issue No. 6, Part 1, eff June 28, 2002; State Register Volume 40, Issue No. 6, Doc. No. 4593, eff June 24, 2016.	Y	Y

1,139	ARTICLE 7 TEST SECURITY 43-100 Test Security. (Statutory Authority: 1976 Code Section 59 1 447)	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 the State Board of Education Regulation 43 262 including field tests and pilot tests; B. Examinations for admission to teacher education program and teacher certification examinations; C. Examinations for admission to programs such as the gifted and talented program; D. The High School Equivalency Program test (GED). II. As used in this regulation, “local school board” means the governing board of a public school district 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 the materials during testing and the storage of all secure tests and test materials, before, during, and after testing. Before and after testing all materials must be stored at a location(s) in the district under lock and key. 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, tests must be secured under lock and key when not in use for approved test administration activities. IV. Each District Superintendent 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 State Department of Education (SDE) 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. State owned test materials and district owned materials that are the same as those utilized in any State mandated testing program must not be used for census testing in the grades included in the State mandated	Y	Y
1,140	ARTICLE 10 DEFINED MINIMUM PROGRAM 43-130	Repealed by State Register Volume 38, Issue No. 6, Doc. No. 4401, eff June 27, 2014.		
1,141	ARTICLE 13 GENERAL SCHOOL ADMINISTRATION 43-161 Appointment (Term) of School Superintendent.	Each school district shall employ a chief administrative officer who serves as the executive officer of the board of trustees and the professional leader of the school district. Administrators serving as area or district superintendents for the first time after June 30, 1968, shall hold a superintendent’s certificate. Annually, by October 15, the chairman of the district board of trustees shall request an out of field permit from the Office of Teacher Education and Certification for a superintendent not properly certified.	N	N
1,142	43-162	Repealed by State Register Volume 38, Issue No. 6, Doc. No. 4391, eff June 27, 2014.		

1,143	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 the 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 Exemplary on the PADEPP evaluation instrument in the second year of employment as a principal. 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.	Y	Y
1,144	43-166 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 check list 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.	Y	Y

1,145	43-167 Principal Induction Program. (Statutory Authority: 1976 Code Section Section 59 5 60 and 59 24 80)	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 Principals 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.	Y	Y
1,146	43-168 Nutrition Standards for Elementary Schools (K 5) School Food Service Meals and Competitive Foods. (Statutory Authority: Students Health and Fitness Act, 2005 S.C. Acts 59 (to be codified at S.C. Code Ann. Section 59 1 310) and S.C. Code Ann. Section 59 5 60 (2004))	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	N	N

1,147	43-169 Food Service Management Company Contracts	I. PURPOSE Pursuant to regulations and policy guidelines promulgated by the United States Department of Agriculture (USDA), the South Carolina Department of Education (SCDE) is charged with the state level administration and monitoring of local child nutrition programs funded by and subject to the provisions of the National School Lunch, Breakfast, and After School Snack Programs. Part of this responsibility relates to the development, execution, and monitoring of contracts between local child nutrition programs and private food service management companies. This regulation provides that a statewide contract template and uniform timeframe shall be used for all contracts approved by the SCDE. II. DEFINITIONS A. SCHOOL FOOD AUTHORITY (SFA): A school food authority (SFA) is USDA verbiage used to identify any public school district, private, parochial, and charter school, as well as residential child care facility that participates in the National School Lunch, Breakfast, and After School Snack Programs. B. FOOD SERVICE MANAGEMENT COMPANY (FSMC): A food service management company (FSMC) is USDA verbiage used to identify a private sector entity that manages a child nutrition program for a SFA versus the SFA operating their own program. III. IMPLEMENTATION A. SOUTH CAROLINA DEPARTMENT OF EDUCATION (SCDE) RESPONSIBILITIES (1) The SCDE shall create and update, as needed, a template contract document with appropriate terms and conditions that encompass all federal and state requirements for procurement agreements and child nutrition programs. (2) The SCDE shall communicate all contractual requirements to all affected parties as part of any solicitation, bid, award, and final contract process initiated by a SFA. (3) The SCDE reserves the right to accept, modify, and/or reject any request for deviations and/or amendments to the template contract document. B. SCHOOL FOOD AUTHORITY (SFA) RESPONSIBILITIES	Y	Y
1,148	ARTICLE 14 FISCAL MANAGEMENT 43-171.1 Disbursement of Funds for Pressing Repairs, Renovations and Construction	I. ALLOCATION OF FUNDS Funds will be allocated to the district annually on a per pupil basis, based on the Districts' 135 day cumulative average daily membership for the previous fiscal year. These funds are to be kept in an account separate from all other funds allocated from the State General Fund. II. QUALIFICATION CRITERIA 1. In order to qualify for allocation of the funds, the District Board of Trustees shall: a) Maintain at least the level of financial effort per pupil for non capital programs as in prior years as set forth under Division V of the Education Improvement Act: and b) By June 30, 1985, adopt and file with the Division of General Services a procurement code modeled after the South Carolina Consolidated Procurement Code or the model set forth in the Report of the Local Government Task Force on procurement Code or the model set forth in the Report of the Local Government Task Force on procurement as set forth under Division V, Section 6 of the Education Improvement Act. III. PURPOSE OF FUNDS Funds are available for two purposes pursuant to Subdivision G, Section 1: (a) For the renovation, capital improvement, or repair of school classrooms, libraries, laboratories, and other institutional facilities including music rooms as set forth in the Education Improvement Act. (b) For the reduction of millage required to pay principal and interest on bonds issued for any capital improvement programs. IV. STIPULATIONS REGARDING EXPENDITURE OF FUNDS 1. If a school district has issued bonds or otherwise undertaken any capital improvement programs during any of the most recent five fiscal years, at least fifty percent of the funds allocated from the Education Improvement Act funds must be used to reduce the millage required to pay debt service on such outstanding bonds unless a waiver is granted by the State Board of Education. (See V. WAIVERS) (Subdivision G. Section 1(b)) A Capital Improvement Program for purposes of this funding is defined as incurring debt for school building	Y	Y

1,149	43-172 Accounting and Reporting	I. Pupil Accounting According to Section 4, paragraph (1)(c) of the South Carolina Education Finance Act of 1977, each pupil in the state shall be counted in only one of the pupil classifications and must meet all qualifications both general and specific, before the pupil can be classified and claimed in a public school. A. General Qualifications Criteria: 1. A pupil will be counted in membership on the first day of entrance in an instructional program either through original entry, reentry, or transfer. 2. Membership is defined as the number of pupils present plus the number of pupils absent. 3. Cumulative average daily membership is the aggregate number of days in membership divided by the total number of days the school is in session. 4. A pupil shall maintain membership in the appropriate instructional program for the minimum length of the school day. 5. To be eligible for membership a pupil must not be more than twenty one years old (or in a graduating class and becomes twenty one before graduation) before September 1 of the current school year. 6. A pupil shall be dropped from membership on the day when the number of unlawful days absent exceeds ten consecutive days or when the pupil leaves school because of transfer, death, expulsion, graduation, legal withdrawal, or for any other reason. Notwithstanding any other provision, students with disabilities who have been expelled and continue to receive educational services pursuant to Regulation 43 279 (Section V, Part D) shall not be dropped from membership. 7. An unlawful absence is defined in State Board of Education Regulation 43 274. 8. A class period is defined as a minimum of fifty minutes, or an accumulation of the equivalency of 120 hours required for a Carnegie Unit of Credit. 9. A pupil whose program of instruction meets the criteria for more than one category shall be classified in the highest weighted category. B. Specific Qualifications Criteria:	Y	N
1,150	ARTICLE 15 BUSINESS MANAGEMENT 43-180. Repealed by State Register Volume 37, Issue No. 5, eff May 24, 2013			
1,151	43-181. Repealed by State Register Volume 37, Issue No. 5, eff May 24, 2013			
1,152	43-183. Repealed by State Register Volume 37, Issue No. 5, eff May 24, 2013			
1,153	43-187. Repealed by State Register Volume 37, Issue No. 5, eff May 24, 2013			
1,154	43-188 Displaying the Flag. (Statutory Authority: S.C. Code Ann. Section Section 59 5 60 (2004), 59 1 320 (2004) and 4 U.S.C. Section 1, et seq.)	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. HISTORY: Added by State Register Volume 30, Issue No. 5, eff May 26, 2006. Amended by State Register Volume 38, Issue No. 6, Doc. No. 4403, eff June 27, 2014.	N	N

1,155	ARTICLE 16 FACILITY EXPANSION PROGRAM 43-190. Repealed by State Register Volume 37, Issue No. 5, eff May 24, 2013			
1,156	43-191. Repealed by State Register Volume 37, Issue No. 5, eff May 24, 2013			
1,157	ARTICLE 17 PERSONNEL 43-201.1. Repealed by State Register Volume 38, Issue No. 6, Doc. No. 4409, eff June 27, 2014			
1,158	43-205 Administrative and Professional Personnel Qualifications, Duties, and Workloads. (Statutory Authority: S.C. Code Ann. Section 59 5 60 (2004), 20 U.S.C. Section 6301 et seq. (2002) [No Child Left Behind Act of 2001], and S.C. Code Ann. Section 59 59 10 et seq. (Supp. 2005))	I. District Level Administrative Personnel Personnel employed as administrative assistants, supervisors, and consultants having responsibilities for supervising instructional programs and student services must hold a master’s degree and be certified in their area of primary responsibility or must earn a minimum of 6 semester hours annually toward appropriate certification. The district superintendent must request from the Office of Educator Certification an out of field permit for members of the central staff who are not properly certified. II. Prekindergarten through Grade Five A. Professional Personnel Qualifications and Duties 1. Principals Each school with an enrollment of more than 375 students must be staffed with a full time properly certified principal. Each school with an enrollment of fewer than 375 students must be staffed with at least a part time properly certified principal. A principal’s duties and responsibilities are to be prescribed by the district superintendent. The district superintendent must request an out of field permit from the Office of Educator Certification for each principal who is not properly certified. 2. Assistant Principals or Curriculum Coordinators Each school with an enrollment of 600 or more students must be staffed with at least one full time properly certified assistant principal or curriculum coordinator. 3. Teachers, Guidance Counselors, and Library Media Specialists Each teacher, guidance counselor, and library media specialist must be properly certified by the State Board of Education. Additionally, teachers of core academic subjects must meet the “highly qualified” teacher requirements specified in the No Child Left Behind Act of 2001, 20 U.S.C. Section 6301 et seq. (2002). The core academic subjects are English, reading or language arts, mathematics, science, foreign languages, civics, government, economics, history, geography, and the arts. The duties and responsibilities of teachers, guidance counselors, and library media specialists are to be prescribed by the school principal. The district superintendent must request an out of field permit from the Office of Educator Certification for each eligible	Y	Y

1,159	43-205 continued...	(c) Class sizes must not exceed the following student teacher ratios: Grade Level Maximum Student-Teacher Ratio Prekindergarten 20:1 Grades K-3 30:1 Grades 4–5, English language arts and mathematics 30:1 Grades 4–5, all other subjects 35:1 (d) Paraprofessionals may be counted in computing the student teacher ratio at the rate of .5 per paraprofessional if they work under the supervision of a teacher and make up no more than 10 percent of the total staff. Excluded from the computation are the following: (1) teachers of self contained special education classes, prekindergarten and kindergarten classes, principals, assistant principals, library media specialists, and guidance counselors; and (2) students in self contained special education classes, prekindergarten classes, or kindergarten classes. 2. Guidance Counselors and Specialists in Art, Music, and Physical Education (a) Schools having any combination of grades one through five must employ the full time equivalent (FTE) of a school guidance counselor and specialists in art, music, and physical education (PE) in the following ratios for each area: Average Daily Enrollment 800 or more FTE	Y	Y
1,160	43-205 continued...	4. School Nurses Each school nurse must hold a current license issued by the State Board of Nursing to practice as a professional registered nurse or as a licensed practical nurse who is working under the supervision of a professional registered nurse. The duties and responsibilities of a school nurse are to be prescribed by the principal in accordance with the laws and regulations governing nursing in South Carolina. If a school nurse works in more than one school, his or her duties and responsibilities are to be prescribed by the district superintendent or his or her designee in accordance with the laws and regulations governing nursing in South Carolina. 5. Career Specialists Each career specialist must work under the supervision of a certified guidance counselor. The career specialist must hold a bachelor’s degree and must have earned either Global Career and Development Facilitator (GCDF) certification or Career Development Facilitator (CDF) certification. The guidance counselor may serve as the career specialist if he or she holds the GCDF or the CDF credential. B. Professional Personnel Workload 1. Guidance Counselors (a) Schools with fewer than 600 students must provide the services of a guidance counselor in the following ratios: Minimum Allotted Time Enrollment Daily Up to 200 100 minutes 201 to 300 150 minutes 301 to 400 200 minutes 401 to 500 250 minutes 501 to 600 300 minutes	Y	Y

1,161	43-205 continued...	(b) In addition to being staffed with a full time principal/director, each school with an enrollment of 500 or more students must be staffed with at least one full time properly certified assistant principal/assistant director and a properly certified assistant principal or the equivalent for each additional 500 students. 3. Teachers, Guidance Counselors, and Library Media Specialists Each teacher, guidance counselor, and library media specialist must be properly certified by the State Board of Education. Additionally, teachers of core academic subjects must meet the “highly qualified” teacher requirements specified in the No Child Left Behind Act of 2001, 20 U.S.C. Section 6301 et seq. (2002). The core academic subjects are English, reading or language arts, mathematics, science, foreign languages, civics, government, economics, history, geography, and the arts. Their duties and responsibilities are to be prescribed by the principal. The district superintendent must request an out of field permit from the Office of Educator Certification for each eligible teacher, guidance counselor, and library media specialist who is not properly certified. 4. School Nurses Each school nurse must hold a current license issued by the State Board of Nursing to practice as a professional registered nurse or as a licensed practical nurse who is working under the supervision of a professional registered nurse. The duties and responsibilities of a school nurse are to be prescribed by the principal in accordance with the laws and regulations governing nursing in South Carolina. If a school nurse works in more than one school, his or her duties and responsibilities are to be prescribed by the district superintendent or his or her designee in accordance with the laws and regulations governing nursing in South Carolina. 5. School Transition Coordinators When a school to work transition coordinator is employed, the coordinator must be certified in one or more occupational subjects, have at least a bachelor’s degree, and have two years’ work experience. In lieu of these requirements, a qualified person with an employment background in business or industry may be employed as a school to work transition coordinator if the person possesses at least a bachelor’s degree and five years	Y	Y
1,162	43-205 continued...	(b) Cross categorical classes must not exceed the following student teacher ratios: Area Maximum Ratio Based on Average Daily Enrollment Mental Disabilities (mild) and Learning Disabilities 18:1 Mental Disabilities (mild), Learning Disabilities, and Emotional Disabilities 17:1 Mental Disabilities (mild), Learning Disabilities, Emotional Disabilities, 16:1 and Orthopedically Impaired When four or more students identified as emotionally disabled or orthopedically impaired are enrolled in a cross categorical class, a full time teaching assistant must be employed. (c) The maximum teaching load for resource teachers and itinerant teachers for students with disabilities based on average daily enrollment is as follows: Area Maximum Teaching Load Mental Disabilities (mild) 33 students Emotional Disabilities 33 students Learning Disabilities 33 students Mental Disabilities (moderate and severe) and Orthopedically Impaired 20 students Visually Impaired 15 students	Y	Y

1,163	43-205.1 Assisting, Developing, and Evaluating Professional Teaching (ADEPT)	I. State Standards for Professional Teaching Teacher preparation programs and school districts must address, but are not limited to, the performance standards for Assisting, Developing, and Evaluating Professional Teaching (ADEPT), as specified in the State Board of Education's ADEPT implementation guidelines. II. Teacher Candidates A. All teacher education programs must adhere to State Board of Education regulations governing the preparation and evaluation of teacher candidates. B. Each teacher education program must develop and implement a plan for preparing, evaluating, and assisting prospective teachers relative to the ADEPT performance standards in accordance with the State Board of Education's ADEPT implementation guidelines. ADEPT plans must be approved by the State Board of Education prior to implementation. C. By July 1 of each year, teacher education programs must submit assurances to the South Carolina Department of Education (SCDE) that they are complying with the State Board of Education's ADEPT implementation guidelines. Proposed amendments to previously approved ADEPT plans must be submitted along with the assurances and must be approved by the State Board of Education prior to implementation. D. Teacher education programs must submit information on their teacher candidates, as requested annually by the SCDE. E. The SCDE will provide teacher education programs with ongoing technical assistance such as training, consultation, and advisement, upon request. III. Induction Contract Teachers A. Teachers who possess a valid South Carolina pre professional teaching certificate, as defined by the State Board of Education, may be employed under an induction contract for up to, but not to exceed, three years. The employment and dismissal provisions of Article 3, Chapter 19, and Article 5, Chapter 25, of Title 59 of the 1976 Code of Laws do not apply to teachers employed under induction contracts. B. Each local school district must develop and implement a plan to provide induction contract teachers with	Y	Y
1,164	43-205.1 continued...	An annual contract teacher who has demonstrated potential but who has not yet met the formal evaluation criteria set by the State Board of Education and/or the requirements set by the local board of trustees is eligible for a diagnostic assistance year at the annual contract level. This diagnostic assistance year must be provided, if needed, at the discretion of the employing school district, either during the teacher's first annual contract year or during the annual contract year following the teacher's first unsuccessful formal evaluation. A teacher is eligible to receive only one diagnostic assistance year. At the end of the diagnostic assistance year, the district may either employ the teacher under an annual contract or terminate the teacher's employment. If employment is terminated, the teacher may seek employment in another school district at the annual contract level. A diagnostic assistance year must be followed by formal (summative) evaluation at the annual contract level during the teacher's next year of teaching employment. 4. An annual contract teacher who for the second time fails to meet the formal evaluation criteria set by the State Board of Education will have his or her teaching certificate automatically suspended by the State Board of Education, as prescribed in Section 59 5 60 of the South Carolina Code of Laws, 1976, and in State Board of Education Regulation 43 58. Subsequent to this action, the teacher will be ineligible to be employed as a classroom teacher in a public school in this state for a minimum of two years. Before reentry into the profession, the teacher must complete a state approved remediation plan based on the area(s) that were identified as deficiencies during the formal evaluation process. Remediation plans must be developed and implemented in accordance with the State Board of Education's ADEPT implementation guidelines. Following the minimum two year suspension period and the completion of the remediation plan, as verified by the SCDE, the teacher's certificate suspension will be lifted, and the teacher will be eligible for employment at the annual contract level. Upon his or her reentry into the profession, the teacher must be formally evaluated. If, at the completion of the evaluation process, the teacher meets the formal evaluation criteria set by the State Board of Education, he or she may continue toward the next contract level. If, at the completion of the evaluation process, the teacher does not meet the formal evaluation criteria set by the State Board of Education, he or she is no longer eligible to be employed as a public school teacher in this	Y	Y

1,165	43-205.1 continued...	XI. Teachers Employed in Charter Schools A. Except as otherwise provided in the Charter Schools Act (S.C. Code Ann. Section 59 40 50(A) (Supp. 2012)), charter schools are exempt from all provisions of law and regulations applicable to a public school, a school board, or a district. However, a charter school may elect to comply with one or more of these provisions of law or regulations, such as the provisions of the ADEPT statute and regulation. B. Charter schools that elect not to implement the ADEPT system may assist and/or evaluate their teachers according to the policies of their respective charter school committees. Certified teachers in these schools will accrue experience credit in a manner consistent with the provisions of State Board of Education Regulation 43 57 (S.C. Code Ann. Regs. 43 57 (2011)). Teachers in non ADEPT charter schools who hold an initial teaching certificate are eligible to advance to a renewable limited professional certificate, as specified in State Board of Education Regulation 43 53 (S.C. Code Ann. Regs. (Supp. 2012)). C. Charter schools that elect to implement the ADEPT system must comply with all provisions of the amended ADEPT statute (S.C. Code Ann. Sections 59 26 30 and 59 26 40, to be codified at Supp. 2012), this regulation, and the State Board of Education's ADEPT implementation guidelines. In fulfilling these requirements, the contract between the charter school and its sponsor must include an ADEPT provision. All certified teachers in the charter school must be assisted and evaluated in a manner consistent with the sponsor's State Board of Education approved ADEPT plan for induction, formal evaluation, and goals based evaluation. The ADEPT provision must address the charter school's responsibilities for ensuring the fidelity of the implementation of the ADEPT system. The provision also must address the sponsor's responsibilities in terms of staff training and program implementation. At a minimum, the sponsor must agree to disseminate all ADEPT related information from the SCDE to the charter school and to report charter school teacher data to the SCDE. The provision must be included in the sponsor's ADEPT plan and approved by the State Board prior to implementation. XII. Teachers Who Hold a Limited Professional Certificate An educator who holds a valid South Carolina limited professional certificate is eligible for employment in a	Y	Y
1,166	43-206 Professional Personnel Resignation	Any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be deemed guilty of unprofessional conduct. A breach of contract resulting from the execution of an employment contract with another board within the State without the consent of the board first employing the teacher makes void any subsequent contract with any other school district in South Carolina for the same employment period. Upon the formal complaint of the school board, substantiated by conclusive evidence, the State Board shall give notice to the said teacher by registered mail to appear before the State Board of Education to show cause why such teacher's certificate should not be revoked or suspended, the notice to contain the information that the teacher is entitled to counsel if he so desires and to bring counsel with him to the meeting. If the teacher fails to appear before the State Board, or if the teacher does appear and the said Board rules that such teacher did not have sufficient cause for terminating the contract, the said Board shall suspend or revoke the teacher's certificate, for a period not to exceed one calendar year. State education agencies in other states with reciprocal certification agreements shall be notified of the revocation of the certificate. The term "teacher" as herein used shall include all school personnel required to be certified by the State Board of Education.	Y	Y
1,167	43-207 Health Examination	All personnel shall be screened for tuberculosis as required by Section 44 29 150 and Section 44 29 160 of the Code of Laws of South Carolina, 1976, as amended April 24, 1979. Guidelines for screening of school employees for tuberculosis are available in each county health department.	N	N

1,168	43-209 Support Personnel/Paraprofessional Personnel Positions, Qualifications and Duties (Statutory Authority: S.C. Code Ann. Section 59 5 60 (1990) and 20 U.S.C. Section 6301 et seq. (2002))	A. Support personnel positions for school district superintendents and school principals 1. Secretarial services shall be provided. 2. Custodial services shall be provided. B. Paraprofessional personnel positions 1. Each teacher of trainable, orthopedically, emotionally, or visually disabled pupils in a self contained classroom model shall have a paraprofessional full time, provided that the class has a minimum membership of four pupils. 2. Each teacher of a kindergarten unit shall have a paraprofessional full time. C. Paraprofessional Personnel Qualifications and Duties 1. Paraprofessionals helping with classroom instruction or programs shall meet the following requirements: a. All instructional paraprofessionals must be at least 18 years of age. b. All instructional paraprofessionals must have at least a high school diploma or state equivalency certificate. c. Instructional paraprofessionals who work in a Title I school or a Title I targeted assistance program and who were hired after January 8, 2002, must either (1) hold a two year associate's degree from an accredited institution, or (2) have completed two years (60 semester hours) of college coursework from an accredited institution, or (3) have passed a state approved examination of content knowledge and pedagogy. d. Instructional paraprofessionals who work in a Title I school or a Title I targeted assistance program and who were hired before January 8, 2002, must meet the requirements listed in C.1.c. by January 8, 2006. e. All instructional paraprofessionals must work under the direct supervision of a certified teacher. f. All instructional paraprofessionals must participate in preservice and inservice training programs for instructional paraprofessionals. 2. The State Department of Education will maintain an electronic registry of instructional paraprofessionals that indicates whether the instructional paraprofessional has met the requirements listed in C.1.c.	Y	Y
1,169	ARTICLE 19 INSTRUCTIONAL PROGRAM 43-220 Gifted and Talented (Statutory Authority: S.C. Code Ann. Section 59 29 170 (Supp. 2002))	Purpose: The State Board of Education recognizes the need to provide gifted and talented education services to identified students in grades one through twelve. These regulations provide the framework for provision of these services. All regulations must be followed in order to qualify for state funding. In order to comply with the South Carolina Education Improvement Act of 1984, school districts must provide programming for all gifted and talented students at the elementary and secondary levels. These programming services shall develop the unique talents of students. I. DEFINITIONS A. Population 1. Gifted and talented students are those who are identified in grades one through twelve as demonstrating high performance ability or potential in academic and/or artistic areas and therefore require educational programming beyond that normally provided by the general school programming in order to achieve their potential. 2. Gifted and talented abilities for these regulations include (a) Academic and Intellectual Ability: Students who have the academic and/or intellectual potential to function at a high level in one or more academic areas. (b) Visual and Performing Arts: Students who have the artistic potential to function at a high performance level in one or more of the fine arts (dance, music, theatre, and visual arts). B. Terms 1. Academic areas: any or all of the academic disciplines and performance skills that cross the disciplines to include research, technology, and reasoning 2. Academic discipline/disciplines: English language arts, mathematics, science, social studies, and foreign language 3. Artistic areas: any or all of the artistic disciplines and performance skills that cross the disciplines to include research, technology, creativity, and aesthetics 4. Assessment: evaluation and re evaluation of student aptitudes, attributes, and behaviors according to	Y	Y

1,170	43-220 continued...	4. The models and teacher pupil ratios that are approved for programming service at respective grade levels are Grades Approved Programming Model Choices 1–2 Regular Classroom/Itinerant Teacher (1:10) Multiage Classroom (NA) Resource Room/Pull-out (1:15) 3–5 Special School (1:25) Special Class (1:25) Resource Room/Pull-out (1:20) 6–8 Special School (1:25) Special Class (1:25) Resource Room/Pull-out (1:20) 9–12 Special School (1:25) Special Class (1:25) 5. An appropriate teacher pupil ratio fosters positive results. The teacher pupil ratios are listed beside the models in the chart above. 6. Extension Models, while encouraged to supplement service, may not be substituted for one of the Approved Programming Model Choices. They include but are not limited to	Y	Y
1,171	43-220 continued...	(3) Dimension C: Intellectual/Academic Performance These students demonstrate a high degree of interest in and commitment to academic and/or intellectual pursuits or demonstrate intellectual characteristics such as curiosity/inquiry, reflection, persistence/tenacity in the face of challenge and creative productive thinking. Characteristics for this dimension are demonstrated through a) Evidence of commitment in academic disciplines through grades for placement in grades six through twelve; the standard is 3.75 points on a 4.0 scale (See the glossary of terms for a listing of the academic disciplines.); or b) Assessments of performance on STAR Performance Task Assessment for placement in grades three through six. Instruments for these assessments will be maintained secure under S.C. Code Ann. Section 59 1 445 (1990), Section 59 1 445, Violations of mandatory test security; penalties; investigations. The performance standard for the primary level is sixteen on either the verbal or nonverbal assessments for placement into grade three and eighteen on either the verbal or nonverbal assessment for placement into grade four. The performance standard for the intermediate level is sixteen on the verbal or twenty two on the nonverbal for placement into grade five and eighteen on the verbal or twenty five on the nonverbal for placement into grade six. The qualifying standards for new forms of STAR Performance Task Assessment will be equivalent to those of the base year. (4) Districts will follow steps established by the SCDE to guarantee no single criterion eliminates students from gifted and talented programming participation. 8. Placement (a) The evaluation step in the identification process of gifted and talented students shall be the responsibility of an evaluation/placement team within the school or district. The team shall be composed of at least a teacher, an administrator, and a guidance counselor or a psychologist (if employed by the district). In the event all three categories cannot be represented, more than one member may be chosen from one of	Y	Y

1,172	43-220 continued...	E. Funding 1. Allocation of Funds The SCDE will annually calculate each district's allocation based on the number of gifted and talented students projected to be served in each district as it relates to the total of all such students in the state. Unobligated funds, which become available during the fiscal year (July 1 June 30) will be redistributed to serve additional eligible students. 2. Distribution of Funds School districts will be authorized to expend allocated funds on students meeting the eligibility criteria of prior regulations and students meeting the eligibility criteria and being served in approved programming. Distribution of funds will be made periodically with a final adjustment occurring at the end of the 135 day attendance reporting period for regular academic programming. 3. Base Allocation for School Districts with Small Enrollments School districts identifying and serving, according to the State Board of Education Regulations, forty students or less shall receive a minimum funding of \$15,000 for academic programming. F. Expenditures and Accounting Procedures 1. State funds provided for gifted and talented programming must impact directly on students served in accordance with provisions of the State Board of Education Regulations. Accounting procedures shall conform to those outlined in the Financial Accounting Handbook issued by the SCDE. The entire allocation must be used directly for gifted and talented related expenditures. 2. A supplemental schedule shall be required in the school district's annual audit under the single audit concept. III. ARTISTIC A. Programming 1. Districts shall develop a written plan to include the following artistic requirements: (a) differentiated curriculum, instruction, and assessment that maximize the potential of the identified	Y	Y
1,173	43-220 continued...	4. Length of Time in Models Academic School Year (In-school, after-school, and Saturday Programming) Grades Minimum Minutes Per Year 1-3 4500 4-8 7200 9-12 8100 Summer Programming (30 days in length) Saturday Programming (minimum 30 Saturdays) Grades Minimum Hours Per Day 1-3 2 1/2 hours 4-8 4 hours 9-12 5 hours 5. Teacher Pupil Ratios: an appropriate teacher pupil ratio fosters positive results. Districts should reference the most current edition of the South Carolina Gifted and Talented Best Practices Manual for further information. B. Identification of Population to be Served 1. The purposes of identification are (1) to find students who display talent beyond that of their peers in one or more artistic areas (dance, music, theatre, and visual arts); (2) to assess the aptitudes, attributes, potential, interests, and artistic behaviors of each student; and (3) to evaluate each student for the purposes of referral. 2. Gifted and talented students may be found within any racial, ethnic, or socioeconomic group; within any nationality; within both genders; and within populations with physical disabilities, learning disabilities, or behavioral problems.	Y	Y

1,174	43-229 Defined Program for the Palmetto Unified School District (PUSD)	Palmetto Unified School District No. 1 (PUSD) was established in 1981 by the South Carolina General Assembly, pursuant to S.C. Code Ann. Section 24 25 10, to provide educational services to inmates through a statewide school district. PUSD as a sanctioned school district is also mandated to comply with the regulations of the State Board of Education (SBE) unless otherwise noted in this regulation. I. District Organization The PUSD shall provide a defined educational program that complies with standards prescribed for the Board of Trustees, district operations, secondary grades, and adult education, unless otherwise noted in this regulation. A. Due to the uniqueness of the school population served by the PUSD (i.e., the large number of students over the public school age of 21 and age disparity within each institution), the operation of a dual program of secondary and adult education for the majority of the district's schools is necessary. The following classifications will be recognized as the organizational patterns for school operation within the district: Secondary (Grades 9 12) Adult Education (Level 1, Level 2, High School Equivalency Programs) B. Students of public school age (17 21) are assigned under pupil classification system as set forth in the Education Finance Act (EFA) as either secondary students (grades 9 12), students enrolled in a high school equivalency program, students with disabilities, or career and technology education (CATE) students. Students who become twenty one years old after September 1 of the school year will remain under the secondary grade pupil classification for the entire school year. Students over public school age will be assigned to the adult education program. C. Accredited schools shall operate a minimum of 1,170 instructional hours for all students. Exercises for issuing diplomas to graduates shall be scheduled at the discretion of the PUSD. High school diploma credits will be awarded per Regulation 43 234, Defined Program, Grades 9 12 and Graduation Requirements. II. District Governance A. Board of Trustees	Y	Y
1,175	43-229 continued...	1. Student Records a. The PUSD will maintain accurate student data according to the pupil accounting system prescribed by the SCDE. b. The district superintendent or designee will verify the accuracy of the student enrollment, attendance, membership by category, and submit this information to the SCDE. 2. Course Records for Students The district superintendent or designee will verify the accuracy of course records for students. 3. Student Enrollment a. Students will not be concurrently enrolled in the Adult Basic Education (ABE) funding database and the EFA funding database. b. Cases of extended or chronic illnesses that are certified by a physician and absences due to emergency conditions may be approved by the principal as excusable. c. Any student who receives fewer than 120 clock hours of instruction during a school year will not be eligible to receive a full unit of credit unless the Board of Trustees approves excessive absences in accordance with Regulation 43 274, and the student makes up the work missed to satisfy the 120 hour requirement, unless that credit is earned in a proficiency based course, as permitted under Regulation 43 234. 4. Transfer of Students a. Accurate accounting records shall be developed and maintained for student transfers and withdrawals according to Regulation 43 273. Comprehensive transcripts shall be submitted directly to the receiving school. A permanent record of the transferred student shall be retained in the school from which the student is transferred. All transfers and withdrawals shall be in accordance with Regulation 43 273, Transfers and Withdrawals. b. Units earned by a student in an accredited high school of this state or in a school of another state, which is accredited under the regulations of the Board of Education of that state, will be accepted under the same value which would apply to students in the school to which they transferred.	Y	Y

1,176	43-229 continued...	I. Advisory Councils The superintendent or designee may establish advisory councils, including but not limited to a Student Advisory Council, Teacher Advisory Council, School Improvement Council, and a Career and Technology Advisory Council. Advisory councils shall meet no less than annually. No advisory council shall have any of the powers and duties reserved by law or regulation of the Board of Trustees. J. Accident Prevention Each school will comply with safety regulations as prescribed in state law and approved in the individual institution's emergency plan (Section 59 63 910, S.C. Code of Laws, 1976, as amended). K. Emergency Closings All school closings, other than for security reasons, must be approved by the district superintendent or designee and reported to the SCDE. L. Displaying of United States and South Carolina Flags (R.43 188) Each school will display the American and State flags appropriately. VI. Adult Education The adult education program is designed primarily for, but not limited to, adults over twenty one years of age. Those students who are under twenty one years of age that have withdrawn from a PUSD EFA school to prepare for a high school equivalency program may participate in the adult education program. The district shall provide educational programs, including the following: Academic Education Level I (1 8), Level II (9 12), High School Diploma Program, and the SCDE virtual education program or other Distance Learning programs. A. Academic Education 1. Level 1: Basic education shall include organized and systematic instruction in the skills of language arts and mathematics. 2. Level II: High school completion shall provide a more defined and structured program which will allow the student to work concurrently toward preparing for the high school equivalency diploma and/or toward	Y	Y
1,177	43-231 Defined Program K 5	Each school district board of trustees shall ensure quality schooling having a rigorous, relevant curriculum for all students. Each school district shall examine the academic achievement standards adopted by the South Carolina State Board of Education. Elementary, middle, and high school faculty and staff shall work together to ensure that students are prepared to achieve these standards. I. Basic Program/Curriculum, Kindergarten The curriculum for children PreK K shall consist of experiences and activities which will enhance their physical, emotional, social, and intellectual growth and development and help each child attain, at his own rate of speed, the educational goals set for the primary school. II. Basic Program/Curriculum, Grades 1 5 Instruction in the subject areas shall be scheduled for each student for a minimum of 1800 minutes or 30 hours per week including lunch, or the equivalent time on a yearly basis. The subjects shall include, but not be limited to: A. Subject Areas Schools must determine the amount of instructional time in a subject area as approved by the local board of trustees and the State Superintendent of Education. The school day must be at least six hours including lunch, or its equivalent weekly. B. Alcohol and Drugs Through special instruction, schools shall provide age appropriate instruction regarding the dangers in the use and abuse of alcohol, tobacco, and other drugs. Instruction shall emphasize problems related to their use and effects upon the total community. Instruction shall be offered in all schools of the State and shall be studied and presented as thoroughly and in the same manner as all other required subjects in grades K 5. C. Guidance Program A comprehensive guidance program including career awareness, is required in schools having any combination of grades K 5.	Y	Y

1,178	43-231 continued...	V. Additional Regulatory Requirements Additional regulatory requirements related to the basic program include, but are not limited to, the following: Gifted and Talented Regulation (43 220) School to Work Regulation (43 225) Health Education Requirement Regulation (43 238) Summer Programs Regulation (43 240) Special Education Regulations (43 243 to 43 243.6) Early Childhood Assistance Programs Grade K 3 (43 267) Academic Assistance Regulations Grades 4 12 (43 268) VI. Student Records 1. Each school shall have an appropriate means of reporting academic achievement to parents. 2. The district shall maintain accurate student data according to the pupil accounting system prescribed by the State Department of Education. A record of all dropouts shall be filed by school, grade, race and sex. The superintendent shall verify the accuracy of the enrollment attendance, membership by category, and dropout reports submitted to the Office of Finance, State Department of Education. VII. Emergency Closings Full days missed because of weather or other circumstances must be made up. Early dismissal days shall be reported to the Director, Office of Organizational Development. HISTORY: Amended by State Register Volume 21, Issue No. 6, Part 1, eff June 27, 1997. 1English/Language Arts shall include reading, writing, listening and speaking. 2Environmental Education is required as an integral part of science, social studies, and health. 3Health and Safety shall include components as outlined in the Comprehensive Health Education Act 4Students who are physically or mentally unable to take the physical education course provided for the	Y	Y
1,179	43-232 Defined Program 6 8	Each school district board of trustees shall ensure quality schooling by providing a rigorous, relevant curriculum for all students. Each school district shall examine the academic achievement standards adopted by the South Carolina State Board of Education. Elementary, middle, and high school faculty and staff shall work together to ensure that students are prepared to achieve these standards. I. Basic Program/Curriculum for Grades 6 8 Instruction in the subject areas shall be scheduled for each student for a minimum of 1800 minutes or 30 hours per week including lunch, or the equivalent time on a yearly basis. The subjects shall include, but not be limited to: A. Subject Areas Schools must determine the amount of instructional time in a subject area as approved by the local board of trustees and the State Superintendent of Education. The school day must be at least six hours including lunch, or its equivalent weekly. A school which includes any combination of grades 5 8 when housed with grades 7 or 8 may elect for all of the combination of grades 5 8 to meet, on a subject by subject basis, the minimum instructional times or the minimum curriculum requirements for either grades 4 5 or grades 6 8, unless otherwise prohibited by law. B. High School Credit When approved by the principal and the parents, a student promoted to the seventh or eighth grade may take units of ninth grade or higher work for high school credit. C. Alcohol and Drugs Through special instruction, schools shall provide age appropriate instruction regarding the dangers in the use and abuse of alcohol, tobacco, and other drugs. Instruction shall emphasize problems related to their use and effects upon the total community. Instruction shall be offered in all schools of the State and shall be studied and presented as thoroughly and in the same manner as all other required subjects in grades 6 through 8.	Y	Y

1,180	43-234 Defined Program, Grades 9 12 and Graduation Requirements	Each school district board of trustees must ensure quality schooling by providing a rigorous, relevant curriculum for all students. Each school district must offer a standards based academic curriculum organized around a career cluster system that provides students with individualized education choices. I. Requirements for Earning a South Carolina High School Diploma A. The student must earn a total of twenty four units of credit as follows: Unit Requirements English language arts 4.0 mathematics 4.0 science 3.0 U.S. History and Constitution 1.0 economics 0.5 U.S. Government 0.5 other social studies 1.0 physical education or Junior ROTC 1.0 computer science (including keyboarding) 1.0 foreign language or career and technology education 1.0 electives 7.0 24.0 total B. The student must pass a classroom examination on the provisions and principles of the United States Constitution, the Declaration of Independence, the Federalist papers, and American institutions and ideals. This instruction must be given for a period of at least one year or its equivalent, either within the required	Y	N
1,181	43-234 continued...	English language arts: English 1, 2, 3, 4 Mathematics: Algebra 1, Mathematics for the Technologies 1, 2, 3, 4* Algebra 2, Geometry Pre calculus, Calculus Discrete Mathematics*, Probability and Statistics Science: Physical Science Earth Science* Biology 1, Biology 2*, Applied Biology 1, 2* Chemistry 1, Chemistry 2*, Chemistry for the Technologies Physics, Physics for the Technologies 1, 2* Social Studies: U.S. History and Constitution U.S. Government Economics World History and World Geography B. Career Clusters School districts must use the sixteen clusters for reporting purposes but may modify these clusters (for example, Arts and Humanities in place of Arts, Audio Video Technology, and Communications). The sixteen state clusters are the same as the sixteen federal clusters: Agriculture, Food, and Natural Resources Architecture and Construction Arts, Audio Video Technology, and Communications	Y	N

1,182	43-234 continued...	VII. Reporting Requirements A. High School Completers 1. Each school issuing the state high school diploma must submit to the State Superintendent of Education on or before May 1 the following data on its previous year's completers: (a) the number of the school's completers who entered the freshman class of a postsecondary institution either in South Carolina or out of state and on whom such an institution has sent the school a first term transcript or summary grade report, (b) a breakdown of all postsecondary courses that this group of completers passed during their term, (c) a breakdown of all postsecondary courses that this group failed during their first term, (d) a breakdown of all postsecondary courses for which this group received a grade of "no credit" during their first term, and (e) the number of the school's completers who did not enter a postsecondary institution but who instead chose a postsecondary alternative such as employment or military service or for whom no information is available. 2. Each school must use the official form to submit the required data on its previous year's completers. B. Career and Technology Education Completers Each district must survey all its high school graduates who are identified as career and technology education completers to determine their placement status with regard to employment, postsecondary education, and military service. A career and technology education completer is a student with an assigned Classification of Instructional Programs (CIP) code who has earned at least four units of credit in CATE courses leading to a career goal. The district must conduct the survey ten months after graduation each year and must submit the results annually to the SCDE for the purpose of federal and state accountability requirements. C. Student Records 1. Each school must have an appropriate means of reporting academic achievement to parents.	Y	N
1,183	43-236 Career or Technology Centers/Comprehensive High Schools	Career or Technology Centers/Comprehensive High Schools Career or technology centers and/or comprehensive high schools shall, based on local needs, offer a variety of courses that will constitute a career major. These career majors are contained in the clusters defined and communicated to school districts by the Office of Career and Technology Education in conjunction with federal and state funding for career and technology courses and programs. School districts will offer in high schools and/or career or technology centers a full complement of courses within a minimum of two career clusters to enable students to complete at least four Carnegie units in an approved sequence of Career and Technology Education coursework leading to a career goal. HISTORY: Amended by State Register Volume 21, Issue No. 7, eff July 25, 1997; State Register Volume 27, Issue No. 2, eff February 28, 2003.	N	N

1,184	43-237.1 Adult Education Program	A. Adult Education Program The program of adult education is provided for adults who want to acquire a basic education, to prepare for a high school equivalency test, to develop literacy skills, to obtain the knowledge and skills necessary for employment and self sufficiency, or to complete the requirements for a state high school diploma. Enrollment in the program of adult education for a state high school diploma shall be limited to adults who are residents in South Carolina. B. Basic Education Program The curriculum of an adult basic education program shall include organized and systematic instruction in reading, writing, and speaking the English language, numeracy, problem solving, English language acquisition, and other literacy skills. Each adult education program shall provide instruction at the various levels as defined in the National Reporting System for Adult Education (NRS). Cooperation with other agencies and programs is needed in order for public education to provide for the adult population's variety of needs. A school district with the written approval of the Office of Adult Education may contract with another school district in South Carolina for the operation of the adult program. Diploma programs must have written approval from the Office of Adult Education. C. Adult Education Facilities (1) Buildings shall be adequate in size and arrangement. (2) Buildings shall be kept clean and comfortable. (3) Each room shall be designed and equipped to serve specific purposes. Adequate lighting, ventilation, and heating shall be provided in all utilized areas. (4) All operating adult school facilities shall comply with the safety regulations prescribed by the State Fire Marshal and with the sanitation and health regulations prescribed by the State Board of Health. D. Health Certificates All personnel shall be screened for tuberculosis as required by (S.C. Code Ann. Sections 44 29 150, 160	Y	N
1,185	43-238 Health Education Requirements	The Comprehensive Health Education (CHE) Act of 1988 (59 32 5) requires that public school health instruction be planned, age appropriate, and sequential. The CHE Act further requires that, at least one time during the four years of grades 9 12, each student shall receive a program of instruction in comprehensive health education to include the following subjects: community health consumer health environmental health growth and development nutritional health personal health prevention and control of diseases and disorders safety and accident prevention substance use and abuse dental health mental and emotional health reproductive health) a minimum of 750 minutes of pregnancy prevention) instruction is required for sexually transmitted diseases*) these three together. family life (option in grades 9–12) * Instruction in sexually transmitted diseases (STDs) includes AIDS education and must be taught within the reproductive health, family life, or pregnancy prevention education components or it must be presented as a separate component (59–32–30(E)). A school program shall provide instruction in Comprehensive Health Education from one or more of the following: 1. Each student shall receive instruction in a comprehensive health education course for 36 weeks or a semester from the list of approved high school health courses. 2. Each student shall receive instruction in each of the comprehensive health subjects through a series of mini courses, e.g., three week short courses selected or developed by the school or district. 3. A school or district shall select or develop modular units of instruction for each of the comprehensive health education subjects and integrate them into existing required courses.	Y	N

1,186	43-240 Summer School Programs (Statutory Authority: 1976 Code Section Section 59 6 60(3&6), and 59 39 100)	A. Summer school programs are provided for the following purposes: to deliver academic assistance to students in grades three through eight under the Education Accountability Act of 1998 (EAA), to promote students in grades one through eight, or to award Carnegie units of credit toward meeting the requirements for a state high school diploma. Other school services offered during the summer are not considered summer school programs under this regulation. Gifted and Talented programs are required to meet the provisions of State Board of Education Regulation 43 220, Gifted and Talented. B. Instruction offered in summer programs must meet the same rigor and standards required during the regular school year. A district summer school program must be directed by a staff member with administrative certification as a district wide program or school site program. Each school in a district wide program must designate a lead teacher. The final accreditation status of the summer school program will be reflected in the overall district rating for the next year. (1) Qualifications of Teachers: Kindergarten, Grades 1 12: The qualifications of each teacher shall be the same as those for the regular term. (2) Organization and Administration: Kindergarten, Grades 1 8: (a) Pupil teacher ratio shall not exceed 25:1 in each classroom for grades K 5, or 30:1 in each classroom for grades 6 8. (b) For students in grades 3 8, a summer school program designed for academic assistance under the Educational Accountability Act of 1998 (EAA) will be no less than 30 instructional hours. For students in grades K, 1, and 2, not on academic plans established by EAA, the districts may determine the length of the school day and the number of days scheduled. (c) Summer school programs operated for students who are earning Carnegie units of credit must meet all the requirements established for grades 9 12. (3) Organization and Administration: Grades 9 12. (a) Pupil teacher ratio shall not exceed 30:1 in each classroom. (b) All students taking a course for one unit of credit must receive at least 120 hours of instruction in that	Y	N
1,187	43-241 Medical Homebound Instruction	I. Students who cannot attend public school because of illness, accident, or pregnancy, even with the aid of transportation, are eligible for medical homebound or hospitalized instruction. (A) A physician must certify that the student is unable to attend school but may profit from instruction given in the home or hospital. (B) Any student participating in a program of medical homebound instruction or hospitalized instruction must be approved by the district superintendent or his or her designee on standardized forms provided by the State Department of Education. (C) A South Carolina school district may count in membership a pupil who is compelled to reside outside the State to receive medical services provided the teacher is certificated by the Department of Education in the state where services are rendered. (D) All approved forms must be maintained by the district for documentation. II. A student is eligible for medical homebound instruction (1) on the day following his or her last day of school attendance or (2) on the first day of the regular nine month academic year of the school in which he or she is enrolled and would otherwise be in attendance. The student remains eligible (1) until the day before he or she returns to school or (2) until the last day of the regular academic year in the school year he or she would normally be enrolled, whichever occurs first. III. The State Department of Education shall fund a maximum of five periods per week of medical homebound instruction pursuant to the Education Finance Act (EFA). (A) A day of instruction must be based on the student's individual need but may be no less than fifty minutes to qualify for state funding. (B) There is no limit to the amount of instruction that may be provided with funds other than state funds. (C) If more instruction is needed, the school district must provide the additional funds. IV. Should an approved student not be provided the medical homebound instruction that he or she is entitled to receive, the student is eligible to have the medical homebound instruction made up by the district. (A) This make up may occur during the student's remaining eligibility for medical homebound instruction or	Y	Y

1,188	43-242 Driver Training	A school program shall include the complete program of driver education, classroom and behind the wheel phases, and it shall be provided each semester on an elective basis for eligible students. Schools organized on grades 9 12 or 10 12 basis shall provide this program. Summer programs of driver education are permissible and recommended but may not be substituted for the regular school year program. 1. The course shall be organized on a semester basis and shall include as a minimum 30 classroom hours of instruction in driver education, 6 hours of actual behind the wheel driving, and 6 hours of actual observation. Twelve hours of simulation instruction may replace 3 hours of behind the wheel driving. 2. Behind the wheel driving refers to actual experiences in road instruction with the student as the driver with the teacher present. Behind the wheel instruction shall include the following: a. Actual experience in driving a properly marked automobile. It is required that a dual control automobile be used. b. A minimum of 6 hours of behind the wheel practice driving with a certified driving instructor. Twelve hours of simulation instruction may replace 3 hours of behind the wheel driving. 3. The instructional materials shall be selected from the list of state adopted instructional materials list for driver education. 4. Driver education must be offered at a grade level that complies with Section 8 of the Highway Safety Act (R 521, Act No. 362 of 1965). It is recommended that the course be offered at the grade level where most of the students have or are approaching legal driving age, which is the ninth grade. However, the course may be offered in any grade 9 12. The course shall be limited to students whose physical and mental condition gives reasonable promise of being able to pass the requirements of the State Highway Department for a driver's license. 5. The teacher must (a) hold a valid South Carolina teacher's certificate, (b) be certified to teach driver education, (c) have completed successfully a basic and advanced driver and traffic education instructor's	N	N
1,189	43-243 Special Education, Education of Students with Disabilities	The purpose of this regulation is to align state rules, regulations, and policies relating to the education of children with disabilities to the purposes and requirements of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and its implementing regulation. The federal IDEA regulation is incorporated into R.43 243, Special Education, Education of Students with Disabilities, by reference. This regulation is an outline of all provisions contained in Part B of the IDEA regulation. Most provisions of proposed R.43 243 are identical to the IDEA regulation. I. General A. Purposes and Applicability 1. The purposes of this part are a) To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; b) To ensure that the rights of children with disabilities and their parents are protected; c) To assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities; and d) To assess and ensure the effectiveness of efforts to educate children with disabilities. 2. Applicability of this part to State and local agencies. a) States. This part applies to each State that receives payments under Part B of the Act, as defined in Section 300.4. b) Public agencies within the State. The provisions of this part (1) Apply to all political subdivisions of the State that are involved in the education of children with disabilities, including: (i) The State educational agency (SEA). (ii) Local educational agencies (LEAs), educational service agencies (ESAs), and public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA.	Y	Y

1,190	43-243 continued...	(C) Inappropriate types of behavior or feelings under normal circumstances. (D) A general pervasive mood of unhappiness or depression. (E) A tendency to develop physical symptoms or fears associated with personal or school problems. (ii) The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have a serious emotional disturbance. (5) Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section. (6) Intellectual disability means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance. (7) Multiple disabilities means concomitant impairments (such as intellectual disability blindness or intellectual disability orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf blindness. (8) Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures). (9) Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that: (i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and	Y	Y
1,191	43-243 continued...	b) Any State or local funds expended for programs that would qualify for assistance under any of the parts described in paragraph (a) of this section, but excluding any amounts for capital outlay or debt service. 14. Free appropriate public education. Free appropriate public education or FAPE means special education and related services that a) Are provided at public expense, under public supervision and direction, and without charge; b) Meet the standards of the SEA, including the requirements of this part; c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of Secs. 300.320 through 300.324. 15. Highly qualified special education teachers. a) Requirements for special education teachers teaching core academic subjects. For any public elementary or secondary school special education teacher teaching core academic subjects, the term highly qualified has the meaning given the term in section 9101 of the ESEA and 34 CFR 200.56, except that the requirements for highly qualified also (1) Include the requirements described in paragraph (b) of this section; and (2) Include the option for teachers to meet the requirements of section 9101 of the ESEA by meeting the requirements of paragraphs (c) and (d) of this section. b) Requirements for special education teachers in general. (1) When used with respect to any public elementary school or secondary school special education teacher teaching in a State, highly qualified requires that (i) The teacher has obtained full State certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except that when used with respect to any teacher teaching in a public charter school, highly qualified means that the teacher meets	Y	Y

1,192	43-243 continued...	b) For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication). 26. Parent. a) Parent means (1) A biological or adoptive parent of a child; (2) A foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent; (3) A guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State); (4) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare; or (5) A surrogate parent who has been appointed in accordance with Section 300.519 or section 639(a)(5) of the Act. b)(1) Except as provided in paragraph (b)(2) of this section, the biological or adoptive parent, when attempting to act as the parent under this part and when more than one party is qualified under paragraph (a) of this section to act as a parent, must be presumed to be the parent for purposes of this section unless the biological or adoptive parent does not have legal authority to make educational decisions for the child. (2) If a judicial decree or order identifies a specific person or persons under paragraphs (a)(1) through (4) of this section to act as the “parent” of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the “parent” for purposes of this section. 27. Parent training and information center. Parent training and information center means a center assisted under sections 671 or 672 of the Act. 28. Personally identifiable. Personally identifiable means information that contains a) The name of the child, the child’s parent, or other family member;	Y	Y
1,193	43-243 continued...	(9) Physical therapy means services provided by a qualified physical therapist. (10) Psychological services includes (i) Administering psychological and educational tests, and other assessment procedures; (ii) Interpreting assessment results; (iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning; (iv) Consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations; (v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and (vi) Assisting in developing positive behavioral intervention strategies. (11) Recreation includes (i) Assessment of leisure function; (ii) Therapeutic recreation services; (iii) Recreation programs in schools and community agencies; and (iv) Leisure education. (12) Rehabilitation counseling services means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with a disability by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq. (13) School health services and school nurse services means health services that are designed to enable a child with a disability to receive FAPE as described in the child’s IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a	Y	Y

1,194	43-243 continued...	(5) Vocational education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree. 36. State. State means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas. 37. State educational agency. State educational agency or SEA means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary schools and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law. 38. Supplementary aids and services. Supplementary aids and services means aids, services, and other supports that are provided in regular education classes, other education related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with Secs. 300.114 through 300.116. 39. Transition services. a) Transition services means a coordinated set of activities for a child with a disability that (1) Is designed to be within a results oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; (2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes (i) Instruction; (ii) Related services; (iii) Community experiences;	Y	Y
1,195	43-243 continued...	b) Nothing in this part relieves an insurer or similar third party from an otherwise valid obligation to provide or to pay for services provided to a child with a disability. c) Consistent with Section 300.323(c), each public agency must ensure that there is no delay in implementing a child's IEP, including any case in which the payment source for providing or paying for special education and related services to the child is being determined. 2. Residential and alternative residence placements. a) If placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non medical care and room and board, must be at no cost to the parents of the child. b) If a child with a disability is placed by a public entity for therapeutic reasons in a public or private residential program, the responsibility for providing a FAPE to that child shall rest with the LEA wherein the residence is located. This includes children with disabilities who reside in alternative residences (such as foster homes, group homes, orphanages, residential treatment facilities, state operated healthcare facilities and state operated facilities for the treatment of mental illness or chemical dependence) that are located within the LEA. This does not apply to children residing in hospitals, emergency shelters, special schools, child care institutions, or private healthcare settings that are funded through other provisions and acts. 3. Assistive technology. a) Each public agency must ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in Secs. 300.5 and 300.6, respectively, are made available to a child with a disability if required as a part of the child's (1) Special education under Section 300.36; (2) Related services under Section 300.34; or (3) Supplementary aids and services under Secs. 300.38 and 300.114(a)(2)(ii). b) On a case by case basis, the use of school purchased assistive technology devices in a child's home or in	Y	Y

1,196	43-243 continued...	D. Least Restrictive Environment (LRE) 1. LRE requirements. a) General. (1) Except as provided in Section 300.324(d)(2) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and Secs. 300.115 through 300.120. (2) Each public agency must ensure that (i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. b) Additional requirement State funding mechanism (1) General. (i) A State funding mechanism must not result in placements that violate the requirements of paragraph (a) of this section; and (ii) A State must not use a funding mechanism by which the State distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability FAPE according to the unique needs of the child, as described in the child's IEP. (2) Assurance. If the State does not have policies and procedures to ensure compliance with paragraph (b)(1) of this section, the State must provide the Secretary an assurance that the State will revise the funding mechanism as soon as feasible to ensure that the mechanism does not result in placements that violate that paragraph. 2. Continuum of alternative placements. a) Each public agency must ensure that a continuum of alternative placements is available to meet the	Y	Y
1,197	43-243 continued...	a) General. To the extent consistent with the number and location of children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, provision is made for the participation of those children in the program assisted or carried out under Part B of the Act by providing them with special education and related services, including direct services determined in accordance with Section 300.137, unless the Secretary has arranged for services to those children under the by pass provisions in Secs. 300.190 through 300.198. b) Services plan for parentally placed private school children with disabilities. In accordance with paragraph (a) of this section and Secs. 300.137 through 300.139, a services plan must be developed and implemented for each private school child with a disability who has been designated by the LEA in which the private school is located to receive special education and related services under this part. c) Record keeping. Each LEA must maintain in its records, and provide to the SEA, the following information related to parentally placed private school children covered under Secs. 300.130 through 300.144: (1) The number of children evaluated; (2) The number of children determined to be children with disabilities; and (3) The number of children served. 4. Expenditures. a) Formula. To meet the requirement of Section 300.132(a), each LEA must spend the following on providing special education and related services (including direct services) to parentally placed private school children with disabilities: (1) For children between the ages of 3 and 21, an amount that is the same proportion of the LEA's total subgrant under section 611(f) of the Act as the number of private school children with disabilities between the ages of 3 and 21 who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, is to the total number of children with disabilities in its jurisdiction between the ages of 3 and 21. (2)(i) For children aged three through five, an amount that is the same proportion of the LEA's total	Y	Y

1,198	43-243 continued...	a) No individual right to special education and related services. No parentally placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school. b) Decisions. (1) Decisions about the services that will be provided to parentally placed private school children with disabilities under Secs. 300.130 through 300.144 must be made in accordance with paragraph (c) of this section and Section 300.134(c). (2) The LEA must make the final decisions with respect to the services to be provided to eligible parentally placed private school children with disabilities. c) Services plan for each child served under Secs. 300.130 through 300.144. If a child with a disability is enrolled in a religious or other private school by the child's parents and will receive special education or related services from an LEA, the LEA must (1) Initiate and conduct meetings to develop, review, and revise a services plan for the child, in accordance with Section 300.138(b); and (2) Ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the LEA shall use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls. 9. Equitable services provided. a) General. (1) The services provided to parentally placed private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary school and secondary school teachers who are providing equitable services to parentally placed private school children with disabilities do not have to meet the highly qualified special education teacher requirements of Section 300.18. (2) Parentally placed private school children with disabilities may receive a different amount of services	Y	Y
1,199	43-243 continued...	a) A public agency must control and administer the funds used to provide special education and related services under Secs. 300.137 through 300.139, and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in the Act. b) The public agency may place equipment and supplies in a private school for the period of time needed for the Part B program. c) The public agency must ensure that the equipment and supplies placed in a private school (1) Are used only for Part B purposes; and (2) Can be removed from the private school without remodeling the private school facility. d) The public agency must remove equipment and supplies from a private school if (1) The equipment and supplies are no longer needed for Part B purposes; or (2) Removal is necessary to avoid unauthorized use of the equipment and supplies for other than Part B purposes. e) No funds under Part B of the Act may be used for repairs, minor remodeling, or construction of private school facilities. H. Children With Disabilities in Private Schools Placed or Referred by Public Agencies 1. Applicability of Secs. 300.146 through 300.147. Sections 300.146 through 300.147 apply only to children with disabilities who are or have been placed in or referred to a private school or facility by a public agency as a means of providing special education and related services. 2. Responsibility of SEA. Each SEA must ensure that a child with a disability who is placed in or referred to a private school or facility by a public agency a) Is provided special education and related services (1) In conformance with an IEP that meets the requirements of Secs. 300.320 through 300.325; and (2) At no cost to the parents; b) Is provided an education that meets the standards that apply to education provided by the SEA and LEAs including the requirements of this part; and	Y	Y

1,200	43-243 continued...	2. SEA implementation of procedural safeguards. The SEA (and any agency assigned responsibility pursuant to Section 300.149(d)) must have in effect procedures to inform each public agency of its responsibility for ensuring effective implementation of procedural safeguards for the children with disabilities served by that public agency. K. State Complaint Procedures 1. Adoption of State complaint procedures. a) General. Each SEA must adopt written procedures for (1) Resolving any complaint, including a complaint filed by an organization or individual from another State, that meets the requirements of Section 300.153 by providing for the filing of a complaint with the SEA; and (2) Widely disseminating to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities, the State procedures under Secs. 300.151 through 300.153. b) Remedies for denial of appropriate services. In resolving a complaint in which the SEA has found a failure to provide appropriate services, the SEA, pursuant to its general supervisory authority under Part B of the Act, must address (1) The failure to provide appropriate services, including corrective action appropriate to address the needs of the child (such as compensatory services or monetary reimbursement); and (2) Appropriate future provision of services for all children with disabilities. 2. Minimum State complaint procedures. a) Time limit; minimum procedures. Each SEA must include in its complaint procedures a time limit of 60 days after a complaint is filed under Section 300.153 to (1) Carry out an independent on site investigation, if the SEA determines that an investigation is necessary; (2) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint; (3) Provide the public agency with the opportunity to respond to the complaint, including, at a minimum	Y	Y
1,201	43-243 continued...	(3) Procedures for resolving interagency disputes (including procedures under which LEAs may initiate proceedings) under the agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism. (4) Policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely and appropriate delivery of services described in paragraph (b)(1) of this section. b) Obligation of noneducational public agencies. (1)(i) If any public agency other than an educational agency is otherwise obligated under Federal or State law, or assigned responsibility under State policy or pursuant to paragraph (a) of this section, to provide or pay for any services that are also considered special education or related services (such as, but not limited to, services described in Section 300.5 relating to assistive technology devices, Section 300.6 relating to assistive technology services, Section 300.34 relating to related services, Section 300.41 relating to supplementary aids and services, and Section 300.42 relating to transition services) that are necessary for ensuring FAPE to children with disabilities within the State, the public agency must fulfill that obligation or responsibility, either directly or through contract or other arrangement pursuant to paragraph (a) of this section or an agreement pursuant to paragraph (c) of this section. (ii) A noneducational public agency described in paragraph (b)(1)(i) of this section may not disqualify an eligible service for Medicaid reimbursement because that service is provided in a school context. (2) If a public agency other than an educational agency fails to provide or pay for the special education and related services described in paragraph (b)(1) of this section, the LEA (or State agency responsible for developing the child's IEP) must provide or pay for these services to the child in a timely manner. The LEA or State agency is authorized to claim reimbursement for the services from the noneducational public agency that failed to provide or pay for these services and that agency must reimburse the LEA or State agency in accordance with the terms of the interagency agreement or other mechanism described in paragraph (a) of this section.	Y	Y

1,202	43-243 continued...	h) Construction. Nothing in this part should be construed to alter the requirements imposed on a State Medicaid agency, or any other agency administering a public benefits or insurance program by Federal statute, regulations or policy under title XIX, or title XXI of the Social Security Act, 42 U.S.C. 1396 through 1396v and 42 U.S.C. 1397aa through 1397jj, or any other public benefits or insurance program. M. Additional Eligibility Requirements 1. Hearings relating to LEA eligibility. The SEA must not make any final determination that an LEA is not eligible for assistance under Part B of the Act without first giving the LEA reasonable notice and an opportunity for a hearing under 34 CFR 76.401(d). 2. Personnel qualifications. a) General. The SEA must establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities. b) Related services personnel and paraprofessionals. The qualifications under paragraph (a) of this section must include qualifications for related services personnel and paraprofessionals that (1) Are consistent with any State approved or State recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services; and (2) Ensure that related services personnel who deliver services in their discipline or profession (i) Meet the requirements of paragraph (b)(1) of this section; and (ii) Have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and (iii) Allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services under this part to children with disabilities. c) Qualifications for special education teachers. The qualifications described in paragraph (a) of this section	Y	Y
1,203	43-243 continued...	c) State level nonsupplanting. (1) Except as provided in Section 300.202, funds paid to a State under Part B of the Act must be used to supplement the level of Federal, State, and local funds (including funds that are not under the direct control of the SEA or LEAs) expended for special education and related services provided to children with disabilities under Part B of the Act, and in no case to supplant those Federal, State, and local funds. (2) If the State provides clear and convincing evidence that all children with disabilities have available to them FAPE, the Secretary may waive, in whole or in part, the requirements of paragraph (c)(1) of this section if the Secretary concurs with the evidence provided by the State under Section 300.164. 6. Maintenance of State financial support. a) General. A State must not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year. b) Reduction of funds for failure to maintain support. The Secretary reduces the allocation of funds under section 611 of the Act for any fiscal year following the fiscal year in which the State fails to comply with the requirement of paragraph (a) of this section by the same amount by which the State fails to meet the requirement. c) Waivers for exceptional or uncontrollable circumstances. The Secretary may waive the requirement of paragraph (a) of this section for a State, for one fiscal year at a time, if the Secretary determines that (1) Granting a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State; or (2) The State meets the standard in Section 300.164 for a waiver of the requirement to supplement, and not to supplant, funds received under Part B of the Act. d) Subsequent years. If, for any fiscal year, a State fails to meet the requirement of paragraph (a) of this section, including any year for which the State is granted a waiver under paragraph (c) of this section, the financial support required of the State in future years under paragraph (a) of this section shall be the amount	Y	Y

1,204	43-243 continued...	(4) In order to meet its responsibility under paragraphs (b)(2), (b)(3), and (c) of this section to ensure that children with disabilities who need instructional materials in accessible formats are provided those materials in a timely manner, the SEA must ensure that all public agencies take all reasonable steps to provide instructional materials in accessible formats to children with disabilities who need those instructional materials at the same time as other children receive instructional materials. c) Preparation and delivery of files. If the SEA chooses to coordinate with the NIMAC, as of December 3, 2006, the SEA must (1) As part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, must enter into a written contract with the publisher of the print instructional materials to (i) Require the publisher to prepare and, on or before delivery of the print instructional materials, provide to NIMAC electronic files containing the contents of the print instructional materials using the NIMAS; or (ii) Purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (2) Provide instructional materials to blind persons or other persons with print disabilities in a timely manner. d) Assistive technology. In carrying out this section, the SEA, to the maximum extent possible, must work collaboratively with the State agency responsible for assistive technology programs. e) Definitions. (1) In this section and Section 300.210 (i) Blind persons or other persons with print disabilities means children served under this part who may qualify to receive books and other publications produced in specialized formats in accordance with the Act entitled "An Act to provide books for adult blind," approved March 3, 1931, 2 U.S.C 135a; (ii) National Instructional Materials Access Center or NIMAC means the center established pursuant to section 674(e) of the Act;	Y	Y
1,205	43-243 continued...	b) If more than one individual is designated, the Secretary designates one of those individuals as the Chief Hearing Official of the Hearing Panel. If one individual is designated, that individual is the Hearing Official. 4. Hearing procedures. a) As used in Secs. 300.179 through 300.184 the term party or parties means the following: (1) The SEA that requests a hearing regarding the proposed disapproval of the State's eligibility under this part. (2) The Department official who administers the program of financial assistance under this part. (3) A person, group or agency with an interest in and having relevant information about the case that has applied for and been granted leave to intervene by the Hearing Official or Hearing Panel. b) Within 15 days after receiving a request for a hearing, the Secretary designates a Hearing Official or Hearing Panel and notifies the parties. c) The Hearing Official or Hearing Panel may regulate the course of proceedings and the conduct of the parties during the proceedings. The Hearing Official or Hearing Panel takes all steps necessary to conduct a fair and impartial proceeding, to avoid delay, and to maintain order, including the following: (1) The Hearing Official or Hearing Panel may hold conferences or other types of appropriate proceedings to clarify, simplify, or define the issues or to consider other matters that may aid in the disposition of the case. (2) The Hearing Official or Hearing Panel may schedule a prehearing conference with the Hearing Official or Hearing Panel and the parties. (3) Any party may request the Hearing Official or Hearing Panel to schedule a prehearing or other conference. The Hearing Official or Hearing Panel decides whether a conference is necessary and notifies all parties. (4) At a prehearing or other conference, the Hearing Official or Hearing Panel and the parties may consider subjects such as (i) Narrowing and clarifying issues; (ii) Assisting the parties in reaching agreements and stipulations;	Y	Y

1,206	43-243 continued...	b) The Secretary waives the requirement of section 612(a)(10)(A) of the Act and of Secs. 300.131 through 300.144 if the Secretary implements a by pass. 2. Provisions for services under a by pass. a) Before implementing a by pass, the Secretary consults with appropriate public and private school officials, including SEA officials, in the affected State, and as appropriate, LEA or other public agency officials to consider matters such as (1) Any prohibition imposed by State law that results in the need for a by pass; and (2) The scope and nature of the services required by private school children with disabilities in the State, and the number of children to be served under the by pass. b) After determining that a by pass is required, the Secretary arranges for the provision of services to private school children with disabilities in the State, LEA or other public agency in a manner consistent with the requirements of section 612(a)(10)(A) of the Act and Secs. 300.131 through 300.144 by providing services through one or more agreements with appropriate parties. c) For any fiscal year that a by pass is implemented, the Secretary determines the maximum amount to be paid to the providers of services by multiplying (1) A per child amount determined by dividing the total amount received by the State under Part B of the Act for the fiscal year by the number of children with disabilities served in the prior year as reported to the Secretary under section 618 of the Act; by (2) The number of private school children with disabilities (as defined in Secs. 300.8(a) and 300.130) in the State, LEA or other public agency, as determined by the Secretary on the basis of the most recent satisfactory data available, which may include an estimate of the number of those children with disabilities. d) The Secretary deducts from the State's allocation under Part B of the Act the amount the Secretary determines is necessary to implement a by pass and pays that amount to the provider of services. The Secretary may withhold this amount from the State's allocation pending final resolution of any investigation or complaint that could result in a determination that a by pass must be implemented.	Y	Y
1,207	43-243 continued...	a) Except as provided in paragraph (2)(b) of this section, the SEA must determine that an LEA complies with paragraph (1) of this section for purposes of establishing the LEA's eligibility for an award for a fiscal year if the LEA budgets, for the education of children with disabilities, at least the same total or per capita amount from either of the following sources as the LEA spent for that purpose from the same source for the most recent prior year for which information is available: (1) Local funds only. (2) The combination of State and local funds. b) An LEA that relies on paragraph (b)(1)(i) of this section for any fiscal year must ensure that the amount of local funds it budgets for the education of children with disabilities in that year is at least the same, either in total or per capita, as the amount it spent for that purpose in the most recent fiscal year for which information is available and the standard in paragraph (2)(a)(1) of this section was used to establish its compliance with this section. c) The SEA may not consider any expenditures made from funds provided by the Federal Government for which the SEA is required to account to the Federal Government or for which the LEA is required to account to the Federal Government directly or through the SEA in determining an LEA's compliance with the requirement in paragraph (1) of this section. E. Exception to maintenance of effort. Notwithstanding the restriction in Section 300.203(a), an LEA may reduce the level of expenditures by the LEA under Part B of the Act below the level of those expenditures for the preceding fiscal year if the reduction is attributable to any of the following: 1. The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel. 2. A decrease in the enrollment of children with disabilities. 3. The termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child	Y	Y

1,208	43-243 continued...	2. Modification made by an LEA or State agency. Subject to paragraph (3) of this section, policies and procedures submitted by an LEA or a State agency in accordance with this subpart remain in effect until the LEA or State agency submits to the SEA the modifications that the LEA or State agency determines are necessary. 3. Modifications required by the SEA. The SEA will require an LEA or a State agency to modify its policies and procedures, but only to the extent necessary to ensure the LEA's or State agency's compliance with Part B of the Act or State law, if a) After December 3, 2004, the effective date of the Individuals with Disabilities Education Improvement Act of 2004, the applicable provisions of the Act (or the regulations developed to carry out the Act) are amended; b) There is a new interpretation of an applicable provision of the Act by Federal or State courts; or c) There is an official finding of noncompliance with Federal or State law or regulations. P. Notification of LEA or State agency in case of ineligibility. If the SEA determines that an LEA or State agency is not eligible under Part B of the Act, then the SEA must 1. Notify the LEA or State agency of that determination; and 2. Provide the LEA or State agency with reasonable notice and an opportunity for a hearing. Q. Fiscal Sanctions. If the SEA finds that a LEA, special school, or other agency, herein referred to as an applicant, with the responsibility under state law for the provision of a FAPE to students with disabilities is failing to comply with any requirement described under Part B of the IDEA, the applicable federal or state regulations, or state policies and procedures related to the requirements of the IDEA, the SEA may impose sanctions, including the reduction, withholding, or recovery of payments made relative to the IDEA grant administered by the SEA. In accordance with Part B of the IDEA and the Education Division General Administrative Regulations (EDGAR) Title 34, Code of Federal Regulations Sections 75 and 76, the SEA shall provide reasonable notice and an opportunity for a hearing prior to taking any final action regarding the reduction, withholding, or recovery of payments to the applicant. 1. Hearing Issues. The SEA shall provide the applicant with notification of the right to a hearing and the	Y	Y
1,209	43-243 continued...	S. Joint establishment of eligibility. 1. General. The SEA may require an LEA to establish its eligibility jointly with another LEA if the SEA determines that the LEA will be ineligible under this subpart because the agency will not be able to establish and maintain programs of sufficient size and scope to effectively meet the needs of children with disabilities. 2. Charter school exception. The SEA may not require a charter school that is an LEA to jointly establish its eligibility under paragraph (1) of this section unless the charter school is explicitly permitted to do so under the State's charter school statute. 3. Amount of payments. If the SEA requires the joint establishment of eligibility under paragraph (1) of this section, the total amount of funds made available to the affected LEAs must be equal to the sum of the payments that each LEA would have received under Section 300.705 if the agencies were eligible for those payments. T. Requirements for establishing eligibility. 1. Requirements for LEAs in general. LEAs that establish joint eligibility under this section must a) Adopt policies and procedures that are consistent with the State's policies and procedures under Secs. 300.101 through 300.163, and Secs. 300.165 through 300.174; and b) Be jointly responsible for implementing programs that receive assistance under Part B of the Act. 2. Requirements for educational service agencies in general. If an educational service agency is required by State law to carry out programs under Part B of the Act, the joint responsibilities given to LEAs under Part B of the Act a) Do not apply to the administration and disbursement of any payments received by that educational service agency; and b) Must be carried out only by that educational service agency. 3. Additional requirement. Notwithstanding any other provision of Secs. 300.223 through 300.224, an educational service agency must provide for the education of children with disabilities in the least restrictive environment, as required by Section 300.112.	Y	Y

1,210	43-243 continued...	b) Parental consent for services. (1) A public agency that is responsible for making FAPE available to a child with a disability must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child. (2) The public agency must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child. (3) If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, the public agency: (i) May not use the procedures in the Procedural Safeguards Due Process Procedures for Parents and Children section V (including the mediation procedures under Section 300.506) and the due process procedures under Section Section 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child; (ii) Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with the special education and related services for which the parent refuses or fails to provide consent; and (iii) Is not required to convene an IEP team meeting or develop an IEP under Section Section 300.320 and 300.324 for the child. (4) If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency: (i) May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with Section 300.503 before ceasing the provision of special education and related services; (ii) May not use the procedures in the Procedural Safeguards section (including the mediation procedures under Section 300.506 or the due process procedures under Section Section 300.507 through 300.516) in	Y	Y
1,211	43-243 continued...	c) Source of data. The public agency must administer such assessments and other evaluation measures as may be needed to produce the data identified under paragraph (a) of this section. d) Requirements if additional data are not needed. (1) If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, the public agency must notify the child's parents of' (i) That determination and the reasons for the determination; and (ii) The right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child's educational needs. (2) The public agency is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents. e) Evaluations before change in eligibility. (1) Except as provided in paragraph (e)(2) of this section, a public agency must evaluate a child with a disability in accordance with Secs. 300.304 through 300.311 before determining that the child is no longer a child with a disability. (2) The evaluation described in paragraph (e)(1) of this section is not required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law. (3) For a child whose eligibility terminates under circumstances described in paragraph (e)(2) of this section, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. 6. Determination of eligibility. a) General. Upon completion of the administration of assessments and other evaluation measures (1) A group of qualified professionals and the parent of the child determines whether the child is a child	Y	Y

1,212	43-243 continued...	D. Individualized Education Programs 1. Definition of individualized education program. a) General. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with Secs. 300.320 through 300.324, and that must include (1) A statement of the child's present levels of academic achievement and functional performance, including (i) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities; (2)(i) A statement of measurable annual goals, including academic and functional goals designed to (A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and (B) Meet each of the child's other educational needs that result from the child's disability; (ii) For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short term objectives; (3) A description of (i) How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and (ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided; (4) A statement of the special education and related services and supplementary aids and services, based on peer reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and	Y	Y
1,213	43-243 continued...	d) Accessibility of child's IEP to teachers and others. Each public agency must ensure that (1) The child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and (2) Each teacher and provider described in paragraph (d)(1) of this section is informed of (i) His or her specific responsibilities related to implementing the child's IEP; and (ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP. e) IEPs for children who transfer public agencies in the same State. If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either (1) Adopts the child's IEP from the previous public agency; or (2) Develops, adopts, and implements a new IEP that meets the applicable requirements in Secs. 300.320 through 300.324. f) IEPs for children who transfer from another State. If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency (1) Conducts an evaluation pursuant to Secs. 300.304 through 300.306 (if determined to be necessary by the new public agency); and (2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in Secs. 300.320 through 300.324. g) Transmittal of records. To facilitate the transition for a child described in paragraphs (e) and (f) of this	Y	Y

1,214	43-243 continued...	V. Procedural Safeguards Due Process Procedures for Parents and Children A. Procedural Safeguards 1. Responsibility of SEA and other public agencies. Each SEA must ensure that each public agency establishes, maintains, and implements procedural safeguards that meet the requirements of Secs. 300.500 through 300.536. 2. Opportunity to examine records; parent participation in meetings. a) Opportunity to examine records. The parents of a child with a disability must be afforded, in accordance with the procedures of Secs. 300.613 through 300.621, an opportunity to inspect and review all education records with respect to (1) The identification, evaluation, and educational placement of the child; and (2) The provision of FAPE to the child. b) Parent participation in meetings. (1) The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to (i) The identification, evaluation, and educational placement of the child; and (ii) The provision of FAPE to the child. (2) Each public agency must provide notice consistent with Section 300.322(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (b)(1) of this section. (3) A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting. c) Parent involvement in placement decisions. (1) Each public agency must ensure that a parent of each child with a disability is a member of any group	Y	Y
1,215	43-243 continued...	(2) If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure (i) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; (ii) That the parent understands the content of the notice; and (iii) That there is written evidence that the requirements in paragraphs (c)(2)(i) and (ii) of this section have been met. 5. Procedural safeguards notice. a) General. A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents (1) Upon initial referral or parent request for evaluation; (2) Upon receipt of the first State complaint under Secs. 300.151 through 300.153 and upon receipt of the first due process complaint under Section 300.507 in a school year; (3) In accordance with the discipline procedures in Section 300.530(h); and (4) Upon request by a parent. b) Internet Web site. A public agency may place a current copy of the procedural safeguards notice on its Internet Web site if a Web site exists. c) Contents. The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under Section 300.148, Secs. 300.151 through 300.153, Section 300.300, Secs. 300.502 through 300.503, Secs. 300.505 through 300.518, Section 300.520, Secs. 300.530 through 300.536 and Secs. 300.610 through 300.625 relating to (1) Independent educational evaluations; (2) Prior written notice; (3) Parental consent; (4) Access to education records;	Y	Y

1,216	43-243 continued...	(3) A party may amend its due process complaint only if (i) The other party consents in writing to the amendment and is given the opportunity to resolve the due process complaint through a meeting held pursuant to Section 300.510; or (ii) The hearing officer grants permission, except that the hearing officer may only grant permission to amend at any time not later than five days before the due process hearing begins. (4) If a party files an amended due process complaint, the timelines for the resolution meeting in Section 300.510(a) and the time period to resolve in Section 300.510(b) begin again with the filing of the amended due process complaint. e) LEA response to a due process complaint. (1) If the LEA has not sent a prior written notice under Section 300.503 to the parent regarding the subject matter contained in the parent's due process complaint, the LEA must, within 10 days of receiving the due process complaint, send to the parent a response that includes (i) An explanation of why the agency proposed or refused to take the action raised in the due process complaint; (ii) A description of other options that the IEP Team considered and the reasons why those options were rejected; (iii) A description of each evaluation procedure, assessment, record, or report the agency used as the basis for the proposed or refused action; and (iv) A description of the other factors that are relevant to the agency's proposed or refused action. (2) A response by an LEA under paragraph (e)(1) of this section shall not be construed to preclude the LEA from asserting that the parent's due process complaint was insufficient, where appropriate. f) Other party response to a due process complaint. Except as provided in paragraph (e) of this section, the party receiving a due process complaint must, within 10 days of receiving the due process complaint, send to the other party a response that specifically addresses the issues raised in the due process complaint. 10. Model forms.	Y	Y
1,217	43-243 continued...	(2) In matters alleging a procedural violation, a hearing officer may find that a child did not receive a FAPE only if the procedural inadequacies (i) Impeded the child's right to a FAPE; (ii) Significantly impeded the parent's opportunity to participate in the decision making process regarding the provision of a FAPE to the parent's child; or (iii) Caused a deprivation of educational benefit. (3) Nothing in paragraph (a) of this section shall be construed to preclude a hearing officer from ordering an LEA to comply with procedural requirements under Secs. 300.500 through 300.536. b) Construction clause. Nothing in Secs. 300.507 through 300.513 shall be construed to affect the right of a parent to file an appeal of the due process hearing decision with the SEA under Section 300.514(b), if a State level appeal is available. c) Separate request for a due process hearing. Nothing in Secs. 300.500 through 300.536 shall be construed to preclude a parent from filing a separate due process complaint on an issue separate from a due process complaint already filed. d) Findings and decision to advisory panel and general public. The public agency, after deleting any personally identifiable information, must (1) Transmit the findings and decisions referred to in Section 300.512(a)(5) to the State advisory panel established under Section 300.167; and (2) Make those findings and decisions available to the public. 15. Finality of decision; appeal; impartial review. a) Finality of hearing decision. A decision made in a hearing conducted pursuant to Secs. 300.507 through 300.513 or Secs. 300.530 through 300.534 is final, except that any party involved in the hearing may appeal the decision under the provisions of paragraph (b) of this section and Section 300.516. b) Appeal of decisions; impartial review. (1) If the hearing required by Section 300.511 is conducted by a public agency other than the SEA, any party	Y	Y

1,218	43-243 continued...	20. Surrogate parents. a) General. Each public agency must ensure that the rights of a child are protected when (1) No parent (as defined in Section 300.30) can be identified; (2) The public agency, after reasonable efforts, cannot locate a parent; (3) The child is a ward of the State under the laws of that State; or (4) The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney Vento Homeless Assistance Act (42 U.S.C. 11434a(6)). b) Duties of public agency. The duties of a public agency under paragraph (a) of this section include the assignment of an individual to act as a surrogate for the parents. This must include a method (1) For determining whether a child needs a surrogate parent; and (2) For assigning a surrogate parent to the child. c) Wards of the State. In the case of a child who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the child's case, provided that the surrogate meets the requirements in paragraphs (d)(2)(i) and (e) of this section. d) Criteria for selection of surrogate parents. (1) The public agency may select a surrogate parent in any way permitted in the State Department of Education, Office of Exceptional Children's Policies and Procedures. (2) Public agencies must ensure that a person selected as a surrogate parent (i) Is not an employee of the SEA, the LEA, or any other agency that is involved in the education or care of the child; (ii) Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and (iii) Has knowledge and skills that ensure adequate representation of the child. e) Non employee requirement; compensation. A person otherwise qualified to be a surrogate parent under paragraph (d) of this section is not an employee of the agency solely because he or she is paid by the agency	Y	Y
1,219	43-243 continued...	b) Authority of hearing officer. (1) A hearing officer under Section 300.511 hears, and makes a determination regarding an appeal under paragraph (a) of this section. (2) In making the determination under paragraph (b)(1) of this section, the hearing officer may (i) Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of Section 300.530 or that the child's behavior was a manifestation of the child's disability; or (ii) Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others. (3) The procedures under paragraphs (a) and (b)(1) and (2) of this section may be repeated, if the LEA believes that returning the child to the original placement is substantially likely to result in injury to the child or to others. c) Expedited due process hearing. (1) Whenever a hearing is requested under paragraph (a) of this section, the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing consistent with the requirements of Secs. 300.507 and 300.508(a) through (c) and Secs. 300.510 through 300.514, except as provided in paragraph (c)(2) through (4) of this section. (2) The SEA or LEA is responsible for arranging the expedited due process hearing, which must occur within 20 school days of the date the complaint requesting the hearing is filed. The hearing officer must make a determination within 10 school days after the hearing. (3) Unless the parents and LEA agree in writing to waive the resolution meeting described in paragraph (c)(3)(i) of this section, or agree to use the mediation process described in Section 300.506 (i) A resolution meeting must occur within seven days of receiving notice of the due process complaint; and (ii) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both	Y	Y

1,220	43-243 continued...	(1) Each State must collect valid and reliable information as needed to report annually to the Secretary on the indicators established by the Secretary for the State performance plans. (2) If the Secretary permits States to collect data on specific indicators through State monitoring or sampling, and the State collects the data through State monitoring or sampling, the State must collect data on those indicators for each LEA at least once during the period of the State performance plan. (3) Nothing in Part B of the Act shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under Part B of the Act. 3. State use of targets and reporting. a) General. Each State must use the targets established in the State’s performance plan under Section 300.601 and the priority areas described in Section 300.600(d) to analyze the performance of each LEA. b) Public reporting and privacy (1) Public report. (i) Subject to paragraph (b)(1)(ii) of this section, the State must (A) Report annually to the public on the performance of each LEA located in the State on the targets in the State’s performance plan as soon as practicable but no later than 120 days following the State’s submission of its annual performance report to the Secretary under paragraph (b)(2) of this section; and (B) Make each of the following items available through public means: the State’s performance plan, under Section 300.601(a); annual performance reports, under paragraph (b)(2) of this section; and the State’s annual reports on the performance of each LEA located in the State, under paragraph (b)(1)(i)(A) of this section. In doing so, the State must, at a minimum, post the plan and reports on the SEA’s web site, and distribute the plan and reports to the media and through public agencies. (ii) If the State, in meeting the requirements of paragraph (b)(1)(i) of this section, collects performance data through State monitoring or sampling, the State must include in its report under paragraph (b)(1)(i)(A) of this section the most recently available performance data on each LEA, and the date the data were obtained.	Y	Y
1,221	43-243 continued...	10. Rule of construction. Nothing in this subpart shall be construed to restrict the Secretary from utilizing any authority under GEPA, including the provisions in 34 CFR parts 76, 77, 80, and 81 to monitor and enforce the requirements of the Act, including the imposition of special conditions under 34 CFR 80.12. B. Confidentiality of Information 1. Confidentiality. The Secretary takes appropriate action, in accordance with section 444 of GEPA, to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by SEAs and LEAs pursuant to Part B of the Act, and consistent with Secs. 300.611 through 300.627. 2. Definitions. As used in Secs. 300.611 through 300.625 a) Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable. b) Education records means the type of records covered under the definition of “education records” in 34 CFR part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)). c) Participating agency means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the Act. 3. Notice to parents. a) The SEA must give notice that is adequate to fully inform parents about the requirements of Section 300.123, including (1) A description of the extent that the notice is given in the native languages of the various population groups in the State; (2) A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information; (3) A summary of the policies and procedures that participating agencies must follow regarding storage,	Y	Y

1,222	43-243 continued...	15. Destruction of information. a) The public agency must inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the child. b) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. 16. Children's rights. a) The SEA must have in effect policies and procedures regarding the extent to which children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type or severity of disability. b) Under the regulations for FERPA in 34 CFR 99.5(a), the rights of parents regarding education records are transferred to the student at age 18. c) If the rights accorded to parents under Part B of the Act are transferred to a student who reaches the age of majority, consistent with Section 300.520, the rights regarding educational records in Secs. 300.613 through 300.624 must also be transferred to the student. However, the public agency must provide any notice required under section 615 of the Act to the student and the parents. 17. Enforcement. The SEA must have in effect the policies and procedures, including sanctions that the State uses, to ensure that its policies and procedures consistent with Secs. 300.611 through 300.625 are followed and that the requirements of the Act and the regulations in this part are met. The sanctions are described in Section III. Local Education Eligibility. 18. Department use of personally identifiable information. If the Department or its authorized representatives collect any personally identifiable information regarding children with disabilities that is not subject to the Privacy Act of 1974, 5 U.S.C. 552a, the Secretary applies the requirements of 5 U.S.C. 552a(b)(1) and (b)(2), 552a(b)(4) through (b)(11); 552a(c) through 552a(e)(3)(B); 552a(e)(3)(D); 552a(e)(5) through (e)(10); 552a(h); 552a(m); and 552a(n); and the regulations implementing those provisions in 34 CFR part 5b.	Y	Y
1,223	43-243 continued...	(ii) Data. For the purpose of making grants under this section, the Secretary uses the most recent population data, including data on children living in poverty, that are available and satisfactory to the Secretary. (2) Limitations. Notwithstanding paragraph (c)(1) of this section, allocations under this section are subject to the following: (i) Preceding year allocation. No State's allocation may be less than its allocation under section 611 of the Act for the preceding fiscal year. (ii) Minimum. No State's allocation may be less than the greatest of (A) The sum of (1) The amount the State received under section 611 of the Act for fiscal year 1999; and (2) One third of one percent of the amount by which the amount appropriated under section 611(i) of the Act for the fiscal year exceeds the amount appropriated for section 611 of the Act for fiscal year 1999; (B) The sum of (1) The amount the State received under section 611 of the Act for the preceding fiscal year; and (2) That amount multiplied by the percentage by which the increase in the funds appropriated for section 611 of the Act from the preceding fiscal year exceeds 1.5 percent; or (C) The sum of (1) The amount the State received under section 611 of the Act for the preceding fiscal year; and (2) That amount multiplied by 90 percent of the percentage increase in the amount appropriated for section 611 of the Act from the preceding fiscal year. (iii) Maximum. Notwithstanding paragraph (c)(2)(ii) of this section, no State's allocation under paragraph (a) of this section may exceed the sum of (A) The amount the State received under section 611 of the Act for the preceding fiscal year; and (B) That amount multiplied by the sum of 1.5 percent and the percentage increase in the amount appropriated under section 611 of the Act from the preceding fiscal year. (3) Ratable reduction. If the amount available for allocations to States under paragraph (c) of this section is	Y	Y

1,224	43-243 continued...	c) Local educational agency high cost fund. (1) In general (i) For the purpose of assisting LEAs (including a charter school that is an LEA or a consortium of LEAs) in addressing the needs of high need children with disabilities, each State has the option to reserve for each fiscal year 10 percent of the amount of funds the State reserves for other State level activities under paragraph (b)(1) of this section (A) To finance and make disbursements from the high cost fund to LEAs in accordance with paragraph (c) of this section during the first and succeeding fiscal years of the high cost fund; and (B) To support innovative and effective ways of cost sharing by the State, by an LEA, or among a consortium of LEAs, as determined by the State in coordination with representatives from LEAs, subject to paragraph (c)(2)(ii) of this section. (ii) For purposes of paragraph (c) of this section, local educational agency includes a charter school that is an LEA, or a consortium of LEAs. (2)(i) A State must not use any of the funds the State reserves pursuant to paragraph (c)(1)(i) of this section, which are solely for disbursement to LEAs, for costs associated with establishing, supporting, and otherwise administering the fund. The State may use funds the State reserves under paragraph (a) of this section for those administrative costs. (ii) A State must not use more than 5 percent of the funds the State reserves pursuant to paragraph (c)(1)(i) of this section for each fiscal year to support innovative and effective ways of cost sharing among consortia of LEAs. (3)(i) The SEA must develop, not later than 90 days after the State reserves funds under paragraph (c)(1)(i) of this section, annually review, and amend as necessary, a State plan for the high cost fund. Such State plan must (A) Establish, in consultation and coordination with representatives from LEAs, a definition of a high need child with a disability that, at a minimum	Y	Y
1,225	43-243 continued...	(3) Allocation of remaining funds. After making allocations under paragraph (b)(1) of this section, as adjusted by paragraph (b)(2) of this section, the State must (i) Allocate 85 percent of any remaining funds to those LEAs on the basis of the relative numbers of children enrolled in public and private elementary schools and secondary schools within the LEA's jurisdiction; and (ii) Allocate 15 percent of those remaining funds to those LEAs in accordance with their relative numbers of children living in poverty, as determined by the SEA. c) Reallocation of funds. (1) If the SEA determines that an LEA is adequately providing FAPE to all children with disabilities residing in the area served by that agency with State and local funds, the SEA may reallocate any portion of the funds under this part that are not needed by that LEA to provide FAPE to other LEAs in the State that are not adequately providing special education and related services to all children with disabilities residing in the areas served by those other LEAs. The SEA may also retain those funds to use at the State level to the extent the State has not reserved the maximum amount of funds it is permitted to reserve for State level activities pursuant to Section 300.704. (2) After the SEA distributes funds under this part to an eligible LEA that is not serving any children with disabilities, as provided in paragraph (a) of this section, the SEA must determine, within a reasonable period of time prior to the end of the carryover period in 34 CFR 76.709, whether the LEA has obligated the funds. The SEA may reallocate any of those funds not obligated by the LEA to other LEAs in the State that are not adequately providing special education and related services to all children with disabilities residing in the areas served by those other LEAs. The SEA may also retain those funds for use at the State level to the extent the State has not reserved the maximum amount of funds it is permitted to reserve for State level activities pursuant to Section 300.704. C. Definitions that Apply to this Subpart 1. Definitions applicable to allotments, grants, and use of funds. As used in this subpart	Y	Y

1,226	43-243 continued...	2. Funds described in paragraph (1) of this section may also be used for the administration of Part C of the Act. K. Other State level activities. Each State must use any funds the State reserves under Section 300.812 and does not use for administration under Section 300.813 1. For support services (including establishing and implementing the mediation process required by section 615(e) of the Act), which may benefit children with disabilities younger than three or older than five as long as those services also benefit children with disabilities aged three through five; 2. For direct services for children eligible for services under section 619 of the Act; 3. For activities at the State and local levels to meet the performance goals established by the State under section 612(a)(15) of the Act; 4. To supplement other funds used to develop and implement a statewide coordinated services system designed to improve results for children and families, including children with disabilities and their families, but not more than one percent of the amount received by the State under section 619 of the Act for a fiscal year; 5. To provide early intervention services (which must include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) in accordance with Part C of the Act to children with disabilities who are eligible for services under section 619 of the Act and who previously received services under Part C of the Act until such children enter, or are eligible under State law to enter, kindergarten; or 6. At the State's discretion, to continue service coordination or case management for families who receive services under Part C of the Act, consistent with Section 300.814(e). L. Subgrants to LEAs. Each State that receives a grant under section 619 of the Act for any fiscal year must distribute all of the grant funds that the State does not reserve under Section 300.812 to LEAs (including public charter schools that operate as LEAs) in the State that have established their eligibility under section 613 of the Act. Effective with funds that become available on July 1, 2009, each State must distribute funds to	Y	Y
1,227	43-243.1 Criteria for Entry into Programs of Special Education for Students with Disabilities	A. General Requirements These criteria for entry into programs of special education for students with disabilities will be used by all members of the multidisciplinary team, who may include school psychologists, speech language therapists, and other persons responsible for the identification and evaluation of students with disabilities. The federal definitions for all categories of disabilities have been used, as included in the Individuals with Disabilities Act (IDEA). All examiners, however, must be appropriately credentialed or licensed and should have completed training that is directly relevant to the assessment procedure being conducted. Examiners may administer supplementary measures such as curriculum based assessments to gain additional information. All evaluation procedures must ensure that the following minimal requirements are met: 1. Tests and other evaluation materials used to assess a student suspected of having a disability are selected and administered so as not to be discriminatory on a racial or cultural basis and are provided and administered in the student's native language or other mode of communication unless it is clearly unfeasible to use that language or any mode of communication. 2. Materials and procedures used to assess a student with limited English proficiency are selected and administered to ensure that they measure the extent to which the student has a disability and needs special education, rather than measuring the student's English language skills. 3. A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the student, including information provided by the parent and information related to enabling the student to be involved in and progress in the general curriculum (or for a preschool child to participate in appropriate activities) that may assist in determining whether the student is one with a disability and what the content of the student's IEP should be. 4. Any standardized tests that are given to a student have been validated for the specific purpose for which they are used and are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests. If an assessment is not conducted under standard	Y	N

1,228	43-243.1 continued...	2. Eligibility Criteria a. There is evidence that the child meets the criteria for both the Deaf/Hard of Hearing category and the Visual Impairment category. (1) a hearing loss that is 20 dB or greater at anyone frequency, either unilaterally or bilaterally, or (2) a fluctuating hearing loss, either unilaterally or bilaterally, and (3) The visual acuity with correction is 20/70 or worse in the better eye; or (4) The visual acuity is better than 20/70 with correction in the better eye, and there is documentation of either of the following conditions: a diagnosed progressive loss of vision or a visual field of 40 degrees or less; or (5) The visual acuity is unable to be determined by a licensed optometrist or ophthalmologist, and the existence of functional vision loss is supported by functional vision assessment findings; or (6) There is evidence of cortical visual impairment. b. The adverse effects of the hearing and visual impairment on the child’s educational performance require specialized instruction and/or related services. D. Deaf/Hard of Hearing 1. Definition Deaf means a hearing loss that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a student’s academic or functional performance. Hard of Hearing means a hearing loss, whether permanent or fluctuating, that adversely affects a student’s academic or functional performance with or without amplification, but that is not included under the definition of deaf in this section. 2. Eligibility Criteria a. There is evidence that the child has (1) a hearing loss that is 20 dB or greater at anyone frequency, either unilaterally or bilaterally, or (2) a fluctuating hearing loss, either unilaterally or bilaterally.	Y	N
1,229	43-243.1 continued...	2. Eligibility Criteria a. There is evidence that the child has a severe orthopedic impairment. b. The adverse effects of the orthopedic impairment on the child’s educational performance require specialized instruction and/or related services. K. Specific Learning Disabilities 1. Definition Specific Learning disability means a disorder in one of more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. 2. Eligibility Criteria a. There is evidence that the child does not achieve adequately for his/her age or to meet state approved grade level standards in one or more of the following areas: Basic reading skills, Reading fluency, Reading comprehension, Mathematics calculation, Mathematics problem solving, Written expression, Oral expression, or Listening comprehension; and either (1) does not make sufficient progress to meet age or state approved grade level standards when using a process based on the child’s response to scientific, research based intervention, or (2) exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state approved grade level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments. b. The child’s underachievement is not due to: visual, hearing, or motor disability; intellectual disability; emotional disability; cultural factors; environmental or economic disadvantage; limited English proficiency; or lack of appropriate instruction in reading or math. c. The adverse effects of the learning disability on the child’s educational performance require specialized instruction and/or related services.	Y	N
1,230	43-243.4. Repealed by State Register Volume 38, Issue No. 6, Doc. No. 4396, eff June 27, 2014.			

1,231	43-244 Interscholastic Activities	Kindergarten; Grades 1 6: Each school shall prohibit competitive sports of a varsity pattern with scheduled league games and championships for Grades 1 6.	N	N
1,232	43-244.1 Interscholastic Activities: Academic Requirements for Participation	I. To participate in interscholastic activities, students in grades 9 12 must have passed at least four academic courses, including each unit the student takes that is required for graduation, with an overall passing average in the preceding semester. Academic courses must be defined as those courses of instruction for which credit toward high school graduation is given. These may be required or approved electives. A. An ineligible student shall not be allowed to participate in any interscholastic activity. B. Interscholastic activities shall be defined as all school sponsored activities for which preparation occurs outside of the regular school day. Individuals or members of groups involved in activities which include out of school practice on more than one occasion weekly shall meet eligibility requirements. C. Academic course shall be defined as any approved course of instruction in the secondary curriculum, required or elective, for which one unit of credit or its equivalent is awarded on a yearly basis, or one half unit of credit or its equivalent is awarded on a semester basis. If more than one unit of credit is awarded on a yearly basis in a particular subject, this subject shall count as more than one academic course. (Example: A subject taught for three units of credit shall be considered the equivalent of three academic courses.) D. To be eligible in the first semester, each student must have passed four academic courses that were completed during the second semester of the previous school year. E. To be eligible in the second semester, each student in grades 9 through 12 must pass at least four academic courses during the first semester. F. Those courses specifically mandated for a high school diploma shall be considered required courses. A course may not be considered as an elective until all requirements in that subject area have been met. When a student is enrolled in more than four required courses, he must pass four required courses to be eligible for interscholastic activities. When a student is enrolled in four or less required courses, he must pass each required course. G. Credit courses used for eligibility purposes must be courses that are applicable as credit toward a state high school diploma. If a student has met or is meeting all requirements for graduation and is enrolled in college credit courses, these college credit courses may be used to meet eligibility requirements.	Y	Y
1,233	43-246 Instruction at Place Other Than School (Statutory Authority: 1976 Code Section Section 59 5 60 and 59 65 40)	A parent or guardian denied permission by a district board of trustees to begin or continue a program of home instruction may appeal that decision to the State Board of Education, pursuant to Section 59 65 40 of the Code of Laws of South Carolina, 1976. When permission to operate a home instruction program is denied by a district board of trustees, the district board must notify the parent or guardian in writing of his/her right to appeal to the State Board of Education. The notice of appeal must be submitted, in writing, to the State Superintendent within ten days of receipt of the written denial by the district board of trustees, and the parent or guardian must notify the district superintendent of the appeal. The district superintendent shall send a copy of the record of the meeting held by the district board of trustees to consider the home instruction application to the State Superintendent of Education. The record will be referred to the State Board of Education or its designee. The parties will be notified of the date on which the State Board of Education will review the record. The parties may submit a written brief at least five (5) working days before the date set for review. The State Board of Education may invite the parties to make an oral presentation. The Chair of the State Board of Education will notify the parties in writing of the final decision of the board.	Y	Y

1,234	43-248 Virtual Education Program	I. Overview of the Virtual Education Program A. The State Board of Education (SBE) is authorized under S.C. Code Ann. Sections 59 16 10 through 59 16 80 to “establish the virtual education program to ensure consistent high quality education for the students of South Carolina utilizing technology delivered courses.” These procedural regulations are based on that legislation. B. The virtual education legislation makes the following stipulations: 1. Any public, private, or homeschooled student legally residing in South Carolina who is twenty one years of age or younger is eligible to enroll in the virtual education program. 2. A private school or homeschooled student enrolled in the virtual education program is not entitled to receive any of the services or privileges that are available to public school students other than the right to receive an appropriate unit of credit for a completed course. 3. The virtual education program is not a school but a program; therefore, it is not authorized by statute to issue a state high school diploma. C. These regulations which are predicated on the virtual education program statute, other state statutes, and SBE regulations are subject to modification by the South Carolina Department of Education (SCDE) only if those statutes or regulations are amended. II. Virtual Education Program Sponsorship A. Sponsor Registration 1. In order to become a virtual education sponsor, a public school district, a public school, a private school, or a homeschooling parent (statutes that apply to homeschooling are S.C. Code Ann. Sections 59 65 40, 59 65 45, 59 65 46, and 59 65 47) must be registered with the virtual education program. 2. In order to be registered as a virtual education program sponsor, the school district, public school, private school, or homeschooling parent must fulfill the following requirements: a. have in place a program of studies that leads to a diploma, b. comply with the policies governing online courses established by the virtual education program,	Y	Y
1,235	43-248 Virtual Education Program	VII. Virtual Education Program Course Costs A. The SBE will determine when and if the virtual education program may charge fees and tuition. If program funds are either reduced or unavailable, the virtual education program may charge a fee to students . The virtual education program may charge a fee to students so long as the fee does not exceed the per pupil cost of the program. Students eligible for free and reduced lunch will not be charged. B. In addition, the virtual education program may contract with districts/schools to provide a course(s) to a class of students enrolled in that course during a specific period of the school day and/or districts/schools that wish to guarantee that their students are served regardless of their priority. VIII. Virtual Education Program Instructors A. Instructor Employment 1. The SCDE is responsible for employing all virtual education program instructors. 2. Instructors may be employed either as SCDE classified staff or as SCDE contracted adjunct staff. B. Instructor Qualifications 1. A virtual education program instructor must either hold a valid teaching certificate (with attendant training, if required) in the subject area he or she is teaching or receive special approval from the SCDE on the basis of his or her credentials. 2. An in state virtual education program instructor who does not hold a valid South Carolina teaching certificate or who has not been employed by a South Carolina public school district in the last five years must undergo a criminal records check by the South Carolina Law Enforcement Division. An out of state virtual education program instructor must undergo any criminal records check that the SCDE determines to be necessary. C. Instructor Requirements 1. Virtual education program instructors must successfully complete all virtual education program pre service and in service training requirements. 2. Training topics must include the development and organization of online courses; the technical aspects of	Y	Y

1,236	43-258.1 Advanced Placement	I. DEFINITION OF ADVANCED PLACEMENT COURSES Advanced Placement (AP) Courses: Courses developed by the College Board with prescribed curricula and tests for which students receive high school credit and for which students scoring at an acceptable level on the AP examination will be eligible to receive college credit from participating institutions. II. SCHOOL REQUIREMENTS FOR ADVANCED PLACEMENT OFFERINGS All secondary schools whose organizational structure includes grades 11 or 12 shall offer an AP course(s). III. POPULATION TO BE SERVED All students enrolled in AP programs for which funding is provided under these regulations shall be required to take the College Board administered examination. IV. REQUIREMENTS FOR ADVANCED PLACEMENT TEACHERS The South Carolina Department of Education will fund and coordinate AP teacher training courses. Each teacher of an AP course shall have completed the appropriate AP three graduate hour training program or have successfully completed forty five hours of training provided by College Board endorsed professional development opportunities verified by the appropriate college or university. Exception 1: Newly assigned teachers of AP courses will have one calendar year to meet the AP course training requirements. Exception 2: Teachers who hold a PhD. in their subject area may have the training waived. Teachers of AP courses shall meet annually with their Professional Growth and Development Plan evaluators to discuss appropriate goal setting and/or revision. The plan may include, but is not limited to, College Board workshops and professional development opportunities. HISTORY: Amended by State Register Volume 21, Issue No. 6, Part 1, eff June 27, 1997; State Register Volume 32, Issue No. 7, eff July 25, 2008.	Y	Y
1,237	43-259 Adult Education	I. The State High School Equivalency Diploma The State Board of Education (SBE) will issue a state high school equivalency diploma to eligible candidates who successfully complete a SBE approved high school equivalency test. The SBE authorizes the administration of approved high school equivalency tests by the South Carolina Department of Education (SCDE) under policies established by the SBE. A. Eligibility Requirements for Equivalency Diploma Candidates 1. Service Personnel and Veterans To be eligible for a state high school equivalency diploma, the candidate must be seventeen years of age or older and must be either a resident of South Carolina or a former resident whose most recent elementary or secondary school attendance was in South Carolina. 2. General Adult Population a. To be eligible for a state high school equivalency diploma, the candidate must be seventeen years of age or older, must not be currently enrolled in high school, and must either be a current resident of South Carolina or a former resident whose most recent elementary or secondary school attendance was in South Carolina. b. A candidate for a state high school equivalency diploma who is seventeen or eighteen years of age must submit a "Verification of School Withdrawal" form completed by either the school principal or attendance supervisor of the last South Carolina school he or she attended or from the district superintendent of the school. The "Verification of School Withdrawal" form must verify the candidate's date of birth and the date of his or her last attendance at the school. In the event that the last school he or she attended was outside South Carolina, a person seventeen or eighteen years of age may either submit a letter signed by his or her high school principal or designee verifying his or her date of birth and the date of last attendance in school or submit a letter from the superintendent of schools in the district in which he or she currently resides indicating that the candidate is not enrolled in any schools within the school district. A copy of the candidate's driver's license, state issued identification card, or birth certificate must accompany the letter. Verification	Y	Y

1,238	43-259 continued...	II. Adult Education: High School Diploma Program A. Graduation Requirements 1. The student must earn a total of 24 prescribed units of credit and pass the exit examination to earn a state high school diploma. The unit requirements are distributed as follows: Unit Requirements English/language arts 4.0 Mathematics 4.0 Science 3.0 U.S. History and Constitution 1.0 Economics 0.5 U.S. Government 0.5 Other social studies course(s) 1.0 Computer science (including keyboarding)* 1.0 Electives 9.0 24.0 total Keyboarding may count up to one-half unit of the computer science requirement. 2. A student may transfer credit earned in the adult education program to a secondary school to count toward the units of credit required for a state high school diploma earned through the regular course of study at a high school, if for each unit being transferred, the student has spent a minimum of 120 hours in class time in that subject at that level and the teacher was properly certified to teach the course. 3. Membership in an adult education program shall be limited to individuals eighteen years of age or older	Y	Y
1,239	43-260 Use and Dissemination of Test Results	Repealed by State Register Volume 39, Issue No. 6, Doc. No. 4532, eff June 26, 2015		
1,240	43-261 District and School Planning. HISTORY: Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 28, Issue No. 6, eff June 25, 2004; State Register Volume 40, Issue No. 6, Doc. No. 4605, eff June 24, 2016.	A. Development of District Strategic Plan and School Renewal Plans 1. Each school district must develop a five year district strategic plan and each school must develop a five year school renewal plan as required by the Early Childhood Development and Academic Assistance Act of 1993 and the Education Accountability Act of 1998. District and school plans shall coordinate and align improvement initiatives. 2. New five year district and school plans shall be submitted to the State Department of Education by April 30, 2005, and every five years thereafter. Plans will become effective on July 1 of the same year. The annual update of the district strategic plan must be submitted to the State Department of Education by April 30 of each year. 3. The district strategic plan includes the accountability system that directs an annual needs assessment; prioritizes the performance goals; and reports how the district supports schools, students, and families. The district strategic plan and school renewal plans must establish priorities and prioritize efforts to focus on raising student achievement levels for all students, the prevention of academic problems, and reducing the achievement gaps identified on the annual report card. It is imperative that the planning processes demonstrate a commitment to continuous improvement and respond to accountability requirements in both state and federal legislation. The plans must be developed collaboratively by a broad based group of stakeholders using a consensus process. 4. The district strategic plan, school renewal plans, and annual updates must be reviewed and approved by the local board of trustees and coordinate funding from local, state, federal, and private sources. 5. Districts and schools are urged to follow the model planning process developed by the State Department of Education, although no single planning format is required for district or school plans. Whatever process is used for developing a district strategic plan and school renewal plans must include each of the following components: a. comprehensive needs assessment, b. performance goals,	Y	Y

1,241	43-262 Assessment Program.	I. STATEWIDE ASSESSMENT PROGRAM A. The Education Accountability Act of 1998 (EAA), S.C. Code Ann. Section 59 18 310 (Supp. 2008), and the No Child Left Behind Act of 2001, 20 U.S.C. Section 6301, et seq. (2002) (NCLB) require that the State Board of Education develop or adopt a statewide assessment program in certain grades and selected content/skill areas. B. The statewide assessment program will involve testing public school students at selected grade levels and in selected content and skill areas at times specified by the South Carolina Department of Education. The grade(s) and content/skill areas to be included in the assessment program are identified by the EAA, NCLB, and State Board of Education regulations. The statewide assessment program includes Palmetto Assessment of State Standards (PASS), South Carolina Alternate Assessment (SC Alt), Exit Examination, and End of Course Tests. C. The program is funded through an annual appropriation included in the South Carolina General Appropriations Act. The request for such funding is included in the annual budget request of the State Superintendent of Education. Continued operation of the program is contingent upon the availability of funds. D. Responsibilities of the South Carolina Department of Education for assessments in which school districts are required to participate. 1. Supply all necessary test materials, scoring, and standard score reports at no cost to the local school districts. 2. Pay all shipping costs for the transportation of test materials and score reports between the Department, school districts, and scoring service(s). 3. Provide workshops on test administration, interpretation, and utilization for district test coordinators and	Y	Y
1,242	43-262.4 End of Course Tests	. Repealed by State Register Volume 39, Issue No. 6, Doc. No. 4530, eff June 26, 2015		
1,243	43-264.1 Half Day Child Development Programs. (Statutory Authority: 1976 Code Section Section 59 5 60 and 1993 Act 135 The Early Childhood Development and Academic Assistance Act)	I. Legislation In order to comply with the South Carolina Education Improvement Act of 1984 and the Early Childhood Development and Academic Assistance Act of 1993 school districts may establish and provide for the education of three and four year old children who have predicted significant readiness deficiencies. The legislation requires that each district will provide for at least a half day early childhood development program for four year old children. Districts have the option of serving three year old children. Each district shall provide at least one program for four year old children and may serve identified three year old children who have significant readiness deficiencies. Districts and schools shall integrate the planning and direction of the half day program with the Early Childhood Initiative. II. Plan for Enrollment A. Public Notification of Program Availability School districts shall attempt to contact parents or guardians of children who will reach age three or four on or before September 1 and who have potential for later school failure. The district shall make substantial efforts to publicize the availability of the program for four year olds, and for three year olds if appropriate. B. Criteria for Enrollment Each district shall develop criteria for the enrollment of children who have predicted significant readiness deficiencies. These criteria shall include the following: 1. A screening instrument approved by the State Department of Education for use in determining each child's developmental level, 2. An entrance age requirement which specifies a child must be three if the program serves three year olds, or four years of age on or before September 1 of the applicable school year, 3. Legal birth certificate issued by the Department of Health and Environmental Control or other appropriate authorized agency, 4. South Carolina Certificate of Immunization,	Y	Y

1,244	43-265 Parenting/Family Literacy. (Statutory Authority: S.C. Code Ann. Section Section 59 5 60(1) (1990) and 59 139 10(A)(1) (Supp. 1998))	I. Program Goals II. Requirements III. Program Components Family literacy uses a more holistic and integrated approach to serving families. Districts must use this approach for families requiring more intense experiences to change intergenerational patterns associated with low literacy and undereducation. The South Carolina definition is consistent with federal legislation. Family literacy is clearly and consistently defined in the Adult Education and Family Literacy Act of 1998, Even Start, Head Start and the Reading Excellence Acts. These acts define “family literacy services” as services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities: Districts must participate in evaluation efforts coordinated by the State Department of Education. This will include tracking children of participating parents through first grade to determine the program’s impact on school readiness. The evaluation should include a variety of other indicators, such as IV. Service Delivery Methods The methods for service delivery will vary in specific type, mix, and intensity according to community needs and priorities. V. Funding VI. Coordination Collaboration and coordination with other local agencies and community organizations must be integrated into all phases of program development, design, and implementation. School districts must consult with a local advisory committee to plan and develop parenting and family literacy services to maximize resources and avoid duplication of effort. This may include district early childhood, adult education, literacy, Success By 6, Head Start, Department of Social Services, and other community services. VII. Professional Development The State Department of Education will provide or coordinate activities to train parent educators in	Y	Y
1,245	43-267 Early Childhood Assistance Programs Grades K 3. (Statutory Authority: 1976 Code Section 59 5 60 and 1993 Act #135, The Early Childhood Development and Academic Assistance Act)	I. Program Goals A. To place an emphasis on early childhood education and prevention. B. To focus the state’s resources on academic success and prevention of academic problems. C. To establish the expectation that by providing extra assistance and learning time, all children will be prepared for the fourth grade. D. To promote the advancement of developmentally appropriate curriculum. E. To promote coordinated programs from preschool through grade three which are supportive of the curriculum for grades four through twelve. F. To allow districts and schools greater flexibility in providing targeted, coordinated programs of student assistance. G. To plan for accelerating the performance of students performing below their peers. II. Requirements A. Districts and schools shall develop and implement a developmentally appropriate curriculum model from pre school through grade three. If alternatives to the options listed in the guidelines are chosen for use in the Early Childhood Assistance Programs, they should be based on the needs assessment performed as a part of the district and/or school comprehensive plan and on strategies found to be effective in research. B. Schools shall establish programs of activities for assisting children and their parents with the transitions between the various levels of schooling. C. Districts and schools shall integrate the planning and direction of the half day program for four year olds with other early childhood initiatives. D. Districts and schools shall integrate the planning and direction of the parenting/family literacy program established in Section 59 1 450 with the early childhood initiatives. E. Districts and schools shall design methods of assessing the efficacy of the early childhood programs or strategies implemented.	Y	Y

1,246	43-268 Academic Assistance Programs Grades 4 12. (1976 Code Section 59 5 60 and 1993 Act #135, The Early Childhood Development and Academic Assistance Act)	I. Program Goals A. To focus the state’s resources on academic success and prevention of academic problems. B. To establish the expectation that by providing extra assistance and learning time all students will graduate from high school with their peers. C. To allow districts and schools greater flexibility in providing targeted, coordinated programs of student assistance. D. To support students with academic difficulties in grades four through twelve so they are able to progress academically and move through school with their peers. II. Requirements A. Districts and schools shall develop and implement academic assistance programs which address alternatives to year long and pull out remediation methods of service. If alternatives to the options listed in the guidelines are chosen, they should be based on the needs assessment performed as a part of the district and/or school comprehensive plan and on strategies found to be effective in research. B. Options for methods of service and descriptions of service that are available to districts and schools are included in the “Guidelines to Academic Assistance Programs Grades 4 12”. C. Districts and schools may choose to target resources in certain grade levels or areas of learning. D. Assistance may be for short, intensive periods or for longer, on going assistance as needed by each student. E. Emphasis is on providing assistance at the time of need and on accelerating the progress of students performing below their peers. F. Districts and schools shall implement a parent involvement program in grades four through eight. G. Districts and schools shall develop a system for maintaining a record of parent conferences annually that identify the date, time, and response of parent/teacher conferences. III. Funding The General Assembly shall determine an appropriation level for the funding.	Y	Y
1,247	ARTICLE 20 STUDENTS 43-272 School Admission	A. Kindergarten and Grades 1 12: Each kindergarten and first grade pupil not previously enrolled shall submit a birth certificate or other documentation to verify a birth record in special situations as allowed by a local board of trustees. All students in grades K 12 must show evidence of compliance with Department of Health and Environmental Control rules and regulations concerning immunization. B. Preregistration for Grades 9 12: Each high school shall develop a preregistration form outlining the courses in which a student may enroll for their entire high school career. C. Preregistration for Career Centers: Each career center shall develop a preregistration form in cooperation with participating high schools which outlines the career and technology education courses students may take in Grades 9 12. HISTORY: Amended by State Register Volume 21, Issue No. 3, eff March 28, 1997; State Register Volume 38, Issue No. 6, Doc. No. 4397, eff June 27, 2014.	Y	N

1,248	43-272.2 State Level Resolution Process for Disputes Involving Unaccompanied Youth and Homeless Children. (Statutory Authority: 20 U.S.C. Section 7844 (Supp. 2003))	The federal Stewart B. McKinney Homeless Assistance Act requires that each state implement a state level process to review district level decisions regarding the enrollment of a homeless child or an unaccompanied youth. An unaccompanied youth or the parent or guardian of a homeless child may request that the state conduct a review of a school district's final decision regarding an enrollment issue. The contact person at the State Department of Education is the coordinator for the Office of Coordinator for Education of Homeless Children and Youth. Under no circumstances must resolution of a dispute delay the school enrollment of an unaccompanied youth or a homeless child. That is, during the pendency of any administrative or judicial proceeding regarding a dispute over the enrollment of an unaccompanied youth or homeless child, the student must continuously be enrolled in school, be provided all relevant services, and be allowed to participate fully in all school activities (as consistent with the Stewart B. McKinney Homeless Assistance Act, as amended). I. Responsibilities of the School District A. When it is determined that a dispute cannot be settled at the district level, the school district must carry out the following responsibilities in a timely manner: 1. inform the unaccompanied youth or the parent or guardian of the homeless child concerning his or her right to request that the State Department of Education review the decision of the school district, 2. inform the unaccompanied youth or the parent or guardian of the homeless child that this request must be made either on the district supplied request for review form or by a telephone interview with the coordinator in the State Department of Education's Office of Coordinator for Education of Homeless Children and Youth, 3. give the unaccompanied youth or the parent or guardian of the homeless child a copy of the State Department of Education's request for review form and the contact information for the Office of Coordinator for Education of Homeless Children and Youth, and 4. inform the unaccompanied youth or the parent or guardian of the homeless child that he or she may seek the assistance of advocates or attorneys for the review.	Y	Y
1,249	43-273 Transfers and Withdrawals	Kindergarten; Grades 1 6; 7 8: Transfer of Students Each student transferring shall be given a transfer form showing name, date of birth, grade placement, and attendance record to present to the appropriate school official where he or she is enrolling. Appropriate additional data shall be furnished by the sending school when requested in writing by the receiving school, as soon as possible but no later than ten business days upon receiving the written request, excluding weekends and recognized state holidays. A school must transfer a student's disciplinary record of suspensions and expulsions to the public or private school to which the student is transferring when requested in writing by the receiving school, as soon as possible but no later than ten business days upon receiving the written request, excluding weekends and recognized state holidays. Schools must transfer these records within ten business days upon receiving the written request from the public or private school to which the student is transferring. Schools may not withhold the transfer of records to a public or private school for fees owed by the student. Grades 9 12: Transfer of Students Each student transferring shall be given a transfer form showing name, date of birth, grade placement, and attendance record to present to the appropriate school official where he or she is enrolling. Appropriate additional data shall be furnished by the sending school when requested in writing by the receiving school, as soon as possible but no later than ten business days upon receiving the written request, excluding weekends and recognized state holidays. A. Accurate accounting records shall be developed and maintained for student transfers and withdrawals. Comprehensive transcripts shall be submitted directly to the receiving school when requested in writing, as soon as possible, but no later than ten business days upon receiving the written request, excluding weekends and recognized state holidays. A permanent record of the transferred student shall be retained in the school	N	N

1,250	43-274 Student Attendance	I. Lawful and Unlawful Absences School districts must adopt policies to define and list lawful and unlawful absences. (A) Lawful absences include but are not limited to (1) absences caused by a student’s own illness and whose attendance in school would endanger his or her health or the health of others, (2) absences due to an illness or death in the student’s immediate family, (3) absences due to a recognized religious holiday of the student’s faith, and (4) absences due to activities that are approved in advance by the principal. (B) Unlawful absences include but are not limited to (1) absences of a student without the knowledge of his or her parents, or (2) absences of a student without acceptable cause with the knowledge of his or her parents. (C) Suspension is not to be counted as an unlawful absence for truancy purposes. II. Truancy The State Board of Education recognizes that truancy is primarily an educational issue and that all reasonable, educationally sound, corrective actions should be undertaken by the school district prior to resorting to the juvenile justice system. (A) Truant A child ages 6 to 17 years meets the definition of a truant when the child has three consecutive unlawful absences or a total of five unlawful absences. (B) Habitual Truant A “habitual” truant is a child age 12 to 17 years who fails to comply with the intervention plan developed by the school, the child, and the parent(s) or guardian(s) and who accumulates two or more additional unlawful absences. This child may need court intervention and an initial truancy petition may be filed. The written intervention plan, and documentation of non compliance, must be attached to the truancy petition asking for court intervention.	Y	Y
1,251	43-274.1 At Risk Students. (Statutory Authority: S.C. Code Ann. Section 59 5 60 (2004), 59 5 65 (2004 & Supp. 2010), and 59 59 10, et seq. (Supp. 2010))	I. At Risk Student Definition A. A student at risk of dropping out of school is any student who, because of his or her individual needs, requires temporary or ongoing intervention in order to achieve in school and to graduate with meaningful options for his or her future. B. Students depending on their degree of resiliency and connectedness to caring adults in the home, in the community, and/or at school may respond differently to those things frequently cited as barriers, predictors, or indicators of being “at risk.” Therefore, educators and other responsible adults working with students should consider the whole child, who might have both short term and long term needs requiring intervention. II. At Risk Student Indicators, Predictors, and Barriers The South Carolina Education and Economic Development Act mandates the promulgation of State Board of Education regulations outlining specific objective criteria for districts to use in identifying students who may be poorly prepared for the next level of study or who are at risk of dropping out of school. The Act calls for these criteria to include diagnostic assessments for districts to use in order to identify the strengths and weaknesses of individual students in the core academic areas. A. Poor academic performance generally, a grade point average of 2.0 or lower on a 4.0 scale in the core content areas is a significant predictor that districts must consider in identifying at risk students. Careful consideration should be given to students demonstrating declining academic performance. School districts are encouraged to carefully review a variety of assessments, including the following, in diagnosing students’ academic difficulties and selecting appropriate short term and long term interventions: 1. Palmetto Assessment of State Standards (PASS) test results, 2. High School Assessment Program (HSAP) test results, 3. Preliminary Scholastic Assessment Test (PSAT) or PLAN test results, 4. district or school adopted CAI (computer aided instruction) assessments, 5. end of course examination results, 6. classroom level assessments related to the state’s academic standards, and	Y	Y

1,252	43-279 Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts.	I. Expectations for Student Conduct in South Carolina Public Schools Students in the public schools of South Carolina enjoy the same basic rights of United States citizenship as do other United States citizens. The rights of students are supported by the responsibility to insure that the rights of others are respected. This regulation is adopted with the intent to better assure that the opportunity to enjoy the benefits of public education is available to all those attending the public schools of the state of South Carolina. II. Previously Adopted School District Discipline Policies This regulation is established as a uniform system of minimum disciplinary enforcement for the school districts of South Carolina. School districts, which previously have adopted discipline policies that are consistent with and contain the elements included in this regulation, may retain their local policies as adopted. III. Levels of Student Misconduct A. The levels of student misconduct considered in this regulation are arranged by degrees of seriousness. The levels are arranged from the least serious to the most serious. B. Three levels of student misconduct are identified: disorderly conduct, disruptive conduct, and criminal conduct. The levels are defined in this regulation. C. This regulation includes a listing of possible sanctions for the three levels of student misconduct. As the levels increase in seriousness, the severity of possible disciplinary sanctions increases. D. Suggested sanctions within the Level I misconduct category range from verbal reprimand to in school suspension. Level II misconduct includes sanctions ranging from temporary removal from class to expulsion, while Level III misconduct includes sanctions ranging from out of school suspension to appropriate action within the criminal justice system. E. A local school board, in its discretion, may authorize more stringent standards than those contained in this regulation. IV. Minimum Standards	Y	N
1,253	APPENDIX B Relevant State Law	The following code citations pertain to rule making powers of boards, suspension, expulsion, student's right to hearing, transfer, corporal punishment, regulation of clubs, and disciplinary powers of school bus drivers. 59 19 90 (3). General powers and duties of school trustees. The board of trustees shall also: (3) Promulgate rules and regulations. Promulgate rules prescribing scholastic standards of achievement and standards of conduct and behavior that must be met by all pupils as a condition to the right of such pupils to attend the public schools of such district. The rules shall take into account the necessity for scholastic progress in order that the welfare of the greatest possible number of pupils shall be promoted notwithstanding that such rules may result in the ineligibility of pupils who fail to observe the required standards, and require the suspension or permanent dismissal of such pupils. 59 63 210. Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission. Any district board of trustees may authorize or order the expulsion, suspension, or transfer of any pupil for a commission of any crime, gross misbehavior, persistent disobedience, or for violation of written rules and regulations established by the district board, county board, or the State Board of Education, or when the presence of the pupil is detrimental to the best interest of the school. Every expelled pupil shall have the right to petition for readmission for the succeeding school year. Expulsion or suspension shall be construed to prohibit a pupil from entering the school, or school grounds, except for a prearranged conference with an administrator, attending any day or night school functions or riding a school bus. The provisions of this section shall not preclude enrollment and attendance in any adult or night school. 59 63 220. Suspension of pupils by administrators. Any district board may confer upon any administrator the authority to suspend a pupil from a teacher's class or from the school not in excess of ten days for any one offense and for not more than thirty days in any one school year but no such administrator may suspend a pupil from school during the last ten days of a year if the suspension will make the pupil ineligible to receive credit for the school year without the approval of the school board unless the presence of the pupil constitutes an actual threat to a class or a school or a	Y	N

1,254	ARTICLE 23 EDUCATIONAL AGENCY RELATIONS 43-300 Accreditation Criteria	I. Each school district shall provide the defined program approved by the State Board of Education that complies with standards prescribed for the boards of trustees; district operations; elementary grades; middle grades; secondary grades; career and technology education centers; summer school programs; and adult education. If a school district's defined program is evaluated as failing to comply with prescribed standards, it shall be considered as offering a program that is deficient in meeting local educational needs and such failure shall be indicated in the status of the accreditation classification. II. State Board of Education Approval Procedures: To be accredited by the State Board of Education, a school district or school shall obtain approval for the school district's or school's educational program by one of the following procedures. A. Option 1. Accreditation through the South Carolina Department of Education (SCDE). Meet the standards in the defined program and all current statutes and regulations as prescribed by the State Board of Education and General Assembly determined by the SCDE through the procedures described below. With regard to special schools, the following documents contain the full text of accreditation standards adopted by the State Board of Education. The documents are on file in the Offices of the South Carolina Department of Education and the South Carolina Legislative Council: Defined Minimum Program for the John de la Howe School Defined Minimum Program for the South Carolina School for the Deaf and the Blind Defined Minimum Program for the South Carolina Wil Lou Gray Opportunity School Defined Minimum Program for the South Carolina Department of Juvenile Justice B. Option 2. Accreditation through an Accrediting Entity Accepted by Higher Education. Submit documentation to the State Board of Education that the district and schools meet all accreditation standards and are considered fully accredited by an accrediting entity accepted by higher education (i.e., AdvancED/Southern Association of Colleges and Schools (SACS)). Use of an accrediting entity other than AdvancED will require approval by the State Board of Education. All deficiencies identified through desk or on site monitoring must be resolved prior to the district or school utilizing Option 2. If district's or school's	Y	Y
1,255	43-302 Palmetto Gold and Silver Awards Program. (Statutory Authority: 1976 Code Section Section 59 5 60, 59 18 1100)	A. Program Implementation The Palmetto Gold and Silver Awards Program is established to recognize and reward schools for academic achievement. Awards will be established for schools attaining high levels of absolute performance and for schools attaining high rates of improvement. The program shall be operated by the State Department of Education in accordance with program criteria established by the Division of Accountability of the Education Oversight Committee. B. Expenditure of Award Funds Award funds are to be used to improve and/or maintain exceptional student academic performance according to the school's renewal plan. Funds may be utilized for professional development support. Allowable costs include equipment, materials and supplies, contractual services, substitutes, and travel. Specific guidelines for the expenditure of award funds will be provided to each school receiving an award. An expenditure report specifying the manner in which those monies were expended must be submitted to the Department of Education at the conclusion of the grant period. HISTORY: Amended by State Register Volume 27, Issue No. 3, eff March 28, 2003.	Y	Y

1,256	43-303 Flexibility Through Deregulation Program. (Statutory Authority: S.C. Code Ann. Section Section 59 18 1110 and 59 18 1120 (Supp. 2002))	I. Program Implementation The Education Accountability Act, S.C. Code Ann. Section Section 59 8 1110 and 59 18 1120 (2002), provide for the recognition of schools based on student performance. Schools that continually receive recognition are rewarded by exemptions from regulations and statutes (59 18 1110). Special provisions also allow exemptions from some regulations or statutes to other schools (59 18 1120). The State Department of Education (SDE) will operate the program in accordance with program guidelines developed by the State Board of Education (SBE) in consultation with the Education Oversight Committee (EOC). The guidelines shall include eligibility criteria, operation procedures, related monitoring activities, reporting requirements, and state statutes and regulations exempted under the program. Approved program guidelines will be made available by the SDE upon request. The SBE may revise program guidelines on an annual basis in consultation with the EOC. Current guidelines will be posted on the SDE Web site. Schools deregulated under former flexibility through deregulation statute, S.C. Code Ann. Section 59 18 15 (repealed), and former State Board of Education Regulation 43 303 (amended) must re qualify for flexibility status under these regulations. II. Eligibility Criteria A. Eligibility for flexibility begins in February 2005. B. A school may be eligible in one of three ways. Special conditions apply to each type of eligibility. 1. Criteria for Deregulated Schools Each of the following criteria must be met during the three year period prior to the school year in which the school is given flexibility status. a. The school has twice been a recipient of either a Palmetto Gold or Silver Award. b. The school has met annual improvement standards for subgroups of students in reading and mathematics. c. The school must have exhibited no recurring accreditation deficiencies. 2. Criteria for Unsatisfactory Schools	Y	Y
1,257	43-307 Alignment of Assessment and Accountability Elements with the No Child Left Behind Act.	I. The State Board of Education and the South Carolina Department of Education will align its assessment and accountability elements with the measures mandated by federal law. II. The State Board of Education authorizes the South Carolina Department of Education to develop and amend the State Accountability Workbook as necessary to meet U.S. Department of Education approval. HISTORY: Added by State Register Volume 27, Issue No. 6, Part 1, eff June 27, 2003. Amended by State Register Volume 40, Issue No. 6, Doc. No. 4603, eff June 24, 2016.	Y	Y
1,258	ARTICLE 25 TEACHER TRAINING PROGRAMS IN MATHEMATICS, SCIENCE AND COMPUTER EDUCATION	43-500. Repealed by State Register Volume 38, Issue No. 6, Doc. No. 4405, eff June 27, 2014.		

1,259	ARTICLE 26 CHARTER SCHOOLS 43-601 Procedures and Standards for Review of Charter School Applications	I. DEFINITIONS (A) A “charter school” means a public, nonreligious, nonhome based, nonprofit corporation forming a school that operates by sponsorship of a public school district, the South Carolina Public Charter School District, or a public or independent institution of higher learning, but is accountable to the board of trustees, or in the case of technical colleges, the area commission, of the sponsor which grants its charter. Nothing in this chapter prohibits charter schools from offering virtual services pursuant to state law and subsequent regulations defining virtual schools. (B) “Applicant” means the person who or nonprofit corporate entity that desires to form a charter school and files the necessary application with the South Carolina Public Charter School District Board of Trustees, the local school board of trustees in which the charter school is to be located, or the board of trustees or area commission of a public or independent institution of higher learning. The applicant also must be the person who or the nonprofit corporate entity that applies to the Secretary of State to organize the charter school as a nonprofit corporation. (C) “Sponsor” means the South Carolina Public Charter School District Board of Trustees; the local school board of trustees in which the charter school is to be located, as provided by law; a public institution of higher learning, as defined in Section 59 103 5; or an independent institution of higher learning, as defined in Section 59 113 50, from which the charter school applicant requested its charter and which granted approval for the charter school’s existence. Only those public or independent institutions of higher learning, as defined in this subsection, who register with the South Carolina Department of Education may serve as charter school sponsors, and the department shall maintain a directory of those institutions. The sponsor of a charter school is the charter school’s local education agency (LEA) and a charter school is a school within that LEA. The sponsor retains responsibility for special education and shall ensure that students enrolled in its charter schools are served in a manner consistent with LEA obligations under applicable federal, state, and local law. (D) “Charter committee” means the governing body of a charter school formed by the applicant to govern through the application process and until the election of a board of directors is held. After the election, the	Y	Y
1,260	43-601 continued...	(1) The goals and objectives must be clearly stated and must provide enough detail to indicate specific outcomes. (2) The student population must be identified by grade level, unique educational needs, and projected enrollment. A converted charter school must offer the same grades, or nongraded education appropriate for the same ages and education levels of pupils, as offered by the school immediately before conversion and may also provide additional grades and further educational offerings. (3) The educational goals must reflect the school’s mission statement. (4) Strategies to accomplish the educational goals must be included. (5) The school calendar must be at least 180 instructional days. (6) Academic standards must identify what students will achieve at each grade level and must meet or exceed the South Carolina curriculum standards, as adopted by the State Board of Education. A correlation or other documentation must be included or process identified to ensure that the school will provide an instructional program that meets or exceeds the academic standards. (7) If the charter school plans to offer the South Carolina State High School Diploma, the application must set forth the method for meeting the state requirements for the High School Diploma, including, but not limited to, course unit requirements, seat time for Carnegie Units, as applicable, and passage of the required examinations. (8) Provisions must be included for determining if all students are achieving or attaining the standards, including the methods by which student performance information will be gathered and monitored. (9) The application must include an explanation as to how the school will comply with the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act. (E) Student Assessment The application must include a description of the charter school’s plan for evaluating pupil achievement and progress toward accomplishment of the school’s achievement standards. The school’s evaluation plan must include state mandated assessments and other assessments as well as the timeline for meeting these	Y	Y

1,261	43-601 continued...	(K) Facilities and Equipment The application must include a description of the building, facilities, and equipment and an explanation as to how they will be obtained: (1) Facilities Identified in Application (a) If a facility suitable for use by the charter school is identified at the time of application, the application must provide the following information with regard to the facility that the charter school intends to occupy: (i) the address of the facility; (ii) a description of the facility; (iii) a floor plan of the facility, including a notation of its size in square footage; (iv) the name and address of the owner of the facility; and (v) a copy of the proposed lease or rental agreement if the facility will be leased or rented. (b) If the facility that the charter school will occupy is being used as a public school at the time of application, the application must specify the name and location of that school and must include documentation setting forth the specific days and times during which the charter school is authorized to use that facility. (c) The application must either demonstrate that the proposed facility is in compliance with requirements set forth in the South Carolina School Facility Planning and Construction Guide for charter school occupancy or must provide a description of that facility and must demonstrate that it will meet the requirements: (i) A certificate of occupancy or a letter from the Office of School Facilities stating that the facility meets the appropriate codes is adequate to show compliance with this standard with regard to school facilities. (ii) If a certificate of occupancy is not issued or cannot be obtained at the time of application, the application must provide evidence that the charter school committee is working with an architect and/or the Office of School Facilities to correct any deficiencies in the facility. (2) Facilities Not Identified in Application If the charter school has not identified a suitable facility, the application must specify a plan for obtaining	Y	Y
1,262	43-601 continued...	V. CONDITIONAL CHARTERS The local school board may grant a conditional charter, instead of a full charter, to an applicant whose application meets the standards as determined by the Advisory Committee only if one or more of the following conditions exists: a charter school has not yet secured its space and been issued a certificate of occupancy by the Office of School Facilities, secured its equipment, facilities, and/or personnel. The conditional approval must be in writing and outline the specific conditions that must be met for approval and must include the specific date by which the conditions need to be met in order to secure approval. The local school board must make a determination as to whether the charter applicant has met the conditions of the conditional approval on or before the date specified in the conditional approval. Failure to make a ruling by the date outlined in the conditional charter shall be deemed approved. VI. ADVERSE IMPACT ON STUDENTS A local school board of trustees may deny an application if the charter school would adversely affect the other students in the district. (A) The local school board of trustees must demonstrate adverse impact on students. The impact must be specific and must have a negative effect on students. If the local school board of trustees finds that the charter school would adversely affect other students of the district, the written explanation of the reasons for denial required by Section 59 40 70(C) must describe detrimental effects upon other students of the district. (B) If the district is claiming an adverse impact based upon the redirection of funding to the charter school, the district must demonstrate that the funds being redirected to the charter school will have a direct negative impact on students. (1) The district must show options it has considered in an effort to reduce the adverse financial impact of the charter school. (2) The district has considered the net fiscal impact of the charter school, including the fiscal benefits that the charter school may bring to the district. VII. FEDERAL CHARTER SCHOOL REQUIREMENTS	Y	Y