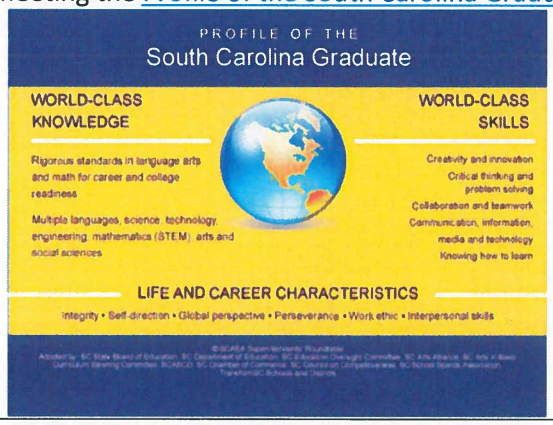
AGENCY NAME:	Department of Education		
AGENCY CODE:	063	SECTION:	001

Fiscal Year 2017-18 Accountability Report

SUBMISSION FORM

AGENCY MISSION	The mission of the South Carolina Department of Education is to provide leadership and support so that all public education students graduate prepared for success.
AGENCY VISION	All students graduate prepared for success in college, careers, and citizenship. By 2018, at least one school in every district will have implemented personalized learning that supports students' meeting the Profile of the South Carolina Graduate. 

Please select yes or no if the agency has any major or minor (internal or external) recommendations that would allow the agency to operate more effectively and efficiently.

	Yes	No
RESTRUCTURING RECOMMENDATIONS:	☒	☐

AGENCY NAME:	Department of Education		
AGENCY CODE:	063	SECTION:	001

Please identify your agency's preferred contacts for this year's accountability report.

	Name	Phone	Email
PRIMARY CONTACT:	Emily Heatwole	803-734-4066	eeheatwole@ed.sc.gov
SECONDARY CONTACT:	Katie Nilges	803-734-1215	knilges@ed.sc.gov

I have reviewed and approved the enclosed FY 2017-18 Accountability Report, which is complete and accurate to the extent of my knowledge.

AGENCY DIRECTOR (SIGN AND DATE):	Molly M. Spearman 9/14/18
(TYPE/PRINT NAME):	Molly M. Spearman

BOARD/CMSN CHAIR (SIGN AND DATE):	Sharon Wall 9/14/18
(TYPE/PRINT NAME):	Dr. Sharon Wall

AGENCY NAME:	Department of Education		
AGENCY CODE:	063	SECTION:	001

AGENCY'S DISCUSSION AND ANALYSIS

With the approval of the state ESSA plan and finalization of the merged state and federal accountability systems, the South Carolina Department of Education (SCDE) was able to shift focus to provision of intensive supports and interventions in our lowest performing schools and districts. This is especially important as 2018 will mark the first year of the new school report cards based on the merged accountability system, which no longer provides district ratings but will provide school ratings. These school ratings will be one of several measures that the agency uses to identify the level of technical assistance a school or district requires; other key elements include: length of time a school has been identified as low performing, accreditation designation, and financial risk status of the district based on the state fiscal practices law and the federal Uniform Grant Guidance. The agency is currently operating three school districts in the state: Florence 4, Allendale, and Williamsburg and is supporting 38 schools through the tiered intervention system. The agency continues to strive to ensure that all students, no matter their residency or socioeconomic status, have the opportunity to receive a high quality education in a safe environment that will prepare them for post-secondary success. Over the course of the next year the agency will continue to provide intensive support to low performing schools and enhanced professional development. These objectives and goals will continue to propel the work of the agency and our schools and educators.

Performance Impacts

Internal

This is the fourth year of the Superintendent's tenure and the agency continues to focus support to educators and students in our state, especially in our underperforming areas. The provision of intensive services to the lowest performing districts through the Office of School Transformation remains paramount, and has also engaged additional offices to provide professional development and assistance across other operational areas to include: the Chief Finance Officer, the Office of Health and Nutrition, and the Office of Special Education Services.

Additionally, ensuring all of our schools are healthy and safe for both students and educators will remain a top priority for the agency and receive additional focus as we align the work of multiple offices in the agency to deliver effective guidance and support to districts. The Office of School Facilities, the Office of Student Intervention Services, and the Office of Medicaid Services will continue to enhance services to districts to ensure that safety and health concerns are addressed from all angles. Support for educators and their work in our schools was also a top priority and the Office of Communications pushed out a statewide public information campaign to ensure that our citizens know about the good work that is occurring in our schools and developed a website, Dedication to Education (http://dedicationtoeducation.com/), to support educator recruitment and retention.

External

The agency has continued work on the merged accountability system with the Education Oversight Committee to develop the online portal for the school report card as well as the updated Accountability Manual. The report cards for each school will be published this fall. The interactive site will allow parents and the public to navigate many data points for each school which will be complete with user friendly definitions to ensure clarity.

Additionally, to elevate the need for effective planning to support safe schools, the agency has partnered with the State Law Enforcement Division (SLED) and the Office of the State Fire Marshal to provide guidelines to districts regarding active shooter/intruder drills and is also partnering with SLED and the Department of Mental Health (DMH) to increase identification and provision of services to students in need.

Current Efforts and Results & Future Planning

School Safety

The Superintendent is working with other state agencies and stakeholders to develop plans and resources that will ensure that our schools are safe and healthy environments in which all students and educators feel that they are supported and have the resources they need to succeed. In addition to the technical assistance provided in Fiscal Year 17-18 (7.4.1), the agency will provide additional support to schools and districts to ensure that effective safety plans and strategies are in place. In spring 2017, the Superintendent began working with Chief Keel (SLED) and Director Magill (DMH) to coordinate plans and recommendations regarding school safety. The Fiscal Year 2018-19 Appropriations Act contained funding that will allow districts to increase physical security of buildings and ensure that they have appropriate emergency preparedness resources and increase the number of school resource officers in schools. (1.1.1, 1.1.2, 1.2.1, 1.3.4). Act 256 of 2018 directed SLED, the Office of the State Fire Marshal, and the SCDE to develop guidelines for active shooter/intruder drills for districts and also directed schools to conduct these drills in addition to monthly fire drills and severe weather drills. (1.3.2) These guidelines were published in August 2018, and the agency now turns its work to the development of a cross agency state crisis intervention team and guidelines for each school to identify and train a pre-crisis intervention team. (1.3.3, 1.3.4) It is of paramount importance to the Superintendent that district and school staff know how to identify and serve students who are in need or in crisis.

Technical Assistance to Low Performing Schools and Districts and Shared Services

The agency continues to provide assistance to underperforming schools and districts through the tiered levels of support. Currently, the agency is operating three school districts, Florence 4, Allendale, and Williamsburg and serving 38 schools through the placement of transformation coaches. The operation of Florence 4 has allowed the agency to assist the district in working with Florence 1 and Florence 2 to share services such as maintenance and human resources. This shared services model has resulted in a savings of more than $500,000 for Florence 4 – funds that may now be dedicated to the classroom. The agency will continue to provide districts with guidance on sharing services with nearby districts. The General Assembly provided the Superintendent, through proviso, the authority to ask districts meeting certain requirements to submit plans for the implementation of shared services. The data from districts that are being served not only showed improvement in student assessment scores, but this improvement exceeded projections in English language arts and math. (3.2.3). Two years into this work the transformation coaches are able to show evidence of significant gains in the schools they are serving and exceeded the projected number of schools showing such gains by five percent in the 2017-18 school year. (3.2.5)

Through the approved state ESSA plan, the agency will monitor the percent of focus schools that reduce their most significant subgroup achievement gap. (3.2.4) The agency will continue to effectively utilize both federal and state resources to provide such support (either comprehensive or targeted) to underperforming schools which will be identified with the 2018 report card in November. It remains the goal of the agency to do this with fidelity to ensure that the support has a lasting positive impact on the students served in those schools and the educators who serve in those schools.

Educator Recruitment, Retention and Effectiveness

There continues to be a high need for high quality educators to join the profession and remain in the profession. On the recruitment front, and this is in addition to the teachers who graduated from a traditional educator preparation program, 484 educators entered the profession through an alternate route during 2017-18 with the goal being 500 in 2018-19. (4.2.2) Additionally, the agency is serving 100 percent of districts through the Office of Educator Effectiveness and Leadership Development regional liaisons.

The agency evaluation data management system procured last year, which allows both districts and educator preparation providers to obtain necessary information about the effectiveness of educators, is in place and the goal is to have 98 percent participation this year while reducing the number of data elements that must be requested by providers. (4.1.3, 4.4.2) The agency, through the State Board of Education, will develop guidelines that will allow

Institutions of Higher Education to become alternate route providers, thus increasing the pool of educators in the state.

Personalized Learning

The Office of Personalized Learning has in place a tiered system of support for schools and districts implementing personalized instruction for all students. (2.1.2) The office served a total of 117 schools during 2017-18 and plans to serve 175 schools during 2018-19. Work continues with iNACOL and reDesign, and the work of the office has been highlighted in a Knowledgeworks article in June. The agency will again request funding from the General Assembly to secure a learning management system (LMS), which will serve as a platform to increase personalized learning and increase availability of professional learning opportunities and access to repositories of information for educators. Other states, such as North Carolina, have implemented statewide LMS (Canvas) for helping teachers to flip classroom instruction, implement blended learning, support 1:1 and "bring your own device" programs, and host professional development. North Carolina's virtual program is also shifting to that platform. Additionally, the system will support parent engagement by serving as a portal through which parents can take a more active role in their children's education by viewing assignments and coursework as well as connecting with the teacher. If this work is funded and completed with fidelity over the course of the next year it will serve as the bedrock for statewide expansion of personalized learning.

VirtualSC/CATE

The agency's VirtualSC continues to serve over 39,000 students statewide and remains one of the fastest growing and most successful virtual programs in the nation. The cost per enrollment (approximately $185 per student) is one of the lowest amongst similarly sized neighboring states. The agency will again request additional funding to serve students and continue to build out the middle school courses. The continued development of new grade levels and courses is essential to rural communities that may not have sufficient teachers or enrollment to support key classes. VirtualSC currently partners with 12 school districts through franchise opportunities and provides adult education opportunities as well, with 48 percent of students ages 17-21 meeting their education goals. (6.1.2-01, 6.1.4, 6.1.5) Further, as part of the new accountability system, the state will need to ensure that students have access to advanced coursework such as AP/IB and Career and Technical Education courses that lead to an industry certification. VirtualSC will continue to serve as a conduit for such course work, especially for students who may have limited access. In the past year, 2,458 Career and Technical Education students also completed college coursework (dual credit) and the goal for 2018-19 is to increase that number to 3,000. (6.2.4-01)

College and Career Readiness

During the 2017-18 school year, 10,545 students were served in a state funded 4K classroom and the goal is to increase that number to at least 10,700 during the current school year. (6.3.1) The Office of Early Learning and Literacy will provide professional learning opportunities to educators and support summer reading camps in underperforming and rural school districts. (6.3.3, 6.3.5) Districts will also complete more comprehensive reading plans that clearly specify grade level interventions that will be implemented. (6.3.7) The agency does see a need for underperforming districts to receive more direction from the agency in the implementation of Read to Succeed and intervention strategies. The office of Standards and Learning continues to provide professional learning opportunities and gather data from participants on evidence of implementation of the learning in their classrooms. (6.4.4) Additionally, the Office of Adult Education strives to increase participation in professional learning opportunities by adult education directors and teachers from 47 percent to 100 percent during 2018-19. (6.4.5)

Transportation

Approximately 350,000 students ride the bus to school each day. Implementation of a safe and reliable transportation system remains a paramount focus for the agency and the General Assembly has provided consistent support to improve the system over the past three years. By October 2018, the last remaining 1995 transit bus will be retired. The agency will reduce the percentage of buses older than 10 years or 100,000 miles from 59 percent in 2017-18 to less than 45 percent in 2018-19. (7.1.1-01). The agency will request that the General Assembly increase the recurring funds for Fiscal Year 2019-20 that will allow the agency to continue to

lease-purchase buses and will allow the agency to allocate additional buses to districts with high student growth, which will reduce ride time. (7.1.4) The agency is piloting routing software in the Orangeburg districts. The pilot currently includes 193 buses and data on efficiency and ride time will be gathered this school year. (7.1.5-01-03) The agency will again request funding from the General Assembly to ensure every school district in the state is using routing software that will optimize routes, reduce ride time, and ensure all routes are safe and efficient by allowing districts to quickly navigate traffic and dangers, such as road construction. (7.1.4)

Risk Assessment & Mitigation Strategies

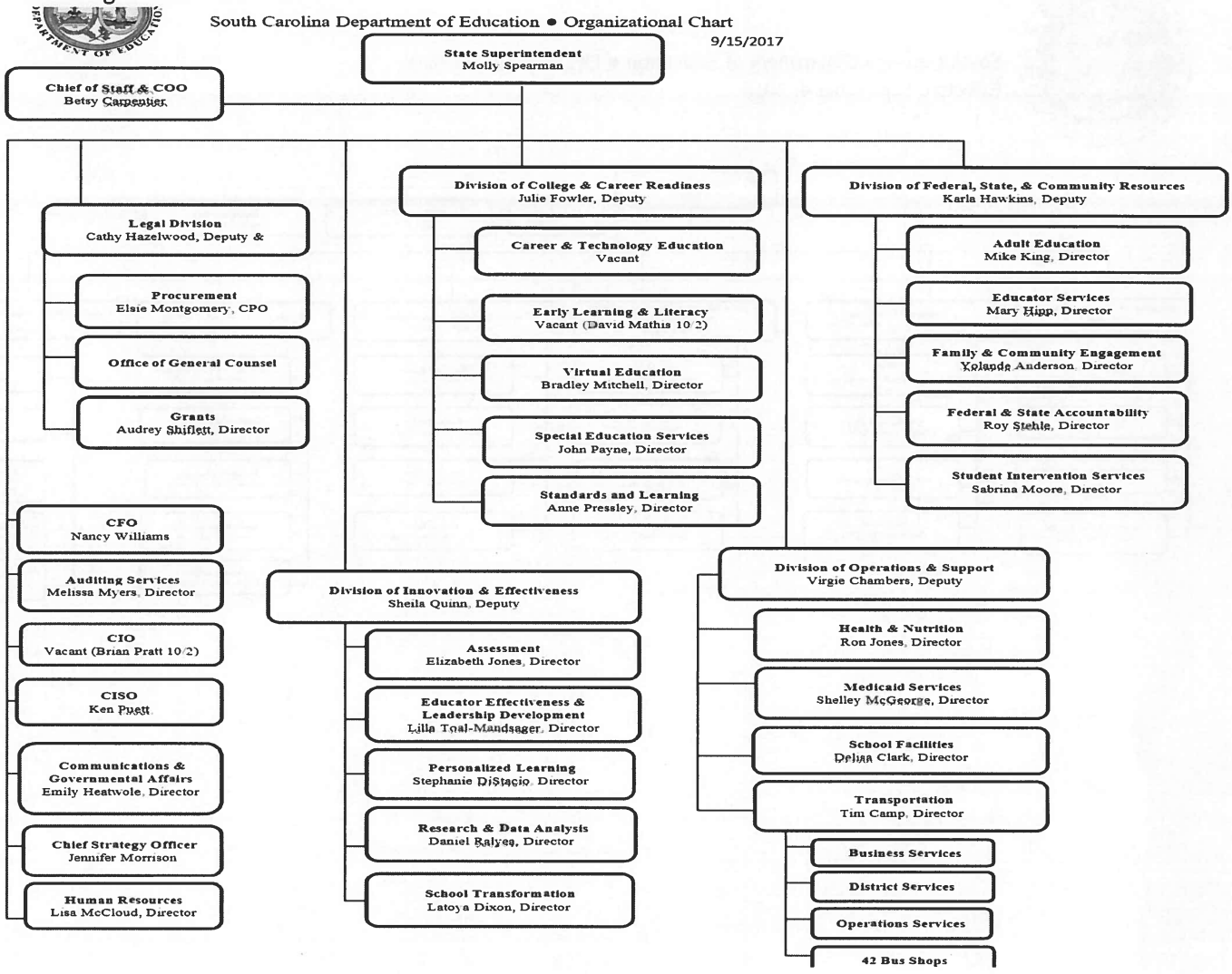
The single greatest risk to South Carolina if the Department of Education fails to accomplish its stated goals and objectives will be the lack of a qualified, productive workforce. If students are not afforded the opportunity to succeed in a safe learning environment through the *Profile of the South Carolina Graduate* they will have a higher likelihood of being underemployed or unemployed, which will have a direct impact of the economic wellbeing of the state. Lack of a qualified and prepared workforce, especially in our more rural areas, will continue the cycle of unemployment and high poverty rates as employers are drawn to areas that offer high quality educational opportunities and thus produce the workforce needed. While the agency is charged to support all of K-12 education, it must carefully tier services to target resources to serving those areas of high need and our students who require additional support.

Restructuring Recommendations

As noted below, the agency has undergone an internal restructuring to better align offices to ensure that services and supports to districts are highly coordinated and thorough. The agency will no longer utilize a structure with a Chief Operating Officer/Chief of Staff, a structure implemented under the prior administration. The agency will consist of the agency head, the State Superintendent of Education, and six divisions each headed by a deputy superintendent. Within these divisions resources and services are aligned to most effectively serve students and districts.

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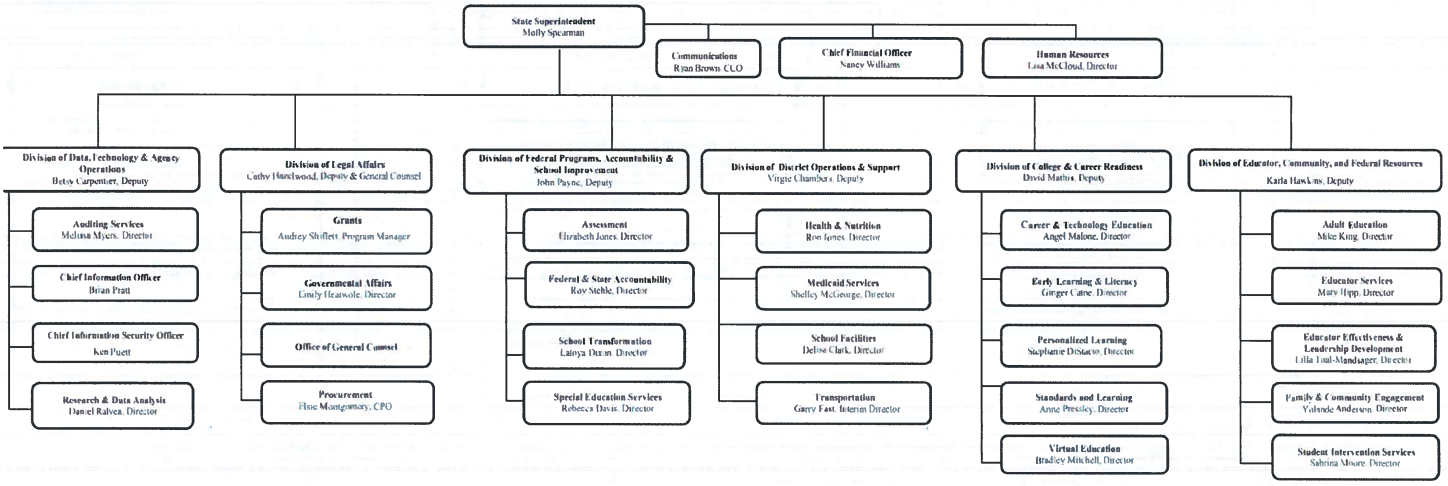
Prior Year Organizational Chart:



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Current Organizational Chart:

South Carolina Department of Education • Organizational Chart
Effective September 4, 2018



Agency Name:	**DEPARTMENT OF EDUCATION**
Agency Code:	**H630** **Section:** **1**

Fiscal Year 2017-2018
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Strategic Planning and Performance Measurement Template

Statewide Enterprise Strategic Objective	Type	*Item #* Goal	Strategy	Measure	Description	2017-18 Base	Target	Actual	Time Applicable	Data Source and Availability	Calculation Method	Meaningful Use of Measure
Education, Training, and Human Development	**G**	**1**			**The SCDE will support engagement of all STUDENTS so they graduate from high school with the world class knowledge, skills, and characteristics to be successful in post-secondary college, careers, and citizenship.**							
Education, Training, and Human Development	**S**		**1.1**		**Provide resources, training, and support for school improvement, innovation, and high quality personalized learning opportunities.**							
Education, Training, and Human Development	M			1.1.1	Percent project completion of competencies (FY 2017-18 action items)	new measure	0%	100%	July 1-June 30	Office of Personalized Learning (OPL); Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	M			1.1.2	Number of participating schools in tiered technical support for personalized and competency-based learning	new measure	0	100 distribute across tiers	July 1-June 30	OPL; Annually	Count number of schools participating at each tier	Outcome; Assess effectiveness of office outreach and products
Education, Training, and Human Development	M			1.1.3	Number of schools participating in both fall and spring assessment cycles	new measure	0	Fall=25, Spring=25	July 1-June 30	OPL; Annually	Count number of schools participating each cycle	Outcome; Assess effectiveness of office outreach and products
Education, Training, and Human Development	M			1.1.4	Percent project completion of leadership continuum update (FY 2017-18 action items)	New Measure	100%	78%	July 1-June 30	Office of Educator Effectiveness and Leadership	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	**S**		**1.2**		**Implement comparable, valid, and reliable resources and metrics to ensure all students are prepared for success in college, careers, and citizenship after graduation.**							
Education, Training, and Human Development	M			1.2.1	Number of face-to-face and online trainings held for each statewide assessment program	New Measure	New Measure	129	July 1-June 30	Office of Assessment (OA); Annually	Count number of trainings held for each statewide assessment program	Output; Assess demand and office capacity
Education, Training, and Human Development	M			1.2.2	Number of test programs that DID NOT provide statewide test materials in time for testing (grades 3-12)	0	0	0	July 1-June 30	OA; Annually	Count the number of test programs that had a statewide delay	Efficiency; Assess efficiency of office timelines and processes
Education, Training, and Human Development	M			1.2.3	Number of test programs that DID NOT provide statewide test materials in time for testing (4K-grade2)	0	0	0	July 1-June 30	OA; Annually	Count the number of test programs that had a statewide delay	Efficiency; Assess efficiency of office timelines and processes
Education, Training, and Human Development	M			1.2.4	Number of test programs whose results were posted online LATE (i.e., AFTER November 15) (Include only test programs whose results are embargoed prior to release to the public.)	0	0	0	July 1-June 30	OA; Annually	Count the test programs whose results were posted online AFTER November 15 (Exclude any test that was delayed due to a test contractor's inability to produce a state data file in a timely fashion.)	Output; Assess office capacity and compliance with law
Education, Training, and Human Development	**S**		**1.3**		**Provide resources and support partnerships that will allow schools to offer a continuum of supplemental services/resources for the academic, social, and emotional needs of students.**							
Education, Training, and Human Development	M			1.3.1	Number of family/parent engagement technical assistance workshops provided	New Measure	10	9	July 1-June 30	Office of Family and Community Engagement (OFACE); Annually	Count number of workshops held	Output; Assess demand and office capacity

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Strategic Planning and Performance Measurement Template

Statewide Enterprise Strategic Objective	Type	*Item #*			Description	2017-18			Time Applicable	Data Source and Availability	Calculation Method	Meaningful Use of Measure
		Goal	Strategy	Measure		Base	Target	Actual				
Education, Training, and Human Development	M			1.3.2	Percent project completion of family/parent engagement assessment tool (FY 2017-18 action items)	New Measure	100	0	July 1-June 30	OFACE; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	M			1.3.3	Percent of schools complying with postsecondary transition and services of students with IEPs	95.3	95	95	July 1-June 30	Office of Special Education Services (OSES); Annually	Calculate percent of total schools complying with postsecondary transition and services for students with IEPs; IDEA Part B Indicator 13 measurement	Outcome; Assess effectiveness of office outreach and products
Education, Training, and Human Development	**G**				**The SCDE will assist SCHOOLS in using funding and resources effectively, improving continuously, and ensuring systems are high quality so students are able to meet the Profile of the SC Graduate.**							
Education, Training, and Human Development	**S**		**2.1**		**Implement federal programs effectively.**							
Education, Training, and Human Development	M			2.1.1	Percent of districts in compliance with federal policies and guidelines for use of Title I funds	100%	100%	98.80%	July 1-June 30	Office of State and Federal Accountability (OSFA); Annually	Use on-site and desk audit documentation	Outcome; Assess effectiveness of office support
Education, Training, and Human Development	M			2.1.2	Percent of districts participating in Title I training and technical support	100%	100%	100%	July 1-June 30	OSFA; Annually	Calculate percent of total SC districts present at statewide trainings	Output; Assess demand and office capacity
Education, Training, and Human Development	**S**				**Provide support to improve academic performance of districts and schools identified as low performing.**							
Education, Training, and Human Development	M			2.2.1	Percent project completion of EBI portfolio (FY 2017-18 action items)	0	100	100	July 1-June 30	Office of School Transformation (OST); Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	M			2.2.2	Number of professional learning opportunities provided to support use of the EBI portfolio	0	10	17	July 1-June 30	OST; Annually	Count number of professional learning opportunities provided	Assess demand and office capacity
Education, Training, and Human Development	M			2.2.3	Percent of Priority schools which showed improvement on annual state tests in ELA or mathematics	50	50	51-ELA 60-Math	July 1-June 30	OST; Annually	Calculate percent of priority schools showing improvement on state ELA tests (SCREADY, English 1 EOCEP) and on state mathematics tests (SCREADY, Algebra I EOCEP)	Outcome; Assess effectiveness of office support
Education, Training, and Human Development	M			2.2.4	Percent of Focus schools which reduced their most significant subgroup gap	Data not collected due to development of merged accountability systems	50	Data not collected due to development of merged accountability systems	July 1-June 30	OST; Annually	Calculate percent of Focus schools in cohort that reduced their most significant subgroup gap with no decrease in the ALL Students subgroup	Outcome; Assess effectiveness of office support

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Strategic Planning and Performance Measurement Template

Statewide Enterprise Strategic Objective	Type	*Item #*			Description	2017-18			Time Applicable	Data Source and Availability	Calculation Method	Meaningful Use of Measure
		Goal	Strategy	Measure		Base	Target	Actual				
Education, Training, and Human Development	M			2.2.5	Percent of transformation coaches showing evidence of significant gains for their assigned schools	0	50	55	July 1-June 30	OST; Annually	Divided number of coaches showing evidence of significant gains by number of all coaches	Outcome; Assess effectiveness of transformation coaches
Education, Training, and Human Development	**S**		**2.3**		**Engage all districts in using high quality systems review and accreditation.**							
Education, Training, and Human Development	M			2.3.1	Percent of districts in compliance with the statutes and regulations as related to the state accountability standards as well as with the federal statutes, regulations, and guidance.	96%	100%	60%	July 1-June 30	OFSA; Annually	Divide number of districts in compliance by total number of districts reviewed	Outcome; Assess effectiveness of office support
Education, Training, and Human Development	M			2.3.2	Percentage of districts submitting e-grants applications by program	New Measure	100%	Data not captured at this due to new	July 1-June 30	OFSA; Annually	Calculate percentage of districts which submitted an e-grant application for each OFSA program in the system	Outcome; Assess effectiveness of office support
Education, Training, and Human Development	**G**	**3**			**SCDE will support public school EDUCATORS in building expertise to increase student growth and achievement, close the achievement gap, and increase numbers of students meeting the Profile of the SC Graduate.**							
Education, Training, and Human Development	**S**		**3.1**		**Use teacher evaluation and Student Learning Objectives (SLOs) to engage educators in evidence-based practices and the use of data to improve student performance.**							
Education, Training, and Human Development	M			3.1.1	Percent of SC educators rated proficient or above	96% Met; 1% Not Met; 2% Incomplete; 1% Not Reported	98% Met; 1% Not Met; 1% Incomplete	95% Met, 1% Not Met; 2% Incomplete; 2% Not Reported	July 1-June 30	Office of Educator Effectiveness and Leadership Development (OEELD); Annually	Divide number of educators reported by districts as proficient by total number of educators evaluated. Note: New system will report on 4 levels; FOIA changes pending. Subject to change with implementation.	Input; Assess state teacher workforce
Education, Training, and Human Development	M			3.1.2	Percentage of districts assigned to regional liaisons	New Measure	100%	100%	July 1-June 30	OEELD; Annually	percentage of districts assigned to regional liaisons	Outcome; Assess office support
Education, Training, and Human Development	M			3.1.3	Percent of districts trained with new data management system	New Measure	100%	98% face-to-face, 100% have access to webinar resources	July 1-June 30	OEELD; Annually	Divide number of district trained by total number of districts	Output; Assess demand and office capacity
Education, Training, and Human Development	M			3.1.4	Percent project completion of SLO implementation snapshot and training resources aligned to implementation needs assessment (FY 2017-18 action items)	New Measure	100%	100%	July 1-June 30	OEELD; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Outcome = Evaluate SLO implementation in field; Output = Monitor delivery
Education, Training, and Human Development	**S**		**3.2**		**Support the recruitment and retention of high quality educators.**							
Education, Training, and Human Development	M			3.2.1	Percent project completion of collective leadership guidebook and profiles (FY 2017-18 action items)	New Measure	100%	100%	July 1-June 30	OEELD; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery

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Statewide Enterprise Strategic Objective	Type	Item #			Description	2017-18			Time Applicable	Data Source and Availability	Calculation Method	Meaningful Use of Measure
		Goal	Strategy	Measure		Base	Target	Actual				
Education, Training, and Human Development	M			3.2.2	Percent project completion of revise mentoring and induction guidelines	New Measure	100%	100%	July 1-June 30	OEELD; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	M			3.2.3	Number of educators entering profession through all approved non-traditional or alternative route programs (including PACE)	PACE 353	PACE 350	PACE 394 All Programs including PACE 484	July 1-June 30	Office of Educator Services (OES); Annually	Count number of educators completing certification requirements needed for employment	Outcome; Assess office outreach and services
Education, Training, and Human Development	M			3.2.4	Number of educator certification requests completed by Office of Educator Services	New Measure	New Measure	81785	July 1-June 30	OES; Annually	Count number of completed certification cases for FY 2017-18	Outcome; Assess office outreach and services
Education, Training, and Human Development	**S**	**3.3**			**Provide leadership programs which support the Profile of the SC Graduate.**							
Education, Training, and Human Development	M			3.3.1	Satisfaction of principals	New Measure	50% exceeded expectations; 25% above expectations; 20% met expectations; 5% below expectations; 0% poor	65% exceeded expectations; 17% above expectations; 16% met expectations; 2% below expectations; 0% poor	July 1-June 30	OEELD; Annually	Aggregate responses from question(s) with Likert scale. Note, data is for 2016-17. 2017-18 data will be available in fall 2018.	Outcome; Assess office support
Education, Training, and Human Development	M			3.3.2	Percent project completion of leadership continuum updates (FY 2017-18 action items)	New Measure	100%	78%	July 1-June 30	OEELD; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	**S**	**3.4**			**Work with IHEs and other teacher agencies to ensure South Carolina teachers have the knowledge, skills, and abilities to help students meet the Profile of the SC Graduate.**							
Education, Training, and Human Development	M			3.4.1	Number of EPPs using edTPA or PPAT	0	5	2	July 1-June 30	OES; Annually	Count number of EPPs using edTPA or PPAT assessments	Outcome; Assess office support
Education, Training, and Human Development	M			3.4.2	Percent of EPPs requesting additional data elements from the SCDE for accreditation purposes	New Measure	75%	100%	July 1-June 30	OES; Annually	Survey of EPPs regarding data elements needed for accreditation purposes.	Outcome; Assess office support
Education, Training, and Human Development	**G**	**4**			**The SCDE will align state, district and school LEARNING SYSTEMS so they promote personalized student growth, achievement, and the Profile of the SC Graduate.**							
Education, Training, and Human Development	**S**	**4.1**			**Develop and implement a world class accountability system to communicate state, district, and school progress effectively.**							
Education, Training, and Human Development	M			4.1.1	Number of newsletters and webinars	0	10	12	July 1-June 30	Office of Research and Data Analysis (ORDA); Annually	Count number of newsletters and webinars provided	Output; Assess demand and office capacity
Education, Training, and Human Development	M			4.1.2	Number of Data Quality Reports available through SAS BI interface	0	10	0	July 1-June 30	ORDA; Annually	Count number of Data Quality Reports available through SAS BI interface	Output; Assess demand and office capacity

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Strategic Planning and Performance Measurement Template

Statewide Enterprise Strategic Objective	Type	Item #			Description	2017-18			Time Applicable	Data Source and Availability	Calculation Method	Meaningful Use of Measure
		Goal	Strategy	Measure		Base	Target	Actual				
Education, Training, and Human Development	M			4.1.3	Percentage of public assessment reporting completed within 10 days of file receipt	0%	80%	0%	July 1-June 30	ORDA; Annually	Divide number of public assessment reports completed within 10 days of file receipt by total number of reports	Efficiency; Assess efficiency of office timelines and processes
Education, Training, and Human Development	M			4.1.4	Number of data security incidents	New Measure	0	0	July 1-June 30	Chief Information Security Office (CISO); Annually	Count number of documented data security incidents	Outcome; Assess effectiveness of office/agency processes and protocols
Education, Training, and Human Development	**S**		**4.2**		**Enhance data warehouse to improve quality and availability of agency data around student information systems, assessment, standards and learning, finance, and career and technical education.**							
Education, Training, and Human Development	M			4.2.1	Percent project completion of SCDE action items in regard to state Student Longitudinal Data System (FY 2017-18 action items)	0%	50%	100%	July 1 -June 30	ORDA; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	**G**	**5**			**The SCDE will foster expansion of LEARNING OPPORTUNITIES so all students meet expectations of the Profile of the SC Graduate.**							
Education, Training, and Human Development	**S**		**5.1**		**Implement robust virtual options to meet state needs that serve 100 percent of students and schools who apply for a virtual course.**							
Education, Training, and Human Development	M			5.1.1-01	Number of students served by SCDE virtual programs	88,000	100,000	115,148	July 1-June 30	Office of Virtual Education (OVE); Annually	Count total number of students served in year	Output; Monitor demand and capacity of office
Education, Training, and Human Development	M			5.1.1-02	Average number of students per virtual teacher	150 max	150 max	117.14	July 1-June 30	OVE; Annually	Divide total number of enrolled students by number of teachers to determine average	Efficiency; Monitor efficient deployment of teachers
Education, Training, and Human Development	M			5.1.2-01	Number of schools in partnership with the SCDE Office of Virtual Education through franchises	6	8	10	July 1-June 30	OVE; Annually	Count number of schools in year which have entered into MOAs with the Office of Virtual Education	Outcome; Assess effectiveness of office outreach and products
Education, Training, and Human Development	M			5.1.2-02	Number of districts utilizing free keyboarding courses	new measure	34	40	July 1-June 30	OVE; Annually	Count number of districts utilizing free keyboarding courses	Outcome; Assess effectiveness of office outreach and products
Education, Training, and Human Development	M			5.1.3	Percent project completion of virtual course catalog (FY 2017-18 action items)	new measure	100%	100%	July 1-June 30	OVE; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	M			5.1.4	Percentage of students retained	new measure	60%	66%	July 1-June 30	Office of Adult Education (OAE); Annually	Divide number of students remaining in program at end of one year by total number of students at beginning of year	Outcome; Assess effectiveness of office outreach and products
Education, Training, and Human Development	M			5.1.5	Percentage of students achieving adult education outcomes	47% - Overall 47% - 17 to 21 year olds	52% - Overall 52% - 17 to 21 year olds	44% - Overall 48% - 17 to 21 year olds	July 1-June 30	OAE; Annually	Divide number of students achieving outcomes by total number of student enrolled in adult education	Outcome; Assess effectiveness of office outreach and products
Education, Training, and Human Development	**S**		**5.2**		**Align Career and Technology Education courses with workforce development needs.**							
Education, Training, and Human Development	M			5.2.1	Number of students completing a Career and Technology Education (CATE) Program of Study	Issue with data collection	17%	6%	July 1-June 30	Office of Career and Technology Education (OCTE); Annually	Count number of students completing a Career and Technology Education (CATE) Program of Study	Outcome; Assess effectiveness of office support

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		Goal	Strategy	Measure		Base	Target	Actual				
Education, Training, and Human Development	M			5.2.2	Percent of CATE completers who earn a silver or higher on the National Career Readiness Certificate	Issue with data collection	66%	34%	July 1-June 30	OCTE; Annually	Divide number of CATE completers attaining industry certificates for year by total number of CATE completers who graduated	Outcome; Assess effectiveness of office support
Education, Training, and Human Development	M			5.2.3	Percent of CATE completers who attain industry certificates	Issue with data collection	43%	48%	July 1-June 30	OCTE; Annually	Target Values are subject to determination of 2015 baseline data	Outcome; Assess effectiveness of office support
Education, Training, and Human Development	M			5.2.4-01	Number of CATE students who took technical college coursework (dual credit)	Issue with data collection	4,100	2,458	July 1-June 30	OCTE; Annually	Count number of CATE students reported by districts as enrolled in technical college coursework; OCATE and Activity Coding System	Outcome; Assess effectiveness of office support
Education, Training, and Human Development	M			5.2.4-02	Number of trainings provided to support districts and technical colleges articulate agreements in order to increase student access to dual credit coursework	Issue with data collection	12	13	July 1-June 30	OCTE; Annually	Count number of trainings provided	Output; Monitor demand and capacity of office
Education, Training, and Human Development	**S**		**5.3**		**Support schools and districts in strengthening the quality of their early learning and literacy programs.**							
Education, Training, and Human Development	M			5.3.1	Percent of existing CDEP classrooms which received CDEP monitoring visits	40%	43%	60%	July 1-June 30	OELL; Annually	Calculate percent of monitoring visits in total new expansion CDEP classrooms and classrooms in Abbeville plaintiff districts	Output; Monitor demand and capacity of office
Education, Training, and Human Development	M			5.3.2	Percent of early childhood programs demonstrating compliance with monitoring standards	new	30%	40%	July 1-June 30	OELL; Annually	Calculate percent of total monitored early childhood programs in year demonstrating compliance with monitoring standards	Outcome; Assess effectiveness of office technical assistance
Education, Training, and Human Development	M			5.3.3	Average number of business days for SCDE feedback on district reading plans to be returned to district after initial submission	20	20	20	July 1-June 30	OELL; Annually	Track average number of days for SCDE feedback on district reading plans to be returned to district after initial submission	Efficiency; Monitor efficient response and deployment of office staff
Education, Training, and Human Development	M			5.3.4	Percent of Abbeville plaintiff districts which received on-site literacy specialist support during third grade summer reading camps	100%	100%	100%	July 1-June 30	OELL; Annually	Calculate percent of Abbeville plaintiff districts which received on-site literacy specialist support during required third grade summer reading camps	Output; Monitor demand and capacity of office
Education, Training, and Human Development	M			5.3.5	Percent of districts where third grade summer reading camps meet minimum standards of quality	100%	80%	85%	July 1-June 30	OELL; Annually	Divide number of districts where at least 80% of "instructional planning" indicators were observed in third grade classrooms by total number of districts with third grade classrooms observed	Outcome; Assess effectiveness of office technical assistance

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		Goal	Strategy	Measure		Base	Target	Actual				
Education, Training, and Human Development	M			5.3.6	Average number of page views per month of OELL webpage with resources related to family awareness of and involvement in children's literacy development	new measure	200	230	July 1-June 30	OELL; Annually	Calculate average monthly number of page view across fiscal year	Outcome; Assess effectiveness of office outreach and demand for resources
Education, Training, and Human Development	M			5.3.7	Percent of districts meeting preschool special education outcome targets	75%	66.20%	75%	July 1-June 30	OSES; Annually from IDEA Child Outcome Summary Form (COSF), aggregated collection (IDEA State Performance Plan Indicator 7)	Divide number of LEAs meeting all 6 preschool outcome areas by the number of all LEAs (prescribed by IDEA requirements in the SC State Performance Plan)	Outcome; Assess effectiveness of office outreach and technical assistance
Education, Training, and Human Development	**S**		**5.4**		**Support increased student access to opportunities to develop world class knowledge, skills, and citizenship.**							
Education, Training, and Human Development	M			5.4.1	Percent project completion of units of study/resources (FY 2017-18 action items)	100%	100%	100%	July 1-June 30	Office of Standards & and Learning (OS&L); Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	M			5.4.2	Percent project completion of revision protocol (FY 2017-18 action items)	100%	100%	100%	July 1-June 30	OS&L; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	M			5.4.3	Number of participants at professional learning opportunities in each area: ELA, Mathematics, Science, Social studies, World languages, Visual and Performing Arts, Health, Physical Education, GT, and STEM/PBL	new measure	new measure	ELA- 617, Math-147, Sci-160, SS-56, World Language-92, Visual Performing Arts-368, Health/P.E.-156, Gifted and Talented-35, STEM/PBL-281	July 1-June 30	OS&L; Annually	Count number of attendees of PLOS in each area	Output; Monitor demand and capacity of office

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		Goal	Strategy	Measure		Base	Target	Actual				
Education, Training, and Human Development	M			5.4.4	Percent of PLO participants who show evidence of their implementation of new learning in their classrooms within each content area: ELA, Mathematics, Science, Social studies, World languages, Visual and Performing Arts, Health, Physical Education, GT, and STEM/PBL	new measure	85%	ELA- 99%, Math- 90%, Sci- 89%, SS- 100%, World Language- 88%, Visual Performing Arts- 96%, Health/P.E.-100%, Gifted and Talented- 100%, STEM/PBL-	July 1-June 30	OS&L; Annually	Divide number of participants showing evidence of implementation by total number of attendees in PLOs in each area	Outcome; Assess effectiveness of professional learning opportunities
Education, Training, and Human Development	M			5.4.5	Percent of adult education directors and teachers attending training	New Measure	100%	47%	July 1-June 30	OAE; Annually	Divide number of attendees by total number of adult education directors and teachers	Output; Monitor demand and capacity of office
Education, Training, and Human Development	M			5.4.6	Rating of attendee satisfaction	New Measure	85%	82%	July 1-June 30	OAE; Annually	Aggregate responses from question(s) with Likert scale	Outcome; Assess effectiveness of professional learning opportunities
Education, Training, and Human Development	M			5.4.7-01	Number of students who create or access a career portfolio via SCOIS	New measure	New measure	124,487 portfolios created (unduplicated); 246,332 logins (duplicated)	July 1-June 30	Office of Student Intervention Services (OSIS); Annually	Count number of students in SCOIS database	Outcome; Assess effectiveness of office outreach and technical assistance
Education, Training, and Human Development	M			5.4.7-02	Number of elementary schools that request access to Career Trek via SCOIS	106	150	124	July 1-June 30	OSIS; Annually	Count number of elementary schools in SCOIS database	Outcome; Assess effectiveness of office outreach and technical assistance
Education, Training, and Human Development	~~M~~			5.4.7-03	Number of 21st CCLC programs that incorporate a career readiness component	New measure	30%	Reliable data not captured	July 1-June 30	OSIS; Annually	Count number applications including career readiness component	Outcome; Assess effectiveness of office outreach and technical assistance
Education, Training, and Human Development	M			5.4.8	Number of professional learning opportunities provided by the OSIS designed to improve the behavior and/or academic performance of students in alternative school programs	3	5	6	July 1-June 30	OSIS; Annually	Count number of professional learning opportunities offered (Alternative School PD Calendar)	Output; Monitor demand and capacity of office
Education, Training, and Human Development	**G**	**6**			**The SCDE will aid DISTRICTS in building the capacity to provide safe and healthy environments for long-term success.**							
Education, Training, and Human Development	**S**		**6.1**		**Operate a safe and efficient school transportation program.**							

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		Goal	Strategy	Measure		Base	Target	Actual				
Education, Training, and Human Development	M			6.1.1-01	Percent of school buses older than 10 years or 100,000 miles	40%	<35%	59%	July 1-June 30	Office of Transportation (OT); Annually	Count total number of buses greater than 100,000 miles plus the total number over ten years old. Divide this number and divide by total number of buses	Input; Assess health of state bus fleet
Education, Training, and Human Development	M			6.1.1-02	Average operating miles per bus	14,600	<14,000	14,956	July 1-June 30	OT; Annually	Divide total number of buses by the total miles traveled	Input; Assess health of state bus fleet
Education, Training, and Human Development	M			6.1.1-03	Number of transportation service calls	13,026	<12,000	9,357	July 1-June 30	OT; Annually	Count total number of all service calls	Outcome; Assess health of state bus fleet
Education, Training, and Human Development	M			6.1.2-01	Turnover rate for bus shop mechanics	16.90%	<15.9%	24.10%	July 1-June 30	OT; Annually	Divide total number Mechanic III separations by total number of Mechanic III positions	Outcome; Assess effectiveness of initiatives targeting reduction in turnover rate
Education, Training, and Human Development	M			6.1.2-02	Percentage of mechanic turnover in two shops participating in pilot career step program	23.80%	23.80%	N/A Pilot being revised; not yet implemented	July 1-June 30	OT; Annually	Divide total number Mechanic III separations by total number of Mechanic III positions in the two pilot shops	Assess participation in turnover reduction initiative
Education, Training, and Human Development	M			6.1.2-03	Number of youth apprentices successfully completing the program	1	>1	3	July 1-June 30	OT; Annually	Count number of apprentices that complete the 2 year program	Outcome; Assess participation in turnover reduction initiative
Education, Training, and Human Development	M			6.1.3	Number of bus driver-caused accidents	307	<300	649	July 1-June 30	OT; Annually	Count number of reported driver-caused accidents in EPMS	Outcome; Assess effectiveness of driver safety training and certification
Education, Training, and Human Development	M			6.1.4	Number of district route ride times that exceed 90 minutes	469	<450	1,464	July 1-June 30	OT; Annually	Count number of district routes where time exceeds 90 minutes	Outcome; Assess efficiency of transportation system overall and support provided to districts
Education, Training, and Human Development	M			6.1.5-01	Number of buses in Orangeburg County Consolidated School District 3 (OCCSD3)	193	<193	193	July 1-June 30	OT; Annually	Count current number of route buses and subtract any buses removed during pilot	Outcome; Assess efficiency or transportation system in OCCSD3 and technical assistance provided to district

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		Goal	Strategy	Measure		Base	Target	Actual				
Education, Training, and Human Development	M			6.1.5-02	Average student ride time in OCCSD3	New Measure - Pilot Implementation Underway	New Measure - Pilot Implementation Underway	New Measure - Pilot Implementation Underway	July 1-June 30	OT; Annually	Divide total number of buses by the total time traveled	Outcome; Assess efficiency of transportation system in OCCSD3 and technical assistance provided to district
Education, Training, and Human Development	M			6.1.5-03	Efficiency in OCCSD3	New Measure - Pilot Implementation Underway	New Measure - Pilot Implementation Underway	New Measure - Pilot Implementation Underway	July 1-June 30	OT; Annually	Divide total number of buses by the total miles traveled	Outcome; Assess efficiency or transportation system in Orangeburg and technical assistance provided to district
Education, Training, and Human Development	**S**		**6.2**		**Provide and support a healthy learning environment by ensuring access to nutritious meals.**							
Education, Training, and Human Development	M			6.2.1	Number of training courses provided to support local implementation of USDA nutritional requirements	61	>61	61	July 1-June 30	Office of Health and Nutrition (OHN); Annually	Count total number of menu planning and improvement trainings	Output; Assess office capacity and district need
Education, Training, and Human Development	M			6.2.2	Percent project completion of Food for Thought SC (FY 2017-18 action items)	0%	100%	20%	July 1-June 30	OHN; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor development and initial implementation
Education, Training, and Human Development	M			6.2.3	Number of school gardens	0	20	0	July 1-June 30	OHN; Annually	Count number of established school gardens	Outcome; Assess school participation
Education, Training, and Human Development	M			6.2.4	Percent project completion of financial performance tracking system (FY 2017-18 action items)	0	100%	100%	July 1-June 30	OHN; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor development and initial implementation
Education, Training, and Human Development	M			6.2.5	Number summer food sites	2,516	>2500	2,384	July 1-June 30	OHN; Annually	Count total number of summer food sites (SFSP and SSO) in year	Output; Assess ability to provide access
Education, Training, and Human Development	**S**		**6.3**		**Ensure students learn in safe school buildings.**							
Education, Training, and Human Development	M			6.3.1	Number of plan resubmittals and/or re-inspections	TBD	TBD	TBD	July 1-June 30	Office of School Facilities (OSF); Annually	Count number of plan resubmittals and reinspections after initial event	Outcome; Assess effectiveness of technical assistance
Education, Training, and Human Development	M			6.3.2	Number of plan reviews	TBD	TBD	TBD	July 1-June 30	OSF; Annually	Count number of plan reviews	Output; Monitor demand and capacity of office
Education, Training, and Human Development	M			6.3.3	Number of districts making capital improvements	TBD	TBD	TBD	July 1-June 30	Office of School Facilities; Annually	Identify and count number of districts reporting capital improvements	Outcome; Monitor expenditure of state funds for capital improvement
Education, Training, and Human Development	**S**		**6.4**		**Support schools in developing positive and supportive climates for learning.**							
Education, Training, and Human Development	M			6.4.1	Number of school climate and/or bullying technical assistance opportunities provided	8	8	11	July 1-June 30	OSIS; Annually	Count number of technical assistance opportunities provided	Output; Monitor demand and capacity of office

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Education, Training, and Human Development	M			6.4.2	Number of districts with major Medicaid discrepancies	18	24	23	July 1-June 30	Office of Medicaid Services (OMS); Annually	Count number of districts which have serious discrepancies identified during annual quality assurance visit; Medicaid Quality Assurance Annual Report	Outcome; Target districts with major Medicaid discrepancies for technical assistance
Education, Training, and Human Development	M			6.4.3	Number of districts served through the Process Improvement Team (PIT)	0	2	2	July 1-June 30	OMS; Annually	Count number of districts served through PIT	Output; Determine capacity of OS to manage PIT process in the first year of implementation
Education, Training, and Human Development	**G**	**7**			**The SCDE will model excellence and continuous improvement in all programs and services.**							
Education, Training, and Human Development	**S**		**7.1**		**Implement a continuous improvement process focused on program effectiveness, stakeholder satisfaction, fidelity, and return on public investment.**							
Education, Training, and Human Development	M			7.1.1	Staff satisfaction with usefulness of agency stocktakes	70%	85%	85%	July 1-June 30	Chief Strategy Office (CSO); Annually	Determine percentage of survey respondents indicating that they strongly agree or agree that the stocktake meetings and preparation were worth their time; Stocktake survey	Outcome; Assess effectiveness of agency continuous improvement process
Education, Training, and Human Development	M			7.1.2	Percent project completion of agency evaluation-assessment system tools (FY 2017-18 action items)	New	100%	100%	July 1-June 30	CSO; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	M			7.1.3	Percent of offices where standard operating manual is present. Information included should be easy to follow for proper succession planning.	New measure	80%	58%	July 1-June 30	Office of Auditing Services (OAS); Annually	Divide number of offices where standard operating manual is present by total number of offices	Output; Assess office capacity and plan next steps for risk improvement
Education, Training, and Human Development	M			7.1.4	Percent of offices with risk ratings identifying weaknesses in internal control that should be strengthened and effectiveness in internal controls	New measure	100%	100%	July 1-June 30	OAS; Annually	Divide number of offices that have been assigned a risk rating by total number of offices	Output; Assess office capacity and plan next steps for risk improvement
Education, Training, and Human Development	M			7.1.5	Number of written audit reports documenting results of pre-award audit for programs that have been issued to program management	New measure	10	12	July 1-June 30	OAS; Annually	Count number of issued pre-award audits	Output; Assessment of program risk
Education, Training, and Human Development	**S**		**7.2**		**Foster a culture of innovation, improvement, excellence, collaboration, service, and urgency.**							

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Education, Training, and Human Development	M			7.2.1	Staff satisfaction with agency policies, procedures, and systems	New	85%	85%	July 1-June 30	CSO; Annually	Determine percentage of survey respondents indicating that they strongly agree or agree with chosen statements; Internal Excellence survey	Outcome; Assess effectiveness of agency systems
Education, Training, and Human Development	M			7.2.2-01	Number of staff attending agency professional learning opportunities	Monday Minis = 227; Lunch & Learns = 480; General Interest = 365 (1072)	Monday Minis = 300; Lunch & Learns = 500; General Interest = 400 (1200)	Monday Minis = 471 Lunch & Learns = 214 General Interest = 301 (986)	July 1-June 30	CSO; Annually	Count number of staff attending	Output; Assess demand and office capacity
Education, Training, and Human Development	M			7.2.2-02	Staff satisfaction with agency professional learning opportunities	New	80%	88%	July 1-June 30	CSO; Annually	Determine percentage of survey respondents indicating that they strongly agree or agree with chosen statements; Internal Excellence survey	Outcome; Assess effectiveness of professional learning opportunities
Education, Training, and Human Development	M			7.2.3	Number of internal and external newsletters opened/read	new measure	65%	Measure not able to be collected	July 1-June 30	Office of Communication and Governmental Affairs (OCGA); Annually	Count number of staff email receipts each month	Outcome; Asses effectiveness of agency newsletter
Education, Training, and Human Development	M			7.2.4-01	Number of external stakeholders participating in SCDE social media platforms	29,703	Increase by 5%	34,007	July 1-June 30	OCGA; Annually	Count number of contacts on SCDE social media platforms	Outcome; Assess effectiveness of external communication through social media
Education, Training, and Human Development	M			7.2.4-02	Number of news stories (print media/television/radio)	New Measure	New Measure	619	July 1-June 30	OCGA; Annually	Count number of news stories each month	Outcome; Assess and analyze the number of mentions in news media and positive news coverage
Education, Training, and Human Development	M			7.2.5	Percent of service requests completed successfully	100%	100%	91%	July 1-June 30	Chief Information Office (CIO); Annually	Divide number of service requests closed successfully by all service requests	Outcome; Assess effectiveness of service based on reasonable expectations and available resources
Education, Training, and Human Development	M			7.2.6	Staff satisfaction with IT service	87%	97%	91%	July 1-June 30	CIO; Annually	Determine percentage of survey respondents indicating that they strongly agree or agree with chosen statements; Internal Excellence survey	Outcome; Assess effectiveness of service based on reasonable expectations and available resources
Education, Training, and Human Development	M			7.2.7	Rate of service providers per customer or expectation level	1 Tech per 223 users	1 Tech per 150 users	1 Tech per 190 users	July 1-June 30	CIO; Annually	Calculate ratio of technicians per user across agency	Efficiency; Assess efficiency of service provider deployment and/or processes
Education, Training, and Human Development	M			7.2.8	Percent of system up-time	99%	99%	98%	July 1-June 30	CIO; Annually	Calculate percentage of system up-time	Outcome = Assess effectiveness of IT management; Input = Assess health of current IT system
Education, Training, and Human Development	M			7.2.9	Percent of projects, applications, or features completed successfully, based on scope, cost, and schedule	60%	90%	60%	July 1-June 30	CIO; Annually	Divide number of projects, applications, or features completed successfully by total number agreed upon	Output; Assess office productivity and capacity

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Education, Training, and Human Development	M			7.2.10	Number of staff members completing new Project Management micro-credential stack	0	10	Data not collected - project removed	July 1-June 30	CIO; Annually	Count number of staff successfully earning badge for stack	Outcome; Assess office outreach and services
Education, Training, and Human Development	M			7.2.11	Number of staff members completing new Managing Money micro-credential stack	0	25	Not available during 2017-18	July 1-June 30	Chief Finance Office (CFO); Annually	Count number of staff successfully earning badge for stack	Outcome; Assess office outreach and services
Education, Training, and Human Development	M			7.2.12	Percent staff turnover	22.6%	15%	22.26%	July 1-June 30	Human Resources (HR); Annually	Divide number of open positions by total number of positions in the agency	Outcome; Assess agency's ability to retain employees
Education, Training, and Human Development	M			7.2.13	Staff perception on SCDE culture of wellness, healthy and nutritional eating, increased physical activity, and a tobacco-free work environment	New measure	100%	100%	July 1-June 30	OHN; Annually	Determine percentage of survey respondents indicating that they strongly agree or agree with chosen statements; Internal Excellence survey	Outcome; Assess effectiveness of Working Well initiative
Education, Training, and Human Development	**S**		**7.3**		**Add to the evidence and research base of what works in South Carolina public education.**							
Education, Training, and Human Development	M			7.3.1	Percent of on-time agency reports	New measure	100%	100%	July 1-June 30	CSO; Annually	Divide number of on-time reports by total number of required reports on agency report calendar	Output; Assess agency capacity and systems
Education, Training, and Human Development	M			7.3.2	Number of external partners working with SCDE to review performance or conduct research in partnership	2	3	3	July 1-June 30	CSO; Annually	Count number of external partners	Input; Assess agency needs and increase capacity
Education, Training, and Human Development	M			7.3.3	Percent project completion of Program Evaluation micro-credential stack (FY 2017-18 action items)	New measure	100%	50% as of 6/30	July 1-June 30	CSO; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
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Strategic Planning and Performance Measurement Template

Statewide Enterprise Strategic Objective	Type	Item #			Description	2017-18			Time Applicable	Data Source and Availability	Calculation Method	Meaningful Use of Measure
		Goal	Strategy	Measure		Base	Target	Actual				
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Statewide Enterprise Strategic Objective	Type	Item # Goal	Item # Strategy	Item # Measure	Description	2018-19 Base	2018-19 Target	2018-19 Actual	Time Applicable	Data Source and Availability	Calculation Method	Meaningful Use of Measure
Education, Training, and Human Development	**G**	**1**			**SCDE will provide support schools and districts to ensure that learning environments are safe and secure for all students and educators**							
Education, Training, and Human Development	**S**		**1.1**		**Provide guidance to districts regarding best practices for security of physical buildings and campuses**							
Education, Training, and Human Development	M			1.1.1	Percent of school buildings with secure entrances that include access controlled doors and all exterior doors locked	New measure	80%		July 1-June 30	OSF application and survey	Report number of schools based on district survey	Input - assess resources needed
Education, Training, and Human Development	M			1.1.2	Percent of school buildings with locking mechanisms on all interior doors	New measure	80%		July 1-June 30	OSF application and survey	Report number of schools based on district survey	Input - assess resources needed
Education, Training, and Human Development	**S**		**1.2**		**Ensure schools and districts provide necessary staff support services to students to increase safety**							
Education, Training, and Human Development	M			1.2.1	A trained school resource officer in every school.	New Measure	75%		July 1-June 30	OSIS	Count number of schools with a full time certified SRO	Outcome; assess number of staff available
Education, Training, and Human Development	M			1.2.2	Access to school based mental health counselors	New Measure	40%		July 1-June 30	OSIS	Work with the Department of Mental Health to count the number of mental health counselors available	Outcome; Assess current services and future need
Education, Training, and Human Development	M			1.2.3	Increase school based support staff that include at least one of each of the following staff in every school: school counselors, school psychologists, school nurses and school social workers, mental health counselors, behavioral specialists, tele-psychiatrists	New measure	1		July 1-June 30	OSIS and OES	Count each staff per school	Outcome; Assess need and support increased staff
Education, Training, and Human Development	**S**		**1.3**		**Provide guidance and resources to districts to support safety planning and training**							
Education, Training, and Human Development	M			1.3.1	Percent of schools and districts utilizing SCDE safety awareness video and modules and safety resources	New measure	100%		July 1-June 30	OSIS; Annually	Survey participation	Outcome; assess agency support
Education, Training, and Human Development	M			1.3.2	Every school implements intruder/lockdown drills with local law enforcement	New measure	100%		July 1-June 30	OSIS; Annually	Gather data from schools on implementation of required	Outcome; assess implementation
Education, Training, and Human Development	M			1.3.3	Each school will have a pre crisis intervention team identified and trained	New Measure	100%			OSIS; Annually	Districts report to SCDE	Outcome; assess implementation
Education, Training, and Human Development	M			1.3.4	Each school will have emergency supplies and procedures in place and staff trained	New measure	100%			OSIS & OHN; Annually	Survey districts and schools	Outcome; assess implementation and need for support
Education, Training, and Human Development	**G**	**2**			**The SCDE will support engagement of all STUDENTS so they graduate from high school with the world class knowledge, skills, and characteristics to be successful in post-secondary college, careers, and citizenship.**							

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		Goal	Strategy	Measure		Base	Target	Actual				
Education, Training, and Human Development	S		2.1		**Provide resources, training, and support for school improvement, innovation, and high quality personalized learning opportunities.**							
Education, Training, and Human Development	M			2.1.1	Percent project completion of competencies (FY 2017-18 action items)	100%	100%		July 1-June 30	Office of Personalized Learning (OPL); Annually	Assess percentage of action items complete against total determined at beginning of	Output; Monitor delivery
Education, Training, and Human Development	M			2.1.2	Number of participating schools in tiered technical support for personalized and competency-based learning	117	175		July 1-June 30	OPL; Annually	Count number of schools participating at each tier	Outcome; Assess effectiveness of office outreach and products
Education, Training, and Human Development	M			2.1.3	Number of schools participating in both fall and spring assessment cycles	Fall 25 Spring 25	TBD		July 1-June 30	OPL; Annually	Count number of schools participating each cycle	Outcome; Assess effectiveness of office outreach and products
Education, Training, and Human Development	M			2.1.4	Percent project completion of leadership continuum update (FY 2017-18 action items)	100%	100%		July 1-June 30	Office of Educator Effectiveness and Leadership Development (OEELD); Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	S		2.2		**Implement comparable, valid, and reliable resources and metrics to ensure all students are prepared for success in college, careers, and citizenship after graduation.**							
Education, Training, and Human Development	M			2.2.1	Number of face-to-face and online trainings held for each statewide assessment program	129	100		July 1-June 30	Office of Assessment (OA); Annually	Count number of trainings held for each statewide assessment program	Output; Assess demand and office capacity
Education, Training, and Human Development	M			2.2.2	Number of test programs that DID NOT provide statewide test materials in time for testing (grades 3-12)	0	0		July 1-June 30	OA; Annually	Count the number of test programs that had a statewide delay	Efficiency; Assess efficiency of office timelines and processes
Education, Training, and Human Development	M			2.2.3	Number of test programs that DID NOT provide statewide test materials in time for testing (4K-grade2)	0	0		July 1-June 30	OA; Annually	Count the number of test programs that had a statewide delay	Efficiency; Assess efficiency of office timelines and processes
Education, Training, and Human Development	M			2.2.4	Number of test programs whose results were posted online LATE (i.e., AFTER November 15) (Include only test programs whose results are embargoed prior to release to the public.)	0	0		July 1-June 30	OA; Annually	Count the test programs whose results were posted online AFTER November 15 (Exclude any test that was delayed due to a test contractor's inability to produce a state data file in a timely fashion.)	Output; Assess office capacity and compliance with law
Education, Training, and Human Development	S		2.3		**Provide resources and support partnerships that will allow schools to offer a continuum of supplemental services/resources for the academic, social, and emotional needs of students.**							

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		Goal	Strategy	Measure		Base	Target	Actual				
Education, Training, and Human Development	M			2.3.1	Number of family/parent engagement technical assistance workshops provided	9	10		July 1-June 30	Office of Family and Community Engagement (OFACE); Annually	Count number of workshops held	Output; Assess demand and office capacity
Education, Training, and Human Development	M			2.3.2	Percent project completion of family/parent engagement assessment tool (FY 2017-18 action items)	0	100%		July 1-June 30	OFACE; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	M			2.3.3	Percent of schools complying with postsecondary transition and services of students with IEPs	95%	95%		July 1-June 30	Office of Special Education Services (OSES); Annually	Calculate percent of total schools complying with postsecondary transition and services for students with IEPs; IDEA Part B Indicator 13 measurement	Outcome; Assess effectiveness of office outreach and products
Education, Training, and Human Development	**G**	**3**			**The SCDE will assist SCHOOLS in using funding and resources effectively, improving continuously, and ensuring systems are high quality so students are able to meet the Profile of the SC Graduate.**							
Education, Training, and Human Development	**S**		**3.1**		**Implement federal programs effectively.**							
Education, Training, and Human Development	M			3.1.1	Percent of districts in compliance with federal policies and guidelines for use of Title I funds	100%	100%		July 1-June 30	Office of State and Federal Accountability (OSFA); Annually	Use on-site and desk audit documentation	Outcome; Assess effectiveness of office support
Education, Training, and Human Development	M			3.1.2	Percent of districts participating in Title I training and technical support	100%	100%		July 1-June 30	OSFA; Annually	Calculate percent of total SC districts present at statewide trainings	Output; Assess demand and office capacity
Education, Training, and Human Development	**S**		**3.2**		**Provide support to improve academic performance of districts and schools identified as low performing.**							
Education, Training, and Human Development	M			3.2.1	Percent project completion of EBI portfolio (FY 2017-18 action items)	100%	100%		July 1-June 30	Office of School Transformation (OST); Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	M			3.2.2	Number of professional learning opportunities provided to support use of the EBI portfolio	17	20		July 1-June 30	OST; Annually	Count number of professional learning opportunities provided	Assess demand and office capacity

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		Goal	Strategy	Measure		Base	Target	Actual				
Education, Training, and Human Development	M			3.2.3	Percent of Priority schools which showed improvement on annual state tests in ELA or mathematics	60%	51%-ELA 60%-Math		July 1-June 30	OST; Annually	Calculate percent of priority schools showing improvement on state ELA tests (SCREADY, English 1 EOCEP) and on state mathematics tests (SCREADY, Algebra I EOCEP)	Outcome; Assess effectiveness of office support
Education, Training, and Human Development	M			3.2.4	Percent of Focus schools which reduced their most significant subgroup gap	TBD	50%		July 1-June 30	OST; Annually	Calculate percent of Focus schools in cohort that reduced their most significant subgroup gap with no decrease in the ALL	Outcome; Assess effectiveness of office support
Education, Training, and Human Development	M			3.2.5	Percent of transformation coaches showing evidence of significant gains for their assigned schools	55%	60%		July 1-June 30	OST; Annually	Divided number of coaches showing evidence of significant gains by number	Outcome; Assess effectiveness of transformation coaches
Education, Training, and Human Development	**S**		**3.3**		**Engage all districts in using high quality systems review and accreditation.**							
Education, Training, and Human Development	M			3.3.1	Percent of districts in compliance with the statutes and regulations as related to the state accountability standards as well as with the federal statutes, regulations, and guidance.	60%	100%		July 1-June 30	OFSA; Annually	Divide number of districts in compliance by total number of districts reviewed	Outcome; Assess effectiveness of office support
Education, Training, and Human Development	M			3.3.2	Percentage of districts submitting e-grants applications by program	100%	100%		July 1-June 30	OFSA; Annually	Calculate percentage of districts which submitted an e-grant application for each OFSA program in the system	Outcome; Assess effectiveness of office support
Education, Training, and Human Development	**G**		**4**		**SCDE will support public school EDUCATORS in building expertise to increase student growth and achievement, close the achievement gap, and increase numbers of students meeting the Profile of the SC Graduate.**							
Education, Training, and Human Development	**S**		**4.1**		**Use teacher evaluation and Student Learning Objectives (SLOs) to engage educators in evidence-based practices and the use of data to improve student performance.**							
Education, Training, and Human Development	M			4.1.1	Percent of SC educators rated proficient or above	95% Met, 1% Not Met; 2% Incomplete; 2% Not Reported	98% Met; 1% Not Met; 1% Incomplete		July 1-June 30	Office of Educator Effectiveness and Leadership Development (OEELD); Annually	Divide number of educators reported by districts as proficient by total number of educators evaluated. Note: New system will report on 4 levels; FOIA changes pending. Subject to change with implementation.	Input; Assess state teacher workforce
Education, Training, and Human Development	M			4.1.2	Percentage of districts with assigned liaisons; percentage of districts participating in virtual office hours; Satisfaction of districts with support and resources	100%	100%		July 1-June 30	OEELD; Annually	Attendance rosters; Aggregate responses from question(s) with Likert scale	Output; Assess office capacity Outcome; Assess office support
Education, Training, and Human Development	M			4.1.3	Percentage of districts and EPPs using the new data management system	New measure	98%		July 1-June 30	OEELD; Annually	Divide number of district trained by total number of districts	Output; Assess demand and office capacity
Education, Training, and Human Development	M			4.1.4	Percent completion of training and resources	100%	100%		July 1-June 30	OEELD; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Outcome = ~~Evaluate SLO implementation in field~~ Assess quality of resources; Output = Monitor delivery

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		Goal	Strategy	Measure		Base	Target	Actual				
Education, Training, and Human Development	**S**		**4.2**		**Support the recruitment and retention of high quality educators.**							
Education, Training, and Human Development	M			4.2.1	Percent project completion of collective leadership guidebook and profiles (FY 2017-18 action items)	100%	100%		July 1-June 30	OEELD; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	M			4.2.2	Number of educators entering profession through all approved non-traditional or alternative route programs (including PACE)	484	500		July 1-June 30	Office of Educator Services (OES); Annually	Count number of educators completing certification requirements needed for employment	Outcome; Assess office outreach and services
Education, Training, and Human Development	M			4.2.3	Number of educator certification requests completed by Office of Educator Services	81,785	81,785		July 1-June 30	OES; Annually	Count number of completed certification cases for FY 2018-19	-Outcome; Assess office outreach and services
Education, Training, and Human Development	**S**		**4.3**		**Provide leadership programs which support the Profile of the SC Graduate.**							
Education, Training, and Human Development	M			4.3.1	Satisfaction of principals	65% exceeded expectations; 17% above expectations; 16% met expectations; 2% below expectations; 0% poor	50% exceeded expectations; 25% above expectations; 20% met expectations; 5% below expectations; 0% poor		July 1-June 30	OEELD; Annually	Aggregate responses from question(s) with Likert scale	Outcome; Assess office support
Education, Training, and Human Development	M			4.3.2	Percent project completion of leadership continuum updates	78%	100%		July 1-June 30	OEELD; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	**S**		**4.4**		**Work with IHEs and other teacher agencies to ensure South Carolina teachers have the knowledge, skills, and abilities to help students meet the Profile of the SC Graduate.**							
Education, Training, and Human Development	M			4.4.1	Number of EPPs using edTPA or PPAT	2	5		July 1-June 30	OES; Annually	Count number of EPPs using edTPA or PPAT assessments	Outcome; Assess office support
Education, Training, and Human Development	M			4.4.2	Percent of EPPs requesting additional data elements from the SCDE for accreditation purposes	100%	75%		July 1-June 30	OES; Annually	Survey of EPPs regarding data elements needed for accreditation purposes.	Outcome; Assess office support
Education, Training, and Human Development	**G**	**5**			**The SCDE will align state, district and school LEARNING SYSTEMS so they**							
Education, Training, and Human Development	**S**		**5.1**		**Develop and implement a world class accountability system to**							
Education, Training, and Human Development	M			5.1.1	Number of newsletters and webinars	10	10		July 1-June 30	Office of Research and Data Analysis (ORDA); Annually	Count number of newsletters and webinars provided	Output; Assess demand and office capacity
Education, Training, and Human Development	M			5.1.2	Number of Data Quality Reports available through SAS BI interface	0	10		July 1-June 30	ORDA; Annually	Count number of Data Quality Reports available through SAS BI interface	Output; Assess demand and office capacity

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Education, Training, and Human Development	M			5.1.3	Percentage of public assessment reporting completed within 10 days of file receipt	0%	80%		July 1-June 30	ORDA; Annually	Divide number of public assessment reports completed within 10 days of file receipt by total number of reports	Efficiency; Assess efficiency of office timelines and processes
Education, Training, and Human Development	**S**		**5.2**		**Enhance data warehouse to improve quality and availability of agency data around student information systems, assessment, standards and learning, finance, and career and technical education.**							
Education, Training, and Human Development	M			5.2.1	Percent project completion of SCDE action items in regard to state Student Longitudinal Data System	100%	100%		July 1 -June 30	ORDA; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	**G**	**6**			**The SCDE will foster expansion of LEARNING OPPORTUNITIES so all students meet expectations of the Profile of the SC Graduate.**							
Education, Training, and Human Development	**S**		**6.1**		**Implement robust virtual options to meet state needs that serve 100**							
Education, Training, and Human Development	M			6.1.1-01	Number of students served by SCDE virtual programs	130,747	100,000		July 1-June 30	Office of Virtual Education (OVE); Annually	Count total number of students served in year	Output; Monitor demand and capacity of office
Education, Training, and Human Development	M			6.1.1-02	Average number of students per virtual teacher	137.32	150		July 1-June 30	OVE; Annually	Divide total number of enrolled students by number of teachers to determine average	Efficiency; Monitor efficient deployment of teachers
Education, Training, and Human Development	M			6.1.2-01	Number of schools in partnership with the SCDE Office of Virtual Education through franchises	12	13		July 1-June 30	OVE; Annually	Count number of schools in year which have entered into MOAs with the Office of Virtual Education	Outcome; Assess effectiveness of office outreach and products
Education, Training, and Human Development	M			6.1.2-02	Number of districts utilizing free keyboarding courses	56	57		July 1-June 30	OVE; Annually	Count number of districts utilizing free keyboarding courses	Outcome; Assess effectiveness of office outreach and products

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Education, Training, and Human Development	M			6.1.3	Percent project completion of virtual course catalog (FY 2017-18 action items)	100%	100%		July 1-June 30	OVE; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	M			6.1.4	Percentage of students retained	59% - Overall 64% - 17 to 21 year olds	61% - Overall 66% - 17 to 21 year olds		July 1-June 30	Office of Adult Education (OAE); Annually	Divide number of students remaining in program at end of one year by total number of students at beginning of year	Outcome; Assess effectiveness of office outreach and products
Education, Training, and Human Development	M			6.1.5	Percentage of students achieving adult education outcomes	44% - Overall 48% - 17 to 21 year olds	49% - Overall 53% - 17 to 21 year olds		July 1-June 30	OAE; Annually	Divide number of students achieving outcomes by total number of student enrolled in adult education	Outcome; Assess effectiveness of office outreach and products
Education, Training, and Human Development	**S**	**6.2**			**Align Career and Technology Education courses with workforce development needs.**							
Education, Training, and Human Development	M			6.2.1	Number of students completing a Career and Technology Education (CATE) Program of Study	6%	8%		July 1-June 30	Office of Career and Technology Education (OCTE); Annually	Count number of students completing a Career and Technology Education	Outcome; Assess effectiveness of office support
Education, Training, and Human Development	M			6.2.2	Percent of CATE completers who earn a silver or higher on the National Career Readiness Certificate	34%	36%		July 1-June 30	OCTE; Annually	Divide number of CATE completers attaining industry certificates for year by total number of CATE completers who graduated	Outcome; Assess effectiveness of office support
Education, Training, and Human Development	M			6.2.3	Percent of CATE completers who attain industry certificates	48%	50%		July 1-June 30	OCTE; Annually	Target Values are subject to determination of 2015 baseline data	Outcome; Assess effectiveness of office support
Education, Training, and Human Development	M			6.2.4-01	Number of CATE students who took technical college coursework (dual credit)	2,458	3,000		July 1-June 30	OCTE; Annually	Count number of CATE students reported by districts as enrolled in technical college coursework; OCATE and Activity Coding System	Outcome; Assess effectiveness of office support
Education, Training, and Human Development	M			6.2.4-02	Number of trainings provided to support districts and technical colleges articulate agreements in order to increase student access to dual credit coursework	13	15			OCTE; Annually	Count number of trainings provided	Output; Monitor demand and capacity of office
Education, Training, and Human Development	**S**	**6.3**			**Support schools and districts in strengthening the quality of their early learning and literacy programs.**							

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Education, Training, and Human Development	M			6.3.1	Number of students enrolled statewide in CERDEP	10,545	10,700		July 1-June 30	OELL; Annually	Calculate the total number of students served by CERDEP programming	Success of CERDEP expansion efforts in reaching new students
Education, Training, and Human Development	M			6.3.2	Percentage of entering kindergarteners who meet school readiness goals	36%	45%		July 1-June 30	OELL; Annually	Calculate the percentage of students who score at or above the target Readiness level on the Kindergarten Readiness Assessment	Success of 4K programs in preparing students for school
Education, Training, and Human Development	M			6.3.3	Number of early learning teachers who participate in SCDE professional learning opportunities	New Measure	100%		July 1-June 30	OELL; Annually	Calculate the number of 4K and 5K teachers who participate in at least one of the SCDE's professional learning opportunities	Increase in teachers who gain knowledge of high-quality instruction
Education, Training, and Human Development	M			6.3.4	Percentage of MTSS Cohort 1 districts that implement MTSS coherently and with fidelity	10%	80%		July 1-June 30	OELL; Annually	Track the development and implementation of MTSS models in cohort districts using multiple sources of data (ie. module completion	Ensure that districts are fully implementing MTSS and using the subsequent data effectively
Education, Training, and Human Development	M			6.3.5	Percentage of Abbeville plaintiff districts supported by SCDE staff during summer reading camps	100%	100%		July 1-June 30	OELL; Annually	Calculate percent of Abbeville plaintiff districts which received SCDE staff support during required third grade summer reading	Ensure that underserved districts receive state-level support in order to successfully plan for and implement the summer reading camps
Education, Training, and Human Development	M			6.3.6	Percentage of districts who conduct the REL self-study guide for summer reading camps	New Measure	80%			OELL; Annually	Track the percentage of districts who complete the REL self-study guide for planning and implementing summer reading camps (the	Allows districts to reflect on their needs and preparation using a research-based guide, and gives the OELL office early data in order to differentiate support across districts
Education, Training, and Human Development	M			6.3.7	Percentage of districts that develop comprehensive reading plans that emphasize elementary, middle, and high school interventions	New Measure	100%		July 1-June 30	OSES; Annually from IDEA Child Outcome Summary Form (COSF), aggregated collection (IDEA State	Track the percentage of districts who complete all required parts of the reading plan and include intervention strategies for	Allows the OELL office to ensure that all districts are meeting the reading plan requirements set by Act 284
				6.3.8	Average number of page views per month of OELL's new online resource Supporting Early Literacy at Home: A Parents' Guide	200	230				Track the average number of page views a month to the new online resource (previous year page view counts and goals come from	Demonstrates the level of engagement that parents and guardians have with state-level early learning and literacy resources
Education, Training, and Human Development	**S**		**6.4**		**Support increased student access to opportunities to develop world class knowledge, skills, and citizenship.**							
Education, Training, and Human Development	M			6.4.1	Percent project completion of units of study/resources (FY 2017-18 action items)	100%	100%		July 1-June 30	Office of Standards & and Learning (OS&L); Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	M			6.4.2	Percent project completion of revision protocol (FY 2017-18 action items)	100%	100%		July 1-June 30	OS&L; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor delivery
Education, Training, and Human Development	M			6.4.3	Number of participants at professional learning opportunities in each area: ELA, Mathematics, Science, Social studies, World languages, Visual and Performing Arts, Health, Physical Education, GT, and STEM/PBL	ELA- 617, Math-147, Sci-160, SS-56, World Language-92, Visual Performing Arts-368,	ELA- 617, Math-147, Sci-160, SS-56, World Language-92, Visual Performing Arts-368,		July 1-June 30	OS&L; Annually	Count number of attendees of PLOS in each area	Output; Monitor demand and capacity of office

Agency Name:	DEPARTMENT OF EDUCATION		
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Strategic Planning and Performance Measurement Template

Statewide Enterprise Strategic Objective	Type	Item #			Description	2018-19			Time Applicable	Data Source and Availability	Calculation Method	Meaningful Use of Measure
		Goal	Strategy	Measure		Base	Target	Actual				
Education, Training, and Human Development	M			6.4.4	Percent of PLO participants who show evidence of their implementation of new learning in their classrooms within each content area: ELA, Mathematics, Science, Social studies, World languages, Visual and Performing Arts, Health, Physical Education, GT, and STEM/PBL	85% for each area	ELA- 99%, Math-90%, Sci-89%, SS-100%, World Language- 88%, Visual Performing Arts-96%, Health/P.E.-100%, Gifted and Talented-100%, STEM/PBL-?		July 1-June 30	OS&L; Annually	Divide number of participants showing evidence of implementation by total number of attendees in PLOs in each area	Outcome; Assess effectiveness of professional learning opportunities
Education, Training, and Human Development	M			6.4.5	Percent of adult education directors and teachers attending training	47%	100%		July 1-June 30	OAE; Annually	Divide number of attendees by total number of adult education directors and teachers	Output; Monitor demand and capacity of office
Education, Training, and Human Development	M			6.4.6	Rating of attendee satisfaction	82%	85%		July 1-June 30	OAE; Annually	Aggregate responses from question(s) with Likert scale	Outcome; Assess effectiveness of professional learning opportunities
Education, Training, and Human Development	M			6.4.7-01	Number of students who create or access a career portfolio via SCOIS	124,487	130,000		July 1-June 30	Office of Student Intervention Services (OSIS); Annually	Count number of students in SCOIS database	Outcome; Assess effectiveness of office outreach and technical assistance
Education, Training, and Human Development	M			6.4.7-02	Number of elementary schools that request access to Career Trek via SCOIS	124	150		July 1-June 30	OSIS; Annually	Count number of elementary schools in SCOIS database	Outcome; Assess effectiveness of office outreach and technical assistance
Education, Training, and Human Development	M			6.4.8	Number of professional learning opportunities provided by the OSIS designed to improve the behavior and/or academic performance of students in alternative school programs	6	7		July 1-June 30	OSIS; Annually	Count number of professional learning opportunities offered (Alternative School PD Calendar)	Output; Monitor demand and capacity of office
Education, Training, and Human Development	**G**	**7**			**The SCDE will aid DISTRICTS in building the capacity to provide safe and healthy environments for long-term success.**							
Education, Training, and Human Development	**S**	**7.1**			**Operate a safe and efficient school transportation program.**							
Education, Training, and Human Development	M			7.1.1-01	Percent of school buses older than 10 years or 100,000 miles	59%	<45%		July 1-June 30	Office of Transportation (OT); Annually	Count total number of buses greater than 100,000 miles plus the total number over ten years old. Divide this number and divide by total	Input; Assess health of state bus fleet
Education, Training, and Human Development	M			7.1.1-02	Average operating miles per bus	14,956	<14,000		July 1-June 30	OT; Annually	Divide total number of buses by the total miles traveled	Input; Assess health of state bus fleet
Education, Training, and Human Development	M			7.1.1-03	Number of transportation service calls	9,357	<8,500		July 1-June 30	OT; Annually	Count total number of all service calls	Outcome; Assess health of state bus fleet
Education, Training, and Human Development	M			7.1.2-01	Turnover rate for bus shop mechanics	24.10%	<24.10%		July 1-June 30	OT; Annually	Divide total number Mechanic III separations by total number of Mechanic III positions	Outcome; Assess effectiveness of initiatives targeting reduction in turnover rate
Education, Training, and Human Development	M			7.1.2-02	Number of youth apprentices successfully completing the program	3	>3		July 1-June 30	OT; Annually	Count number of apprentices that complete the 2 year program	Outcome; Assess participation in turnover reduction initiative

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Strategic Planning and Performance Measurement Template

Statewide Enterprise Strategic Objective	Type	Item #			Description	2018-19			Time Applicable	Data Source and Availability	Calculation Method	Meaningful Use of Measure
		Goal	Strategy	Measure		Base	Target	Actual				
Education, Training, and Human Development	M			7.1.3	Number of bus driver-caused accidents	649	<500		July 1-June 30	OT; Annually	Count number of reported driver-caused accidents in EPMS	Outcome; Assess effectiveness of driver safety training and certification
Education, Training, and Human Development	M			7.1.4	Number of district route ride times that exceed 90 minutes	1,464	<1,000		July 1-June 30	OT; Annually	Count number of district routes where time exceeds 90 minutes	Outcome; Assess efficiency of transportation system overall and support provided to districts
Education, Training, and Human Development	M			7.1.5-01	Number of buses in Orangeburg County Consolidated School District 3 (OCCSD3)	193	<193		July 1-June 30	OT; Annually	Count current number of route buses and subtract any buses removed during pilot	Outcome; Assess efficiency or transportation system in OCCSD3 and technical assistance provided to district
Education, Training, and Human Development	M			7.1.5-02	Average student ride time in OCCSD3	0	<75		July 1-June 30	OT; Annually	Divide total number of buses by the total time traveled	Outcome; Assess efficiency or transportation system in OCCSD3
Education, Training, and Human Development	M			7.1.5-03	Efficiency in OCCSD3	0	<46		July 1-June 30	OT; Annually	Divide total number of buses by the total miles traveled	Outcome; Assess efficiency or transportation system in Orangeburg and technical assistance provided to district
Education, Training, and Human Development	**S**		**7.2**		**Provide and support a healthy learning environment by ensuring access to nutritious meals.**							
Education, Training, and Human Development	M			7.2.1	Number of training courses provided to support local implementation of USDA nutritional requirements	61	>61		July 1-June 30	Office of Health and Nutrition (OHN); Annually	Count total number of menu planning and improvement trainings	Output; Assess office capacity and district need
Education, Training, and Human Development	M			7.2.2	Percent project completion of Food for Thought SC (FY 2017-18 action items)	20%	50%		July 1-June 30	OHN; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor development and initial implementation
Education, Training, and Human Development	M			7.2.3	Number of school gardens	0	20		July 1-June 30	OHN; Annually	Count number of established school gardens	Outcome; Assess school participation
Education, Training, and Human Development	M			7.2.4	Percent project completion of financial performance tracking system (FY 2017-18 action items)	100%	100%		July 1-June 30	OHN; Annually	Assess percentage of action items complete against total determined at beginning of FY 2017-18	Output; Monitor development and initial implementation
Education, Training, and Human Development	M			7.2.5	Number summer food sites	2,384	>2,500		July 1-June 30	OHN; Annually	Count total number of summer food sites (SFSP and SSO) in year	Output; Assess ability to provide access
Education, Training, and Human Development	**S**		**7.3**		**Ensure students learn in safe school buildings.**							
Education, Training, and Human Development	M			7.3.1	Number of plan resubmittals and/or reinspections	TBD - Application Operational 11/2018	TBD - Application Operational 11/2018		July 1-June 30	Office of School Facilities (OSF); Annually	Count number of plan resubmittals and reinspections after initial event	Outcome; Assess effectiveness of technical assistance

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Strategic Planning and Performance Measurement Template

Statewide Enterprise Strategic Objective	Type	Item #			Description	2018-19			Time Applicable	Data Source and Availability	Calculation Method	Meaningful Use of Measure
		Goal	Strategy	Measure		Base	Target	Actual				
Education, Training, and Human Development	M			7.3.2	Number of plan reviews	TBD - Application Operational 11/2018	TBD - Application Operational 11/2018		July 1-June 30	OSF; Annually	Count number of plan reviews	Output; Monitor demand and capacity of office
Education, Training, and Human Development	M			7.3.3	Number of districts making capital improvements	TBD - Application Operational 11/2018	TBD - Application Operational 11/2018		July 1-June 30	Office of School Facilities; Annually	Identify and count number of districts reporting capital improvements	Outcome; Monitor expenditure of state funds for capital improvement
Education, Training, and Human Development	**S**		**7.4**		**Support schools in developing positive and supportive climates for**							
Education, Training, and Human Development	M			7.4.1	Number of school climate and/or bullying technical assistance opportunities provided	11	8		July 1-June 30	OSIS; Annually	Count number of technical assistance opportunities provided	Output; Monitor demand and capacity of office
Education, Training, and Human Development	M			7.4.2	Number of districts with major Medicaid discrepancies	23	26		July 1-June 30	Office of Medicaid Services (OMS); Annually	Count number of districts which have serious discrepancies identified during annual quality assurance visit; Medicaid Quality Assurance Annual Report	Outcome; Target districts with major Medicaid discrepancies for technical assistance
Education, Training, and Human Development	M			7.4.3	Number of districts served through the Process Improvement Team (PIT)	2	>2		July 1-June 30	OMS; Annually	Count number of districts served through PIT	Output; Determine capacity of OS to manage PIT process in the first year of implementation
Education, Training, and Human Development	**G**	**8**			**The SCDE will model excellence and continuous improvement in all programs**							
Education, Training, and Human Development	**S**		**8.1**		**Implement a continuous improvement process focused on program**							
Education, Training, and Human Development	M			8.1.1	Percent of offices where standard operating manual is present. Information included should be easy to follow for proper succession planning.	0.58	75%		July 1-June 30	Office of Auditing Services (OAS); Annually	Divide number of offices where standard operating manual is present by total number of offices	Output; Assess office capacity and plan next steps for risk improvement
Education, Training, and Human Development	M			8.1.2	Number of written internal audit reports identifying weaknesses in internal control and providing recommendations to strengthen internal controls	New Measure	6		July 1-June 30	OAS; Annually	Divide number of offices that have been assigned a risk rating by total number of offices	Output; Assess office capacity and plan next steps for risk improvement
Education, Training, and Human Development	M			8.1.3	Number of written audit reports documenting results of pre-award audit for programs that have been issued to program management	12	12		July 1-June 30	OAS; Annually	Count number of issued pre-award audits	Output; Assessment of program risk
Education, Training, and Human Development	**S**		**8.2**		**Expand Clear Communication with External Stakeholders**							
Education, Training, and Human Development	M			8.2.1	Number of external stakeholders participating in SCDE social media platforms	34,007	Increase by 5%		July 1-June 30	OCGA; Annually	Count number of contacts on SCDE social media platforms	Outcome; Assess effectiveness of external communication through social media
Education, Training, and Human Development	M			8.2.2	Number of news stories (print media/television/radio)	619	Increase by 5%		July 1-June 30	OCGA; Annually	Count number of news stories each month	Outcome; Assess and analyze the number of mentions in news media and positive news coverage
Education, Training, and Human Development	M			8.3.1	Percent of on-time agency reports	234 reports	100%		July 1-June 30	Legal Division; Annually	Divide number of on-time reports by total number of required reports on agency report calendar	Output; Assess agency capacity and systems
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Fiscal Year 2018-2019
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Strategic Planning and Performance Measurement Template

Statewide Enterprise Strategic Objective	Type	Item #			Description	2018-19			Time Applicable	Data Source and Availability	Calculation Method	Meaningful Use of Measure
		Goal	Strategy	Measure		Base	Target	Actual				
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Statewide Enterprise Strategic Objective	Type	*Item #*			Description	2018-19			Time Applicable	Data Source and Availability	Calculation Method	Meaningful Use of Measure
		Goal	Strategy	Measure		Base	Target	Actual				

Agency Name:	**DEPARTMENT OF EDUCATION**		
Agency Code:	**H630**	**Section:**	**1**

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Strategic Planning and Performance Measurement Template

Statewide Enterprise Strategic Objective	Type	*Item #*			Description	2018-19			Time Applicable	Data Source and Availability	Calculation Method	Meaningful Use of Measure
		Goal	Strategy	Measure		Base	Target	Actual				

Agency Name:	SC Department of Education		
Agency Code:	H630	Section:	001

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Program Template

Program/Title	Purpose	*FY 2017-18 Expenditures (Actual)* General	Other	Federal	TOTAL	*FY 2018-19 Expenditures (Projected)* General	Other	Federal	TOTAL	Associated Objective(s)
I. Superintendent of Education	Support agency work and education entities through administrative efforts of State Superintendent	$ 1,922,607	$ 416,644	$ 274,419	**$ 2,613,670**	$ 1,923,000	$ 420,000	$ 275,000	**$ 2,618,000**	7.1,7.2,7.3
II. Board of Education	Support agency work and education entities through efforts of the State Board of Education	$ 72,297			**$ 72,297**	$ 58,034			**$ 58,034**	7.1,7.2,7.3
III.A. Accountability Operations	Support state's education accountability system including: standards development and implementation; state and federally mandated assessments for students; professional development and SLOs; assistance to low performing schools; report card creation and distribution; state data collection and maintenance; and technological support to the agency and school districts	$ 2,451,836	$ 540,148	$ 11,374,653	**$ 14,366,637**	$ 2,460,000	$ 550,000	$ 11,400,000	**$ 14,410,000**	1.1,1.2,2.2,3.1,4.1,4.2
III.B. Education Accountability Act	Support implementation of the Education Accountability Act	$ 222,362			**$ 222,362**	$ 309,047			**$ 309,047**	1.1,1.2,2.2,3.1,4.1,4.2
III.C. SCOICC	Support the SC Occupational Information System and provide a vast array of career development products and services	$ 275,791	$ 1,295		**$ 277,086**	$ 330,000	$ 2,000		**$ 332,000**	5.2
IV. Chief Information Office	Support agency information distribution and sharing	$ 4,496,952	$ 514,496		**$ 5,011,448**	$ 3,685,477	$ 35,000		**$ 3,720,477**	All
V. School Effectiveness & VirtualSC	Support agency implementation, education entities, and students who take courses directly through VirtualSC	$ 10,060,166	$ 4,210,039	$ 18,305,631	**$ 32,575,836**	$ 10,075,000	$ 4,220,000	$ 18,306,000	**$ 32,601,000**	5.1
VI. Finance and Operations	Support financial operations to the education system and agency and support the State Textbook system	$ 4,153,294	$ 6,155,793	$ 130,952	**$ 10,440,039**	$ 4,628,339	$ 1,527,902	$ 121,424	**$ 6,277,665**	All
VII.A. Support Operations	Support operations to the SC education system to include the pupil transportation system, nutrition services, school building services, and Medicaid services	$ 2,524,562	$ 524,506	$ 4,607,093	**$ 7,656,161**	$ 3,800,000	$ 5,000,000	$ 5,219,665	**$ 14,019,665**	6.1,6.2,6.3,6.4
VII.B. Bus Shops	Support state pupil transportation system	$ 110,801,694	$ 18,110,129		**$ 128,911,823**	$ 134,000,000	19,000,000		**$ 153,000,000**	6.1

Agency Name:	SC Department of Education		
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Program/Title	Purpose	FY 2017-18 Expenditures (Actual) General	Other	Federal	TOTAL	FY 2018-19 Expenditures (Projected) General	Other	Federal	TOTAL	Associated Objective(s)
VII.C. Buses	Support state pupil transportation system	$ 6,602,462			**$ 6,602,462**	$ 11,777,299			**$ 11,777,299**	6.1
VIII.A. EIA/Standards, Teaching, Learning, Accountability			$ 261,358,548		**$ 261,358,548**		$ 275,386,675		**$ 275,386,675**	All
VIII.B. EIA/Early Childhood			$ 47,526,360		**$ 47,526,360**		$ 53,226,000		**$ 53,226,000**	5.3
VIII.C. EIA/Teacher Quality			$ 265,152,498		**$ 265,152,498**		$ 296,227,970		**$ 296,227,970**	3.1,3.2,3.4
VIII.D. EIA/Leadership			$ 17,323,155		**$ 17,323,155**		$ 12,716,028		**$ 12,716,028**	3.2,3.3
VIII.F. EIA/Partnerships	NA - Other entity appropriated and paid under H630		$ 400,000		**$ 400,000**		$ 300,000		**$ 300,000**	1.3
VIII.G. EIA/Transportation	Support for parts, fuel, and other bus maintenance expenditures for the state pupil transportation system		$ 42,853,333		**$ 43,027,386**		$ 22,032,195		**$ 22,032,195**	6.1
VIII.H. EIA/Charter School District	Support for virtual and brick and mortar charter schools		$ 99,471,148		**$ 99,471,148**		$ 113,680,850		**$ 113,680,850**	All
VIII.I. EIA/First Steps to School Readiness	NA - Other entity appropriated under H630		$ 26,013,229		**$ 26,013,229**		$ 29,336,227		**$ 29,336,227**	N/A
VIII.J.Abbeville Equity School District Capital Improvement	Support capital improvement projects to Abbeville districts and those with 80% or more poverty.		$ 55,828,859		**$ 55,828,859**		$ -		**$ -**	6.3
IX. Governor's School for Science and Math	NA - Other entity appropriated under H630	$ 12,300,181	$ 1,280,823	$ -	**$ 13,581,005**	$ 17,330,710	$ 746,500	$ -	**$ 18,077,210**	N/A
X.A. Aid to School Districts	Support district and school operations, activities, and improvement	$ 2,826,447,231	$ 5,753,144	$ 802,328,973	**$ 3,634,529,349**	$ 2,859,318,510		$ 836,337,643	**$ 3,695,656,153**	1.1,1.2,2.2,3.1,4.1,4.2
X.B. Special Allocations	NA - Other entities appropriated under H630	$ 1,310,889			**$ 1,310,889**	$ 3,994,717			**$ 3,994,717**	N/A
XI. Governor's School for Arts and Humanities	NA - Other entity appropriated under H630	$ 8,067,643	$ 2,158,954	$ 29,201	**$ 10,255,797**	$ 8,357,832	$ 1,705,814	$ 30,170	**$ 10,093,816**	N/A
XII. Office of First Steps to School Readiness	NA - Other entity appropriated under H630	$ 6,582,010	$ 6,863,249	$ 7,104,892	**$ 20,550,152**	$ 6,521,510	$ 5,183,142	$ 1,000,000	**$ 12,704,652**	N/A
XIII. Employee Benefits State Employer Contribution	Support fringe benefits of agency employees	$ 11,508,519	$ 4,018,018	$ 3,091,340	**$ 18,617,876**	$ 11,585,737	$ 4,018,018	$ 3,091,340	**$ 18,695,095**	All
					$ -				**$ -**	
TOTAL		$ 3,009,800,496	$ 866,474,370	$ 847,247,154	**$ 4,723,522,020**	$ 3,080,155,212	$ 845,314,321	$ 875,781,242	**$ 4,801,250,775**	

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Customer Template

Divisions or Major Programs	Description	Service/Product Provided to Customers	Customer Segments	*Specify only for the following Segments:* (1) Industry: Name; (2) Professional Organization: Name; (3) Public: Demographics.
CCR - Career and Technology Education	Office responsible for supporting and monitoring Career and Technology Education (CATE) programs across state	District support and training; state oversight of district programs and budgets	School Districts	
CCR - Early Learning and Literacy	Office responsible for implementation of Read to Succeed and CDEP 4K programming	District support and training; state oversight of district and school reading plans; family literacy resources and training	School Districts	
CCR - Special Education Services	Office responsible for administration of federal IDEA funding and requirements	District support and training; federal monitoring and oversight; legal counsel	School Districts	
CCR - Standards and Learning	Office responsible for development and support of K-12 standards across state	District support and training	School Districts	
CCR - Virtual Education	Office responsible to development, administration, and improvement of Virtual SC as well as virtual options for students and teachers across the state	District support and training; Partnerships to implement district-level virtual resources and programming	School Districts	
CCR - Virtual Education	Office responsible to development, administration, and improvement of Virtual SC as well as virtual options for students and teachers across the state	K-12 coursework and instruction leading to high school graduation from another entity; online professional learning for educators	General Public	K-12 students enrolled in Virtual SC coursework (mostly high school, elementary keyboarding)
FSCR - Adult Education	Office tasked with support and oversight of adult education programs across state	District support and training	School Districts	
FSCR - Educator Services	Office responsible for certification and licensure of educators in South Carolina	District support and training; Certification support and monitoring; increase in teacher pipeline through administration of Program of Alternative Certification for Educators	School Districts	
FSCR - Educator Services	Office responsible for certification and licensure of educators in South Carolina	Support with certification and licensure	General Public	Applicants seeking South Carolina teacher certification; educators seeking to maintain, advance, or add areas of certification; career changers; school districts; Institutions of Higher Education (IHEs)
FSCR - Family and Community Engagement	Office tasked with increasing extended learning opportunities, summer learning opportunities, and high quality community partnerships across state	District support and training; Facilitation of partnerships with community agencies	School Districts	

FSCR - Family and Community Engagement	Office tasked with increasing extended learning opportunities, summer learning opportunities, and high quality community partnerships across state	Facilitation of partnerships with school districts	General Public	Community partners and partner organizations, including faith-based institutions
FSCR - State and Federal Accountability	Office responsible for support and oversight of federal programs related to the Elementary and Secondary Education Act as well as state accreditation of schools	District support and training; Program oversight and monitoring	School Districts	
FSCR - Student Intervention Services	Office responsible for the administration of federally funded 21st CCLC programs and the state -funded Education and Economic Development Act. Also responsible for	District support, training, and monitoring; Oversight of federal 21st Century Schools grant program	School Districts	
IE- Assessment	Office tasked with procurement, implementation, and quality assurance of state summative assessments	Review and procurement of assessments; District support and training; Evaluation of vendor data files	School Districts	
IE - Educator Evaluation and Leadership Development	Office responsible for development and oversight of state educator evaluation system. Per report requests, data could be supplied to IHEs, professional educator organizations	District support and training; System development and implementation	School Districts	
IE - Office of Personalized and Competency-Based Learning	Office responsible for development and support of state personalized learning and competency-based learning initiatives	District support and training; System development and implementation		
IE - Research and Data Analysis	Office responsible for development and oversight of state accountability system, state report cards, and longitudinal data system. Per report requests, data could be supplied to	District agreements and support related to PowerSchool ad PowerSchool data; Publication of annual state and federal report cards; Development and	School Districts	
IE - Research and Data Analysis	Office responsible for development and oversight of state accountability system, state report cards, and longitudinal data system.	Publication of annual state and federal report cards; Development and maintenance of state longitudinal data system	Executive Branch/State Agencies	
IE - Research and Data Analysis	Office responsible for development and oversight of state accountability system, state report cards, and longitudinal data system.	Publication of annual state and federal report cards; Development and maintenance of state longitudinal data system	Executive Branch/State Agencies	All members of the general public
IE - School Transformation	Office responsible for state school improvement and school innovation efforts, including charter schools	Training and support; Monitoring	School Districts	
OS - Office of Transportation	Office tasked with safe and efficient operation of state school transportation system	Procurement of new buses; Maintenance of existing bus fleet; Monitoring of bus routes; Training and certification of bus drivers	School Districts	
OS - Medicaid Services	Office responsible for supporting district Medicaid billing and implementation of HHS requirements	District support and training; Monitoring	School Districts	

OS - Health and Nutrition	Office tasked with administration of school lunch and summer feeding programs	Program support and training; Monitoring; Approval of summer feeding sites and sponsors	School Districts	
OS - School Facilities	Office responsible for inspection and approval of new school facilities	Inspection services	School Districts	
COO - Auditing Services	Office providing assurance to management on whether operating compliance objectives are being met within the agency and whether external entities are in compliance with terms	Agency and district audits and review; Review and compilation of information on December 1 annual audits of school districts; Calculation of indirect cost rates	School Districts	
COO - Communication and Governmental Affairs	Office tasked with agency communication and outreach; Ombudsman for agency and switchboard responding to calls and public inquiries; Liaison to the Governor, General	Agency memoranda to school district administrative personnel	School Districts	
COO - Communication and Governmental Affairs	Office tasked with agency communication and outreach; Ombudsman for agency and switchboard responding to calls and public inquiries; Liaison to the Governor, General	Agency reporting and information	Executive Branch/State Agencies	
COO - Communication and Governmental Affairs	Office tasked with agency communication and outreach; Ombudsman for agency and switchboard responding to calls and public inquiries; Liaison to the Governor, General	Agency information	Legislative Branch	
COO - Communication and Governmental Affairs	Office tasked with agency communication and outreach; Ombudsman for agency and switchboard responding to calls and public inquiries; Liaison to the Governor, General	Response to calls and public inquiries	General Public	South Carolina citizens
COO - Chief Finance Office and Office of Finance	Office provides timely disbursements of state, federal and other funds to school districts, state agencies, other entities, and vendors. Office provides leadership and service to	Processes timely disbursements	School Districts	
Legal- Governmental Affairs	Ombudsman for agency and switchboard responding to calls and public inquiries; Liaison to the Governor, General Assembly, and other state agencies	Response to legislative, district and constituent inquiries	Industry	Elected officials, citizens, school districts
Supt- Communication	Office tasked with agency communication and outreach;	Response to media inquiries	Industry	Media outlets

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Partner Template

Name of Partner Entity	Type of Partner Entity	Description of Partnership	Associated Goal(s)
Education consortia (Old English, Midlands, Pee Dee, and Western Piedmont)	K-12 Education Institute	Feedback and input on SCDE implementation; collaboration around state and federal opportunities	1.1-7.4
Governors Schools	K-12 Education Institute	Fiscal agent; SCDE seat on the board	1.1-6.4
Home School Association(s)	K-12 Education Institute	Statutory determinations for purposes of school attendance	2.3
Palmetto Unified School District	K-12 Education Institute	SCDE seat on board	1.1-6.4
K-12 Technology Initiative	K-12 Education Institute	Partnership among DOA, EOC, SCDE, State Library, and others	1.1-6.4, emphasis on 5.1 (virtual programming)
Local education agencies (LEAs; school districts)	K-12 Education Institute	Funding allocations; leadership, funding, and professional support; monitoring of state/federal requirements and plans; training and technical assistance; feedback and input on SCDE implementation; collaboration around state and federal opportunities	ALL
Schools (elementary, middle, and high)	K-12 Education Institute	Funding allocations; leadership, funding, and professional support; monitoring of state/federal requirements and plans; training and technical assistance; feedback and input on SCDE implementation; collaboration around state and federal opportunities	ALL
SC Public Charter School District	K-12 Education Institute	Fiscal agent; leadership, funding, and professional support; advocacy; monitoring of state/federal requirements and plans as appropriate; training and technical assistance; feedback and input on SCDE implementation; collaboration around state and federal opportunities	1.1-6.4, emphasis on 1.1
State Government			

Center for Educator Recruitment, Retentions, and Advancement (CERRA)	State Government	Training development and facilitation; collaboration with the Alternative Certification Team to present district and/or regional information sessions in rural districts; partnership on Rural Technical Assistance proviso and *SC State Plan for the Equitable Distribution of Excellent Educators*	3.1, 3.3, 3.4, 3.5
Commission on Higher Education (CHE)	State Government	NCRC data	3.4
Education Oversight Committee (EOC)	State Government	Standard-setting and approval; assessments, reporting and accountability (including report cards); grading and accountability plans; oversight of EIA funding	1.2, 4.1, 4.2
First Steps	State Government	Collaboration around planning and professional development for early learning teachers of 4K; Collaboration around 4K professional learning and data collection	5.3
HeadStart	State Government	Collaboration around planning and professional development for early learning teachers; Collaboration around professional learning and data collection	5.3
Office of Revenue and Fiscal Affairs	State Government	Data matching	4.1, 4.2
Office of the Attorney General	State Government	Training related to school climate/safety	6.4
School Food Authorities	State Government	Actual benefit issuance/determinations; Training and technical assistance	6.2
SC Department of Commerce	State Government	Proviso Task Force; EEDA recommendations; regional educational coordinators; workforce projections	5.2
SC Department of Employment and Workforce	State Government	Career readiness, workforce statistics and projections	5.2
SC Department of Health and Environmental Control	State Government	Technical assistance to select counties related to meal patterns and nutrition education	6.2

SC Department of Health and Human Services	State Government	School-based health Medicaid reimbursement policies	6.4
SC Department of Mental Health	State Government	Mental health services in the schools (some school districts contract with SCDMH)	6.4
SC Department of Social Services	State Government	Collaboration around planning and professional development for early learning teachers of 4K; Resource regarding summer food initiatives	5.3, 6.2
SCETV	State Government	SCDE board seat; public service announcements; collaboration around filming and broadcasting professional learning	6.4
SC State Board for Technical and Comprehensive Education	State Government	Dual credit awarding entity; collaboration around college readiness and reduction of remediation; sharing of vocational equipment	5.2
Federal Government			
National Highway Traffic Safety Administration (NHTSA)	Federal Government	Regulation of federal motor vehicle standards related to school buses	6.1, 6.2
Southeastern Comprehensive Center/American Institutes of Research	Federal Government	USDE-funded research and program support; technical assistance; networking/contact with other states	ALL
US Department of Agriculture	Federal Government	Policy, technical assistance, and reimbursement related to several programs that provide healthy food to children including the National School Lunch Program, School Breakfast Program, and Summer Food Service Program	6.2
US Department of Education	Federal Government	Policy, funding, technical support, oversight, and monitoring of all federally funded programs	1.2, 1.3, 2.1, 2.2, 2.3, 4.1, 4.2, 5.3
US Department of Justice	Federal Government	Office of Civil Rights reviews data (dropout, chronic absenteeism, and discipline) to ensure that students' rights are not violated	4.1, 4.2
Higher Education			

Educator Preparation Programs (EPPs)	Higher Education Institute	Training, resources, and technical assistance related to EPP accreditation, teacher licensure, state initiatives, and current legislation; EPP program approval; information sharing through monthly SC Education Dean's Alliance meetings	3.4, 3.5
IHEs	Higher Education Institute	Collaboration and information-sharing around K-12 students for post-secondary success/readiness; feedback and input on SCDE implementation; collaboration around state and federal opportunities	1.1-6.4
Technical colleges	Higher Education Institute	SCDE seat on SC Board of Technical Colleges; ReadySC; youth apprenticeships; collaboration and information-sharing around K-12 students for post-secondary success/readiness; feedback and input on SCDE implementation; collaboration around state and federal	1.1-6.4
Clemson University	Higher Education Institute	Reading Recovery programming and certification	1.3, 5.3
Francis Marion University	Higher Education Institute	Resources related to teaching students of poverty	2.2
Lander University	Higher Education Institute	Montessori programming and professional learning	1.1, 5.3
MUSC Boeing Center	Higher Education Institute	Technical assistance targeted to school districts related to development of local wellness policies	6.4
MUSC	Higher Education Institute	Partnership with school-based telehealth program to improve availability of health care to children living in underserved areas	6.4
Riley Institute at Furman University	Higher Education Institute	Technical assistance and data support for several SCDE areas, including Profile, Montessori, and personalized learning	1.1
SC State Board of Trustees	Higher Education Institute	SCDE seat on Board of Trustees	1.1-6.4
USC - SC Educational Policy Center	Higher Education Institute	Data analysis, accountability support, and training regarding climate surveys	2.2

USC - Center for Educational Partnerships (CEP)	Higher Education Institute	Technical assistance and support of several state initiatives, including Read to Succeed and school improvement	2.2, 5.3
USC - Children's Law Center	Higher Education Institute	Truancy training and resources	6.4
Professional Associations			
Council for the Accreditation of Educator Preparation (CAEP)	Professional Association	EPP state accreditation is tied to national accreditation through CAEP; SCDE is part of national accreditation visits and provides CAEP support to IHEs	3.4, 3.5
Council of Chief State School Officers (CCSSO)	Professional Association	Feedback and input on SCDE policies and initiatives; state partnerships; national-level training, support, and information; technical assistance	1.1-6.4
Palmetto State Teachers Association (PSTA)	Professional Association	Feedback and input on SCDE policies and initiatives; training and information	1.1-6.4
SC Association for Educational Technology	Professional Association	Annual conference presentations; collaboration around instructional technology	5.1
SC Association of School Administrators (SCASA)	Professional Association	Feedback and input on SCDE policies and initiatives; training and information	1.1.1-6.4.6
SC Association of School Business Officials	Professional Association	Feedback and input on SCDE policies and initiatives; training and information	1.2, 1.3, 2.1, 2.2, 2.3, 4.1, 5.3
SC Education Association (SCEA)	Professional Association	Feedback and input on SCDE policies and initiatives; training and information	1.1-6.4
SC School Board Association	Professional Association	Feedback and input on SCDE policies and initiatives; training and information	1.1-6.4
State Chamber of Commerce	Professional Association	Advocacy; feedback and input on SCDE policies and initiatives	5.2

Non-Governmental Organizations			
BCBSSC Foundation	Non-Governmental Organization	Fitness Gram	1.1
SC Council on the Holocaust	Non-Governmental Organization	Funding provided through Appropriations Act	1.1
ECTA	Non-Governmental Organization	Funding; training and technical assistance; strategic planning	5.2
KnowledgeWorks	Non-Governmental Organization	Collaboration and technical assistance related to personalized learning	1.1
LARCUM	Non-Governmental Organization	Interdenominational faith-based group; collaboration around literacy support and family/community engagement	1.3
Palmetto Health	Non-Governmental Organization	Go Noodle	6.4
SC African American Heritage Association	Non-Governmental Organization	*Teacher's Guide to African American Historic Places in SC*	1.1
SC Baptist Convention	Non-Governmental Organization	Adopt a school program	1.3
SC Future Minds	Non-Governmental Organization	SCDE seat on board; Teacher of the Year	3.5.1
Southeastern Regional Education Board (SREB)	Non-Governmental Organization	Implementation of High Schools That Work (HSTW) proviso; technical assistance for low-performing schools; programmatic support of HSTW, MMGW, TTGW, LDC and MDC	1.1, 2.2, 5.2

TASC	Non-Governmental Organization	Funding; training and technical assistance; strategic planning	5.2
TransformSC	Non-Governmental Organization	Business partnerships; collaboration around Profile and personalized learning	1.1
Private Business Organizations			
Absolute Total Care	Private Business Organization	School nurses asthma symposium	6.4
AdvancED	Private Business Organization	Diagnostic reviews for Priority Schools; district/school accreditation; support of SCDE transformation coaches	2.2, 2.3
AT&T	Private Business Organization	African American Heritage Calendar	1.1
Data Recognition Corporation	Private Business Organization	Assessments	1.2
WIS	Private Business Organization	African American Heritage Calendar	1.1

Agency Name:	DEPARTMENT OF EDUCATION		
Agency Code:	H630	Section:	001

Fiscal Year 2017-2018
Accountability Report

Report and External Review Template

Item	Is this a Report, Review, or both?	Report or Review Name	Name of Entity Requesting the Report or Conducting Review	Type of Entity	Reporting Frequency	Current Fiscal Year: Submission Date or Review Timeline (MM/DD/YYYY)	Summary of Information Requested in the Report or Reviewed	Method to Access the Report or Information from the Review
1	External Review only	South Carolina State Auditor's Office (Statewide Single Audit)	State Auditor's Office	State	Annually	TBD	TBD	State Auditor
2	External Review only	South Carolina State Auditor's Office (CAFR)	State Auditor's Office	State	Annually	TBD	TBD	State Auditor
3	External Review only	South Carolina State Auditor's Office (Agreed Upon Procedures)	State Auditor's Office	State	Annually	TBD	TBD	State Auditor
4	External Review only	USED Career and Technology Education Audit	USED	Federal	Other	TBD	CATE financial management documentation, subrecepient monitoring, data reported in the CAR -	Upon Request
5	External Review and Report	Educator Effectiveness Progress Monitoring	SREB	Outside Organization	Other	12/31/18	National partner and focus group feedback on educator effectiveness and support system	SCDE Website
6	External Review and Report	2018 SCDE Expanded ADEPT Survey	AIR/SECC	Outside Organization	Other	10/01/18	Educator perspectives on educator effectiveness and support system; 2018 report will focus on SLOs	SCDE Website
7	External Review and Report	South Carolina Educator Effectiveness: Expanded ADEPT	USC Columbia, Research, Evaluation, and Measurement	Outside Organization	Other	06/30/18	Educator and evaluator perspectives on educator effectiveness and support system	SCDE Website
8	External Review and Report	Collective Leadership Initiative	Center for Teaching Quality	Outside Organization	Annually	09/28/18	Progress and learnings from collective leadership work.	SCDE Website
9	External Review only	Title I, II, III & SIG Fiscal Review	USED	Federal	Other	TBD	USED review of how the SCDE implements the Uniform Grant Guidance and the ESSA Fiscal requirements to Local Education Agencies.	Final report not yet available
11	External Review only	Educator Certificate Compliance	Federal Bureau of Investigation	Federal	Other	N/A	Compliance with FBI policies regarding accessing, storing, and using Criminal Justice Information Services (CJIS) data for the purpose of issuing educator certificates	Upon Request
12	External Review only	Educator Certificate Compliance	State Law Enforcement Division	State	Other	TBD	Compliance with FBI and SLED policies regarding accessing, storing, and using Criminal Justice Information Services (CJIS) data for the purpose of issuing educator certificates	Upon Request
13	External Review only	21st CCLC Monitoring Review	USED	Federal	Other	06/30/18	According to the USED's SC Monitoring Report 2018, the 21st CCLC program office met all requirements related to allocating and using funds for allowable activities, implementing the program according to the approved plan, conducting a statewide evaluation, and using evaluation results to appropriately improve programs.	Upon Request
14	External Review and Report	Proviso "Safe Schools Initiative" (FY 19 - 1.98)	Senate Finance, House Ways and Means and the Governor	State	Annually	07/01/19	Safety recommendations and corresponding cost which also must be included in SLED and SCDE's annual budget requests. Additionally, the SCDE must submit a summary of it's activities after the close of the fiscal year.	SCDE Website
15	External Review and Report	Proviso "School Districts and Special Schools Flexibility" (FY 19 = 1A.14 + 1.28, 1.33)	Senate Finance; House Ways and Means	State	Annually	07/01/18	Provide information on district flexibility activities related to staffing and finance expenditures used within non-instruction pupil services for the current school year	SCDE Website
16	External Review and Report	59-39-130: Tabulation of college freshman results	General Assembly	State	Annually	07/30/18	After district reports have been received (by May 1), the SCDE will tabulate them so as to show the academic performance of graduates from the respective high schools who entered institutions of higher learning. No due date in statute.	SCDE Website

17	External Review and Report	59-33-540	State Board, State Superintendent, Senate Education, House Education & Public Works	State	Annually	07/31/20	The State Board of Education shall create a reporting template and guidelines for districts and charter schools to complete the template. School districts and charter school authorizers shall complete the template and provide the compiled results to the department annually by June thirtieth, commencing June 30, 2020. The department shall provide the compiled information to the State Board of Education, State Superintendent of Education, and the Chairs of the House Education and Public Works Committee and Senate Education Committee by July thirty-first of each year commencing July 31, 2020. The template must include the following: (1) identification of the screening tool used; (2) the type and amount of professional development specifically applicable to reading difficulties including, but not limited to, dyslexia and other related disorders that is provided to faculty and staff; (3) the number of students screened and the number who were identified as having reading difficulties including, but not limited to, dyslexia and who required intervention, and the interventions employed by the school; and (4) longitudinal data reported by grade that separately identifies academic growth for students who are identified as having reading difficulties including, but not limited to, dyslexia and provided intervention services, and students who do not receive services. Individual students must not be identified.	SCDE Website
18	External Review and Report	59-18-360: Dissemination of assessment results	Public	State	Annually	08/01/18	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 [EOC] in developing the formats of the assessment results. Schools and districts are responsible for disseminating this information to parents.	SCDE Website
19	External Review and Report	Proviso "Information Technology and Information Security Plans" (FY 19 = 117.112)	Dept. of Admin		Annually	08/01/18	By August 1 of the current fiscal year, all state agencies must submit an information technology plan and an information security plan.	SCDE Website
20	External Review and Report	National Public Education Finance Survey	USED	Federal	Annually	08/15/18	Calculate state per pupil expenditure used to determine the amount of allocation for Title I and other federal programs each year; SCDE submits expenditure and revenue data and average daily attendance statistics; Federal Register, Vol. 80 No. 246 Notice	SCDE Website
21	External Review and Report	J-1 Exchange Visitor Program Report	USED	Federal	Annually	08/31/18	Provide information regarding cultural exchange teachers in South Carolina; Access via USED Title II website.	SCDE Website

22	External Review and Report	Comprehensive Permanent Improvement Plan	Capital Budget Office, Dept. of Admin	State	Annually	08/31/18	Form provided	SCDE Website
23	External Review and Report	Proviso "Fines and Fees Report" (FY 19 = 117.74)	Chairman of the Senate Finance Committee; Chairman of the House Ways and Means Committee	State	Annually	09/01/18	Post report online and submit	SCDE Website
24	External Review and Report	Number of SC teachers by race and gender	CERRA	Outside Organization	Annually	09/01/18	Data provided to CERRA	SCDE Website
25	External Review and Report	1-1-810: Agency Accountability Report; Proviso "Base Budget Analysis" (FY19 = 117.29)	Executive Budget Office, Legislative Oversight Committee; Governor; General Assembly	State	Annually	09/01/18	Promote strategic planning and thoughtful review of agency goals; 1-1-810; Provide information for the purpose of a zero-base budget analysis	SCDE Website
26	External Review and Report	59-06-10: EIA Program Reports	EOC	Outside Organization	Annually	09/30/18	Provide programmatic and expenditure information to EOC for EIA-funded programs; Approximately 30 reports submitted with budget actuals	SCDE Website
27	External Review and Report	Proviso "Adult Education" QTR 4 PREVIOUS FY (FY 19 = 1A.27)	Senate Finance; House Ways and Means; Senate Education; House Education and Public Works	State	Annually	09/30/18	Provide summary information on school district quarterly reports to the SCD; District reports should include unique student identifiers; Report why students have enrolled in adult; No specific date in law education and whether or not they are pursuing a GED or a diploma	SCDE Website
28	External Review and Report	Proviso "Aid to Districts Draw Down" (FY 19 = 1A.42)	Chairman of the Senate Finance Committee; Chairman of the House Ways and Means Committee; Chairman of the Senate Education Committee; Chairman of the House Education and Public Works Committee; Governor; local legislative delegation	State	Annually	09/30/18	Report on districts that failed to submit an updated plan in the current fiscal year; Plans ensure districts are meeting the safety needs of their students; Plans ensure districts, Palmetto Unified, and DJJ have updated safety plans in place	SCDE Website
29	External Review and Report	59-18-1560: External review committees	SBE	State	Annually	09/30/18	External review committee report on district's progress in implementing recommendations and improving performance (annually for four years or as deemed necessary by SBE); Fulfilled by posting diagnostic reviews on SCDE website	SCDE Website
30	External Review and Report	Proviso "Bank Account Transparency and Accountability" (FY 19 = 117.83)	State Fiscal Accountability Authority	State	Annually	10/01/18	Report use composite reservoir bank accounts	SCDE Website
31	External Review and Report	Proviso "LEA: Audit" re lottery expenditures (FY 19 = 3.1)	Executive Budget Office; Chairman of the Senate Finance Committee; Chairman of the House Ways and Means Committee	State	Annually	10/01/18	Provide guidelines/procedures and expenditures of lottery funds allocated to school districts and other recipient institutions according to law; In addition, provide report on the amount of lottery funds distributed to each entity in the prior fiscal year	SCDE Website
32	External Review and Report	NIERR Yearbook data	NIERR	Outside Organization	Annually	10/01/18	Provide requested SC data for national NIERR State of Preschool Yearbook; See http://nieer.org/state-preschool-yearbooks	SCDE Website
33	External Review and Report	59-29-155: Founding principles	Senate Education; House Education and Public Works	State	Variably on odd-numbered years	10/15/18	Due next cycle - 10/15/2017; Submit documentation of implementation of this section (founding principles instruction required, reporting requirements, professional development); See statute for specific requirements. Requires SCDE professional development (and reporting of it). References EOC and SBE. Provide report on October 15 of each odd-numbered year, commencing in 2017.	SCDE Website

34	External Review and Report	Title II EPP Completer Data	USDE	Federal	Annually	10/31/18	Update USDE on completers of SC EPPs. Data uploaded via required template to Title II. Access via USED Title II website.	SCDE Website
35	External Review and Report	HHS Quality Assurance Annual Report	DHHS	State	Annually	10/31/18	Produce per SCDE/SHHS contract	SCDE Website
36	External Review and Report	Proviso "GP: Discrimination Policy" (FY 19= 117.13)	State Human Affairs Commission	State	Annually	10/31/18	Each state agency shall submit to the State Human Affairs Commission employment and filled vacancy data by race and sex by October thirty-first, of each year.	SCDE Website
37	External Review and Report	Proviso "IMD Operations" (FY 19 = 117.73)	Chairman of the Senate Finance Committee; Chairman of the House Ways and Means Committee; Governor	State	Annually	11/01/18	Report expenditures of all IMD transition funds	SCDE Website
38	External Review and Report	Other Funds Survey	Department of Administration	State	Annually	11/01/18	Provide to the Department of Administration per H630	SCDE Website
39	External Review and Report	59-19-900 (E): School and District Report Cards (Proviso 1A.39 "Dropout Recovery Data," 59-10-50 Physical Education Assessments, and 59-18-920 report card for charter, alternative, and career and technology schools included)	Public	State	Annually	11/15/18	The school's report card must be furnished to parents and the public no later than November fifteenth; Report cards must provide calculated physical education program effectiveness score per 59-10-50; also 59-18-930	SCDE Website
40	External Review and Report	Proviso "CDEPP Student Information and Reporting" (FY 19 = 1A.53)	EOC	State	Annually	11/30/18	SCDE and First Steps provide any information required by the EOC for the annual CDEPP report; List of requested data is provided by EOC	SCDE Website
41	External Review and Report	Hidden Earmarks Survey	Department of Administration	State	Annually	12/01/18	The Executive Budget Office compiles a report of hidden earmarks included in the previous year's appropriations act. The DoA provides a survey on which the SCDE must indicate any unrequested funds appropriated to the agency that were earmarked to be awarded to any entity as a grant or contract.	SCDE Website
42	External Review and Report	59-10-10: Students Health and Fitness Act	General Assembly	State	Annually	12/01/18	Provide summary of district- and school-level compliance with all elements of the 2005 Student Health and Fitness Act	SCDE Website
43	External Review and Report	Proviso "IDEA Maintenance of Effort" (FY 19 = 1A.32)	General Assembly; Governor	State	Annually	12/01/18	Submit estimate of the IDEA MOE requirement; This item deals with the Proviso informing the General Assembly (GA) of the estimate MFS needed for the current year. Since this proviso was attached to the Appropriations Act during Zais's administration, the CFO has directly reported this information. The OSES has provided the CFO with the required IDEA Child Count; and recently has taken a more active role in calculating the MFS estimate, however, the CFO has been the one who sends this information since the calculation relies on 45th Day counts and state funding (as an estimate base) which we do not have access to.	SCDE Website

44	External Review and Report	Proviso "Dropout Prevention and High Schools That Work Programs" (FY 19 = 1A.16)	Chairman of the Senate Finance Committee; Chairman of the House Ways and Means Committee; Chairman of the Senate Education Committee; Chairman of the House Education and Public Works Committee; Governor	State	Annually	12/01/18	Report on the effectiveness of dropout prevention programs; Assess program progress and effectiveness in providing a better prepared workforce and student success in post-secondary education; EEDA program monitoring and effectiveness	SCDE Website
45	External Review and Report	State Teacher Shortage Areas	USED	Federal	Annually	12/01/18	Provide information for federal student loan forgiveness; Federal critical needs areas defined. Access via USED website.	SCDE Website
46	External Review and Report	Proviso "Full-Day 4K" (FY 19 = 1.58)	General Assembly	State	Annually	12/01/18	Annually, the Department of Education is directed to audit the annual allocations to public providers to ensure that allocations are accurate and aligned to the appropriate pro rata per student allocation, materials, and equipment funding. The department must provide the results of the annual audit findings to the General Assembly no later than December first.	SCDE Website
47	External Review and Report	59-59-175: Coordinating Council report	Governor, the General Assembly, the Department of Commerce, the State Board of Education, and other appropriate governing boards	State	Annually	12/01/18	Report annually by December first to the Governor, the General Assembly, the Department of Commerce, the State Board of Education, and other appropriate governing boards on the progress, results, and compliance with the provisions of this chapter to specifically include progress toward career pathways and its ability to provide a better prepared workforce and student success in postsecondary education;	SCDE Website
48	External Review and Report	59-144-130: SBE facilities information (capital needs reports)	General Assembly	State	Annually	12/01/18	SBE report projected five-year school facilities improvement requirements reported by school districts, needs since last report, and previously identified needs; Report every three years beginning in 1998	SCDE Website
49	External Review and Report	59-16-60: SC Virtual School Program and virtual school offerings	State Board, General Assembly, Education Oversight Committee	State	Periodic	12/01/18	Report on the overall effectiveness of the virtual school program including completion rates, course enrollments, etc. Provide SBE with report on virtual school offerings and data.	SCDE Website
50	External Review and Report	21st Century CCLC annual data submittal	USED	Federal	Annually	12/1518	Submit 21st CCLC annual data directly to the USED via the USED's reporting portal. States are required to use the USED's portal. The information in the report is a combination of data pulled from PowerSchool and data reported by sub recipients. Our statewide evaluator is responsible for uploading the data from each sub recipient into the federal portal, and our office staff is responsible for certifying the data and submitting the final information to the USED in December of each year.	SCDE Website
51	External Review and Report	Report/Update on SC school bus fleet	General Assembly	State	Annually	12/30/18	No date, but logical to provide prior to legislative session	SCDE Website
52	External Review and Report	Consolidated Annual Report (CAR) - includes Perkins analysis	USED	Federal	Annually	12/30/18	Provide required annual data to federal portal.	SCDE Website
53	External Review and Report	59-155-130: Summer Reading Camp Report	SBE	State	Annually	12/31/18	Report yearly success rate of summer reading camps; No date in law	SCDE Website

54	External Review and Report	FY 19 - Proviso 1A.12 "Technical Assistance" and 59-18-1610 Assistance to districts	Chairman of the Senate Finance Committee; Chairman of the House Ways and Means Committee; Chairman of the Senate Education Committee; Chairman of the House Education and Public Works Committee; Governor; local legislative delegation	State	Annually	12/31/18	Report findings on monitoring of student academic achievement and progress on implementation in the fall following the school or district designation as low-performing; State Superintendent report on the progress of the system in regard to assistance provided to the local school districts and data documenting the impact of the assistance on student academic achievement and on high school graduation rates; Make due date the earliest data	SCDE Website
55	External Review and Report	Proviso "Adult Education" (FY 19 = 1A.27)	Senate Finance; House Ways and Means; Senate Education; House Education and Public Works	State	Annually	12/31/18	Provide summary information on school district quarterly reports to the SCD; District reports should include unique student identifiers; Report why students have enrolled in adult education and whether or not they are pursuing a GED or a diploma; In this data report, the SCDE typically provides a summary of data for the first quarter of the current fiscal year.	SCDE Website
56	External Review and Report	59-01-495: Title 59 review	General Assembly	State	Annually	12/31/18	Assemble committee; Committee report all statutes that are obsolete and no longer applicable; Identify federal education statutes and regulations applicable to SC	SCDE Website
57	External Review and Report	Proviso "Safe Schools Initiative" (FY 19 - 1.98)	Senate Finance, House Ways and Means and the Governor	State	Variably; 2016 then every five years	12/31/18	Safety recommendations and corresponding cost which also must be included in SLED and SCDE's annual budget requests. Additionally, the SCDE must submit a summary of it's activities after the close of the fiscal year.	SCDE Website
58	External Review and Report	Proviso "Reading/Literacy Coaches" (FY 19 = 1.62 and 1A.57)	General Assembly	State	One-time in Dec 2018	01/15/19	Report on hiring/assignment of reading/literacy coaches by school in current fiscal year; Also report amount of funds to be used for Summer Reading Camps	SCDE Website
59	External Review and Report	59-18-350: Analysis of assessments	Districts	State	Annually	01/15/19	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.	SCDE Website
60	External Review and Report	59-63-330: School-related crime	General Assembly; Office of Attorney General	State	Annually	01/31/19	Report compiled school-related crime information; Identify persistently dangerous schools; Provide January 31 following districts' final quarterly reports of the school year	SCDE Website

61	External Review and Report	59-18-130: Retroactive diplomas	General Assembly and SBE	State	Annually	01/31/19	A person who is no longer enrolled in a public school and who previously failed to receive a high school diploma or was denied graduation solely for failing to meet the exit exam requirements pursuant to this section and State Regulation may petition the local school board to determine the student's eligibility to receive a high school diploma pursuant to this chapter. The local school board will transmit diploma requests to the South Carolina Department of Education in accordance with department procedures. Petitions under this section must be submitted to the local school district. Students receiving diplomas in accordance with this section shall not be counted as graduates in the graduation rate calculations for affected schools and districts, either retroactively or in current or future calculations. On or before January 31, 2019, the South Carolina Department of Education shall report to the State Board of Education and the General Assembly the number of diplomas granted, by school district, under the provision.	SCDE Website
62	External Review and Report	59-26-20: Critical Needs, Schools, Geographic Areas, and Subject Areas for SC Teacher Loan Forgiveness	SBE; SCSLC	State	One-time in Dec 2019	01/31/19	Areas of critical need shall include both geographic areas and areas of teacher certification and must be defined annually for that purpose by the State Board of Education. SBE approved definitions should be posted and sent to the SCSLC.	SCDE Website
63	External Review and Report	43-300: Preliminary reports on accreditation		State	Annually	02/01/19	Provided to support district compliance with state and federal requirements.	SCDE Website
64	External Review and Report	59-36-70: Report by Advisory Council on services for preschoolers	Interagency Coordinating Council; Joint Legislative Committee on Children; Senate Finance; House Ways and Means; Senate Education; House Education and Public Works	State	Annually	02/01/19	State Advisory Council, with assistance from SCDE staff, submit summary of services provided for preschool children with disabilities and their families; See statute for requirements; Related to Act 86, which requires LEAs to serve children with disabilities ages 3 through 5	SCDE Website
65	External Review and Report	Diploma Pathways	General Assembly	State	Bi-annually	02/15/19	The department shall monitor the number of diplomas and employability credentials earned by students and shall report to the State Board of Education and the General Assembly biannually by February 15, beginning in 2020.	SCDE Website
66	External Review and Report	Proviso "Debt Collection Reports" (FY 19 = 117.34)	Chairman of the Senate Finance Committee; Chairman of the Ways and Means Committee; Inspector General	State	Bi-annually beginning Feb 2020	02/28/19	Report outstanding debt owed to the SCDE by outside entities in previous fiscal year; See definitions in proviso	SCDE Website
67	External Review and Report	Proviso "Work-Based Learning" (FY 19= 1A.5)	Senate Finance; House Ways and Means	State	Annually	02/28/19	OCTE report on accomplishments of the Career Counseling Specialists	SCDE Website
68	External Review and Report	Proviso "Adult Education" (FY19 = 1A.27)	Senate Finance; House Ways and Means; Senate Education; House Education and Public Works	State	Annually	03/30/19	Provide summary information on school district quarterly reports to the SCD; District reports should include unique student identifiers; Report why students have enrolled in adult education and whether or not they are pursuing a GED or a diploma	SCDE Website

69	External Review and Report	59-25-350: American Board	SBE; General Assembly	State	Annually	03/31/19	Submit total number of individual employed in SC with a passport certificate issued by ABCTE (now American Board) by district and nonprivileged information collected on these individuals through the ADEPT system	SCDE Website
70	External Review and Report	Gun Free Schools Act	USED	Federal	Annually	03/31/19	Provide information about weapons in SC schools; GFSA Authorizing Legislation (Title IV, Part A, Subpart 3, Section 4141)	SCDE Website
71	External Review and Report	Proviso "CDEPP Unexpended Funds" (FY 19 - 1.72 & 1A.61)	Senate Finance; House Ways and Means	State	Annually	04/01/19	No later than April first, the Department of Education and the Office of First Steps must report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on the expenditure of these funds to include the following information: the amount of money used and specific steps and measures taken to enhance the quality of the 4K program and the amount of money used for professional development as well as the types of professional development offered and the number of participants.	SCDE Website
72	External Review and Report	South Carolina Federal Plan	USED	Federal	Annually	04/30/19	Agency needs details from OCTE	SCDE Website
73	External Review and Report	59-01-449: State and local funding requirements	Local government entities with authority to levy school taxes	State	Annually	05/01/19	Report state and local funding requirements; Post EFA and local required support on SCDE website.	SCDE Website
74	External Review and Report	59-155-140: State Reading Plan AND 59-155-130: Progress Toward 95% Reading on Grade Level	General Assembly	State	Annually	05/31/19	No due date; Provide updated plan and state reading proficiency progress report; Include proficiency update re 59-155-130	SCDE Website
75	External Review and Report	Charter School Grant Annual Report	US Dept. of Education	Federal	Annually	05/31/19	Evaluate annual performance related to grant goals, metrics, funding requirements, and grant guidance	SCDE Website
76	External Review and Report	59-40-170: Vacant School Building Report	Applicants for Charter Schools; Existing Charter Schools	State	Annually	05/31/19	No due date; 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.	SCDE Website

77	External Review and Report	Proviso "LEA: FY 2017-18 Lottery Funding" (FY 19 = 3.4) Reading Partners Impact	Chairman of the Senate Finance Committee; Chairman of the House Ways and Means Committee; Chairman of the Senate Education Committee; Chairman of the House Education and Public Works Committee; Governor	State	Annually	06/15/19	The Office of Early Learning and Literacy shall specify planning criteria to be submitted by Reading Partners no later than July fifteenth of the current fiscal year. Planning criteria shall include, but is not limited to, pre and post assessment data, parental and family literacy engagement, summer learning support and building school level capacity for intervention. The department shall report to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee and the Chairman of the House Education Committee by June 15, 2018 on the impact of the program.	SCDE Website
78	External Review and Report	59-1-425: Missed school days (aka weather report)	General Assembly	State	Annually	06/30/19	School term information; Provide detailed report of information from each district listing beginning and length of school term as well as the number of: (1) days missed and the reason, (2) days made up, and (3) days waived; Must be provided prior to July 1	SCDE Website
79	External Review and Report	Proviso "Adult Education" (FY 19 = 1A.27)	Senate Finance; House Ways and Means; Senate Education; House Education and Public Works	State	Annually	06/30/19	Provide summary information on school district quarterly reports to the SCD; District reports should include unique student identifiers; Report why students have enrolled in adult education and whether or not they are pursuing a GED or a diploma	SCDE Website
80	External Review and Report	59-18-350: Report on recommended revisions to standards	EOC; SBE	State	Annually	06/30/19	No due date; 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.	SCDE Website
81	External Review and Report	59-20-60: Annual fiscal and programmatic report	General Assembly; Governor	State	Variable	06/30/19	No due date; The State Department of Education shall prepare an annual fiscal and programmatic report to the Governor and the General Assembly each year to assess compliance with this chapter and to make recommendations concerning necessary changes in this chapter;	SCDE Website
82	External Review and Report	Proviso "Reduction in Force/Agency Head Furlough" (FY 19 = 117.71)	Department of Administration	State	Annually	06/30/19	No due date; The Department of Administration shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso. State agencies shall report information regarding furloughs to the Department of Administration.	SCDE Website

83	External Review and Report	59-26-20: SBE duties re teacher examinations AND 59-26-30: Teacher assessments and examinations	Teacher candidates, EPPs	State	Variable	06/30/19	59-26-20 The State Board of Education, through the State Department of Education, and the Commission on Higher Education shall: (g) report the results of the examination to the colleges, universities, and student in such form that he will be provided specific information about his strengths and weaknesses and given consultation to assist in improving his performance; 59-26-30 In the area of cognitive assessments for teachers and teacher certification, the State Board of Education, acting through the State Department of Education, shall: (4) report the results of the teaching examinations to the student in written form that provides specific information about the student's strengths and weaknesses. Every effort must be made to report the results of the area examinations and common examinations in written form that provides specific information about the student's strengths and weaknesses; (5) report to each teacher training institution in the State the performance of the institution's graduates on the teaching examinations. The report to the institution must be in a form that assists the institution in further identifying strengths and weaknesses in its teacher training programs.	SCDE Website
84	External Review and Report	59-05-140: Evaluations of SC Opportunity School, John de la Howe School, and the SC School for the Deaf and Blind	Board of each institution	State	Variable	06/30/19	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.	SCDE Website
85	External Review and Report	59-18-320: Review of field test	EOC	State	Variable	06/30/19	The EOC 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.	SCDE Website
86	External Review and Report	Southern Legislative Public Education Survey	Council of State Governments, Southern Legislative Conference, Fiscal Affairs and Government Operations Committee	Outside Organization	Variable	06/30/19	Provide comparative data report which is submitted and presented to the Fiscal Affairs and Government Operations Committee of the Southern Legislative Conference during its Annual Meeting; Comparison is made between the 15 states in the Southern Legislative Conference states; Submit via the Southern Legislative conference website	SCDE Website

87	External Review and Report	Proviso "School Bus Purchase" (FY 19 = 1.19)	Chairman of the Senate Finance; Chairman of House Ways and Means	State	Annually	06/30/19	If the department uses the specifications of another state, the department must submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee detailing the methodology by which the alternative specifications were determined to be safe, more economical, and in the public interest, when compared to the specifications set forth by the School Bus Specifications Committee.	SCDE Website

Agency Name:	Department of Education				Fiscal Year 2017-18			
					Agency Accountability Report			
Agency	063	Section:	001		Legal Standards Template			

Item	2017-18 Proviso Number	Jurisdiction	Type of Law	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)	*If yes, what type of service or product?*	*If other service or product, please specify what service or product.*
1	1.1	State	Proviso	*SDE: Appropriation Transfer Prohibition) The amounts appropriated herein for aid to subdivisions, allocations to school districts, or special line items shall not be transferred and must be expended in accordance with the intent of the appropriation, except that the department may transfer funds that are deducted and retained from a school district's transportation allocation to reimburse the department for the cost of unauthorized mileage. This transfer must be agreed upon by both the school district and the department. Those funds may be transferred into the department's school bus transportation operating account.*	Y	Y	Distribute funding to another entity	
2	1.2	State	Proviso	(SDE: DHEC - Comprehensive Health Assessment) All school districts shall participate, to the fullest extent possible, in the Medicaid program by seeking appropriate reimbursement for services and administration of health and social services. Reimbursements to the school districts shall not be used to supplant funds currently being spent on health and social services.	N	N		
3	1.3	State	Proviso	(SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for one hundred percent of full implementation of the Education Finance Act to include an inflation factor projected by the Revenue and Fiscal Affairs Office to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be $2,425. For the current fiscal year, the total pupil count is projected to be 721,401. The average per pupil funding is projected to be $6,120 state, of which $2,339 comes from the EFA, $1,294 federal, and $5,726 local. This is an average total funding level of $13,140 excluding revenues of local bond issues. For the current fiscal year the South Carolina Public Charter School District and any institution of higher education sponsoring a public charter school shall receive and distribute state EFA funds to the charter school as determined by one hundred percent of the current year's base student cost, as funded by the General Assembly multiplied by the weighted students pupils enrolled in the charter school, which must be subject to adjustment for student attendance. The Revenue and Fiscal Affairs Office, must post in a prominent place on their website for each school district projections, including the per pupil state, federal and local revenues, excluding revenues of local bond issues, for the current fiscal year. Also, as soon as practicable, upon determining the exact numbers regarding pupil count and funding, the Revenue and Fiscal Affairs Office, shall also post on their website the one hundred thirty-five day average daily membership 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. The Department of Education and the Education Oversight Committee shall provide in a prominent place on their internet websites a link to the information posted by the Revenue and Fiscal Affairs Office, including the projected numbers and the exact numbers. For the current fiscal year, the pupil classification weightings are as follows: (1) K-12 pupils or base students including homebound students 1.00 Students served in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section 44-7-130 of the 1976 Code shall receive a weighting of 2.10. (2) Weights for students with disabilities as prescribed in Section 59-20-40(1)(c) Special Programs (3) Precareer and Career Technology 1.29 (4) Additional weights for personalized instruction: (A) Gifted and Talented 0.15 (B) Academic Assistance 0.15 (C) Limited English Proficiency 0.20 (D) Pupils in Poverty 0.20 (E) Dual Credit Enrollment 0.15	Y	Y	Distribute funding to another entity	
4	1.4	State	Proviso	(SDE: EFA - Formula) The amount appropriated in Part IA, Section 1 for "Education Finance Act" shall be the maximum paid under the provisions of Act 163 of 1977 (the South Carolina Education Finance Act of 1977) to the aggregate of all recipients. The South Carolina Education Department shall develop formulas to determine the state and required local funding as stipulated in the South Carolina Education Finance Act of 1977. Such formulas shall require the approval of the State Board of Education and the State Fiscal Accountability Authority. After computing the EFA allocations for all districts, the department shall determine whether any districts' minimum required local revenue exceeds the districts' total EFA Foundation Program. When such instance is found, the department shall adjust the index of taxpaying ability to reflect a local effort equal to the cost of the districts' EFA Foundation Program. The districts' weighted pupil units are to be included in determination of the funds needed for implementation of the Education Finance Act statewide. In the event that the formulas as devised by the Department of Education and approved by the State Board of Education and the State Fiscal Accountability Authority should provide for distribution to the various school districts totaling more than the amount appropriated for such purposes, subject to the provisions of this proviso, the Department of Education shall reduce each school district entitlement by an equal amount per weighted pupil so as to bring the total disbursements into conformity with the total funds appropriated for this purpose. If a reduction is required in the state's contribution, the required local funding shall be reduced by the proportionate share of local funds per weighted pupil unit. The Department of Education shall continually monitor the distribution of funds under the provisions of the Education Finance Act and shall make periodic adjustments to disbursements to ensure the aggregate of such disbursements do not exceed the appropriated funds. Local districts shall not be mandated or required to inflate the base number in their respective salary schedules by any percentage greater than the percentage by which the appropriated base student cost exceeds the appropriated base student cost of the prior fiscal year.	Y	Y	Distribute funding to another entity	
5	1.5	State	Proviso	(SDE: Employer Contributions/Allocations) It is the intent of the General Assembly 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. Once a district has expended all state allocated funds for fringe benefits, the district may utilize food service revenues to fund a proportionate share of fringe benefits costs for food service personnel. The Department of Juvenile Justice and the Department of Corrections' school districts must be allocated funds under the fringe benefits program	N	N		
6	1.6	State	Proviso	*(SDE: Employer Contributions/Obligations) In order to finalize each school district's allocations of Employer Contributions funds for retiree insurance from the prior fiscal year, the Department of Education is authorized to adjust a school district's allocation in the current fiscal year accordingly to reflect actual payroll and payments to the Retirement System from the prior fiscal year. In the event the Department of Education is notified that an educational subdivision has failed to remit proper payments to cover Employee Fringe Benefit obligations, the Department of Education is directed to withhold the educational subdivision's state funds until such obligations are met.*	Y	N		
7	1.7	State	Proviso	*(SDE: Governor's School for Science & Math) Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated to or generated by the Governor's School for Science and Mathematics may be carried forward and expended in the current fiscal year pursuant to the direction of the board of trustees of the school.*	N	N		
8	1.8	State	Proviso	*(SDE: Educational Responsibility/Foster Care) The responsibility for providing a free and appropriate public education program for all children including disabled students is vested in the public school district wherein a child of lawful school age resides in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental illness or chemical dependence and habilitation centers for persons with intellectual disabilities or persons with related conditions located within the jurisdiction of the school district or alternative residences. The districts concerned may agree upon acceptable local cost reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child last resided before placement in a facility an additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. If a child from out of state is residing in a facility owned and/or operated by a for profit entity, the district providing educational services shall be reimbursed by the for profit entity the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. 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. John de la Howe School shall be reimbursed the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. Participation will be evidenced by a written agreement from the IEP team or 504 team, written referral, or the school district initiating the placement process. School districts providing the education shall notify the nonresident district in writing within forty-five calendar days that a student from the nonresident district is receiving education services pursuant to the provisions of the proviso. The notice shall also contain the student's name, date of birth, and disabling condition if available. If appropriate financial arrangements cannot be effected between institutions of the state, including independent school districts under the authority of the Department of Disabilities and Special Needs, and school districts, institutions receiving educational appropriations shall pay the local base student cost multiplied by the appropriate pupil weighting. Children residing in institutions of state agencies shall be educated with nondisabled children in the public school districts if appropriate to their educational needs. Such institutions shall determine, on an individual basis, which children residing in the institution might be eligible to receive appropriate educational services in a public school setting. Once these children are identified, the institution shall convene an IEP meeting with officials of the public school district in which the institution is located. If it is determined by the committee that the least restrictive environment in which to implement the child's IEP is a public school setting, then the school district in which the institution is located must provide the educational services. However, that school district may enter into contractual agreements with any other school district having schools located within a forty-five mile radius of the institution. The cost for educating such children shall be allocated in the following manner: the school district where the child last resided before being placed in an institution shall pay to the school district providing the educational services an amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act; the school district providing the educational services*	Y	Y	Other service or product our agency must/may provide	Educational continuity for children in foste care
9	1.9	State	Proviso	*(SDE: Instruction in Juvenile Detention Centers) It shall be the responsibility of the school district where a local juvenile detention center is located to provide adequate teaching staff and to ensure compliance with the educational requirements of this State. Students housed in local juvenile detention centers are to be included in the average daily membership count of students for that district and reimbursement by the Department of Education made accordingly.*	Y	Y		
10	1.10	State	Proviso	(SDE: Revenue Authorization) The State Department of Education is hereby authorized to collect, expend, and carry forward revenues in the following areas to offset the cost of providing such services: the sale of publications, manuals and forms, the sale of Apple Tags, royalties, contributions, donations, foundation funds, special grants and contracts, brochures, photo copies, listings and labels, Directory of South Carolina Schools, student health record cards, items to be recycled, and high school diplomas and certificates; the collection of out-of-state and in-state investigation fees, registration fees for non-SDE employees, recurring facility inspection fees, teacher certification fees; the handling of audio-visual film; the provision of contract computer services to school districts and other state agencies, joint broadcast service to school districts, and education-related statistics through agreement with the National Center for Education Statistics; the lease or sale of programs of television, audio or microcomputer software; the lease or sale of virtual courses to other states; the collection of damage fees for instructional materials and the sale of unusable instructional materials; sale of fuel; use and repair of transportation equipment; fees for Medicaid reimbursable transportation; the receipt of insurance and warranty payments on Department of Education equipment and the sale of used school buses and support equipment. The Department of Education is authorized to collect revenue for deposit into the State General Fund for testing material purchases and test rescoring fees. The Department of Education 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	State	Proviso	(SDE: School District Bank Accounts) Each school district in this State, upon the 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 as needed, upon receipt of a written order certified by the district governing body or their designee. Such order shall contain a statement that such amount is for immediate disbursement for the payment of correct and legal obligation of the school district.	N	N		
12	1.12	State	Proviso	*(SDE: School Lunch Program Aid) The amount appropriated herein for School Lunch Program Aid shall be divided among the District and/or County Boards of Education of the State upon the basis of the number of schools participating in the School Lunch Program in each district during the prior school year. The travel expenses of the District and/or County School Lunch Supervisor shall be paid from this appropriation at the prevailing rate of mileage allowed by the State. These funds may be used as an aid in improving the School Lunch Program. These funds may not be used to supplement the salaries of school lunch supervisors. In the absence of a County Board of Education in multi-district counties, the funds will be divided among the school districts of the county on the basis of the number of schools participating in the School Lunch Program in each district during the prior school year.*	N	N		
13	1.13	State	Proviso	*(SDE: Travel/Outside of Continental U.S.) 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	State	Proviso	(SDE: Year End Closeout) The State Department of Education is authorized to expend federal and earmarked funds (not including state or EIA funds) in the current fiscal year for expenditures incurred in the prior year; however, state funds appropriated in Part IA, Section 1, X, Aid to School Districts, for the Children's Case Resolution System or private placements for services provided to children with disabilities may be used for those expenditures in prior fiscal years. The department is also authorized to use appropriated funds to pay for textbooks shipped in the fourth quarter of the prior fiscal year	N	N		
15	1.15	State	Proviso	SDE: Transportation Collaboration) The Department of Education 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. School buses operated by school districts, other governmental agencies or head start agencies for the purpose of transporting students for school or school related activities shall not be subject to state motor fuel taxes. Further, that school districts, other governmental agencies or head start agencies may purchase this fuel, on a cost reimbursable-plus basis, from the Department of Education School Bus Maintenance Shops.	Y	Y	Other service or product our agency must/may provide	Maintenance on vehicles through bus shop for other governmental entities upon reque
16	1.16	State	Proviso	*(SDE: School Bus Insurance) The Department of Education 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	Other service or product our agency must/may provide	Maintain insurance on school buses
17	1.17	State	Proviso	*(SDE: Teacher Data Collection) Of the non-program funds appropriated to the Department of Education, it and the Commission on Higher Education shall share data about the teaching profession in South Carolina. The data sharing should ensure (1) a systematic report on teacher supply and demand information and (2) data to determine classes being taught by public school teachers out of field of their preparation. The data collection should include but not be limited to: classes/subjects taught, number of students taught, percentage of teacher education graduates from South Carolina colleges/universities who go into teaching, percentage of teacher education graduates who teach in public schools in South Carolina, percentage of new teachers who leave the South Carolina teaching profession in the first three years of public school teaching due to unsuccessful evaluations, percentage of new teachers who leave the profession in the first three years of public school teaching in South Carolina who have successful evaluations, turnover rate of teachers and certification areas with highest vacancies. All database items should be set up so that it can be disaggregated by ethnicity, gender, geographic location, etc.*	N	Y	Report our agency must/may provide	
18	1.18	State	Proviso	*(SDE: School Bus Driver CDL) From funds provided in Part IA, Section 1, VII.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. The Department of Education and the school districts shall be treated as a charitable organization for purposes of the fee charged for the criminal records search.*	N	N		
19	1.19	State	Proviso	*(SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State Superintendent of Education. The School Bus Specifications Committee shall allow for input from all school bus chassis and body manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus specifications of another state in the procurement of school buses. If the department uses the specifications of another state, the department must submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee detailing the methodology by which the alternative specifications were determined to be safe, more economical, and in the public interest, when compared to the specifications set forth by the School Bus Specifications Committee.*	N	Y	Report our agency must/may provide	
20	1.20	State	Proviso	*(SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program VII.B. - Bus Shops and funds appropriated in VII.C. - Buses may be used to purchase buses, fuel, parts, or other school bus related items. All funds appropriated for bus fuel, parts/supplies, maintenance, and bus purchases may be carried forward from the prior fiscal year and expended in the current fiscal year to support bus transportation services.*	N	N		
21	1.21	State	Proviso	*(SDE: Mitford Transportation Costs) Transportation costs for the transporting of students from the Mitford area of Fairfield County to schools in the Great Falls area of Chester County is not the responsibility of and shall not be borne by the Chester County School District. These transportation costs shall continue to be the responsibility of the State Department of Education.*	Y	Y	Other service or product our agency must/may provide	Transportation
22	1.22	State	Proviso	*(SDE: Status Offenders/John de la Howe) The funds appropriated for the Status Offender Program shall be distributed to John de la Howe School to expand residential programs to include court ordered status offenders. Components of such a program shall include collaboration between the home school district and the residential school and treatment or related services to the families of students in placement.*	N	N		
23	1.23	State	Proviso	*(SDE: Governor's School Leave Policy) The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of their respective board of directors. This policy shall address their respective school calendars in order to comply with the instructional needs of students attending both special schools.*	N	N		
24	1.24	State	Proviso	(SDE: School Board Meetings) Of the funds appropriated through the Department of Education for technology related expenses, school districts that have a website 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 website within ten days of the next regularly scheduled board meeting..	N	N		
25	1.25	State	Proviso	(SDE: Proviso Allocations) In the event an official General Fund revenue shortfall is declared by the Board of Economic Advisors, the Department of Education may reduce any allocation in Section 1 specifically designated by proviso in accordance with the lower Board of Economic Advisors revenue estimate as directed by the Executive Budget Office, except the additional EFA allocation to the South Carolina Public Charter School District. The reduction may not be greater than the total percentage of reduction of the Section 1 appropriation. Should the department hold back funds in excess of the total percentage reduction those funds must be allocated per the proviso. No allocation for teacher salaries shall be reduced as a result of this proviso.	N	Y	Distribute funding to another entity	
26	1.26	State	Proviso	(SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level maintenance of effort requirement for federal program, funds provided for the Education and Economic Development Act, funds provided for Career and Technology Education, nor required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs and programs serving students with disabilities who have Individualized Education Programs. In order for a school district to take advantage of the flexibility provisions, at least seventy-five percent of the school district's per pupil expenditures must be utilized within the In$ite categories of instruction, instructional support, and only transportation, food service, and safety within non-instruction pupil services. No portion of the seventy-five percent may be used for facilities, business services, debt service, capital outlay, program management, and leadership services, as defined by In$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and transportation, food service, and safety within non-instruction pupil services for the current school year ending June thirtieth. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures. "In$ite" means the financial analysis model for education programs utilized by the Department of Education. School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, restructuring administrative staffing, and expanding virtual instruction. School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year. Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program. Quarterly throughout the current fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or nonessential programs have been suspended and the specific flexibility actions taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting, and the certification must be conspicuously posted on the internet website maintained by the	N	N		
27	1.27	State	Proviso	*(SDE: Medical Examination and Security Reimbursement/Expenditures) From funds authorized in Part IA, Section 1, VII.B. Other Operating Expenses, the Department of Education 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.*	N	N		
28	1.28	State	Proviso	*(SDE: Budget Reduction) In compensating for any reduction in funding or an operating deficit publically recognized by the School Board of Trustees, 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		
29	1.29	State	Proviso	*(SDE: Governor's School for the Arts and Humanities Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated to or generated by the Governor's School for the Arts and Humanities may be carried forward and expended in the current fiscal year pursuant to the discretion of the Board of Trustees of the School.*	Y	N		
30	1.30	State	Proviso	(SDE: Governor's Schools' Fees) The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics 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. No student will be denied admittance or participation due to financial inability to pay. The respective Board of Directors shall promulgate administrative policy governing the collection of all student fees. Both schools shall conspicuously publish a fee schedule on their respective websites. 1.31. (SDE: School District Furlough) Should there be a midyear reduction in state funding to the districts, school districts may institute employee furlough p	N	N		
31	1.31	State	Proviso	(SDE: School District Furlough) Should there be a midyear reduction in state funding to the districts, school districts may institute employee furlough programs for district-level and school-level professional staff. Before any of these employees may be furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. The local school district board of trustees may implement a furlough of personnel once certification to the State Superintendent documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall have the authority to authorize furloughs of these employees in the manner in which it sees fit. However, instructional personnel may be furloughed for up to five non-instructional days if not prohibited by an applicable employment contract with the district and provided district administrators are furloughed for twice the number of days. District administrators may only be furloughed on non-instructional days and may not be furloughed for a period exceeding ten days. District administrators shall be defined by the Department of Education using the Professional Certified Staff (PCS) System. For individuals not coded in PCS, the determination shall be made based upon whether the individual performs the functions outlined in position codes identified by the department as administration. Educators who would have received a year's experience credit had a furlough not been implemented, shall not have their experience credit negatively impacted because of a furlough implementation. During any furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions, including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the district will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under any employee grievance procedure. The district may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. Each local school district must prominently post on the district's internet website and make available for public viewing and downloading the most recent version of the school district's policy manual and administrative rule manual. This proviso shall not abrogate the terms of any contract between any school district and its employees.	N	Y	Report our agency must/may provide	
32	1.32	State	Proviso	*(SDE: School Lunch/Attendance Supervisors) 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		
33	1.33	State	Proviso	*(SDE: SCGSAH Certified Teacher Designation) Because of the unique nature of the South Carolina Governor's School for the Arts and Humanities, the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are authorized to employ at its discretion noncertified 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		

34	1.34	State	Proviso	*(SDE: No Discrimination Requirement) 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		
35	1.35	State	Proviso	*(SDE: Medicaid Cash Match Accounting) The department 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 Department of Health and Human Services.*	N	Y	Distribute funding to another entity	
36	1.36	State	Proviso	*(SDE: Student Report Card-GPA) 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		
37	1.37	State	Proviso	*(SDE: Lost & Damaged Instructional Materials Fees) Fees for lost and damaged instructional materials for the prior school year are due no later than December first of the current school year when invoiced by the Department of Education. The department may withhold instructional materials funding from schools that have not paid their fees by the payment deadline.*	N	N		
38	1.38	State	Proviso	(SDE: Education Finance Act Reserve Fund) There is created in the State Treasury a fund separate and distinct from the General Fund of the State and all other funds entitled the Education Finance Act Reserve Fund. All unexpended general funds appropriated to the Department of Education for the Education Finance Act in the current fiscal year shall be transferred to the Education Finance Act Reserve Fund. In the event that the amount appropriated for the Education Finance Act is insufficient to fully fund the base student cost as established by this act, revenues from the Education Finance Act Reserve Fund may be used to supplement the funds appropriated. The General Assembly may make direct appropriations to this fund. All unexpended funds in the Education Finance Act Reserve Fund and any interest accrued by the fund must remain in the fund and may be carried forward into the current fiscal year.	N	N		
39	1.39	State	Proviso	*(SDE: Prohibit Advertising on School Buses) The Department of Education 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		
40	1.40	State	Proviso	(SDE: Residential Treatment Facilities Student Enrollment and Funding) Each South Carolina resident of lawful school age residing in licensed residential treatment facilities (RTFs) for children and adolescents identified on the State Qualified Providers list and meets the requirements of 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). The responsibility for providing appropriate educational programs and services for these students, both with and without disabilities, who are referred, authorized, or placed by the State is vested in the facility school districts. For purposes of this proviso, an authorization must be pursuant to a physician's determination of medical necessity. If clinically appropriate, the facility school district, the RTF, and the parent or guardian of a student referred or placed in a RTF may consider the appropriateness of providing the student's education program virtually through enrollment in either the facility district's virtual program, the South Carolina virtual school program provided through the Department of Education (Virtual SC), or a virtual charter school authorized by the South Carolina Public Charter School District, or a virtual charter school authorized by an approved institute of higher education. This decision should be made jointly with the best interest of the student and what is clinically indicated being considered. A facility school district must provide the necessary educational programs and services directly to the student at the RTF's facility, provided that the RTF facility provides and maintains comparable adequate space for the educational programs and services consistent with all federal and state least restrictive environment requirements. Adequate space shall include appropriate electrical support and Internet accessibility. Unless the parent or legal guardian of the student seeks to continue the student's enrollment in the resident school district under a medical homebound instruction program and the district approves, if appropriate, then, under these circumstances, the facility school district shall enroll the student and assume full legal and financial responsibility for the educational services including enrolling the student, approving the student's entry into a medical homebound instructional program, if appropriate, and receiving and expending funds, unless the resident school district undertakes to carry out its educational responsibilities for the student directly. Alternatively, a facility school district may choose to provide the necessary educational programs and services by contracting with the RTF provided that the RTF agrees to provide educational services to the student at the RTF's facility. Under these circumstances, the facility school district must enroll the student and pay the RTF for the educational services provided. If the facility school district determines the educational program being offered by the RTF does not meet the educational standards outlines in the contract, the facility district shall be justified in terminating the contract. The facility school districts are entitled to receive the base student cost multiplied by the Education Finance Act pupil weighting for Homebound pupils of 2.10, as set forth in Section 59-20-40 of the 1976 Code and any eligible categorical and federal funds. These funds may be retained by the facility school districts for the purpose of providing the educational programs and services directly to students referred or placed by the State or the facility school districts may use these funds to reimburse RTFs for the educational programs and services provided directly by the RTFs. A facility school district is entitled to reimbursement from a resident school district for the difference between (1) the reasonable costs expended for the	Y	Y	Other service or product our agency must/may provide	Implement system for following students placed in RTFs
41	1.41	State	Proviso	*(SDE: Special Schools Flexibility) For the current fiscal year, the special schools are authorized to transfer funds among funding categories, including capital funds.*	N	N		
42	1.42	State	Proviso	*(SDE: High School Driver Education) 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		
43	1.43	State	Proviso	(SDE: Carry Forward Authorization) For the current fiscal year, the Department of Education is authorized to carry forward and expend any General Fund balances for school bus transportation.	N	`N		
44	1.44	State	Proviso	*(SDE: Administrative Costs Report Posting) School districts must report the amount of funds spent on administrative costs, as defined by In$ight in the prior fiscal year and post the report on the districts website. School districts shall provide an electronic copy of this report to the Department of Education in conjunction with the financial audit report required by Section 59-17-100, of the 1976 Code. If a district fails to meet these requirements they must be notified in writing by the department that the district has sixty days to comply with the reporting requirement. If the district does not report within sixty days, the department is authorized to reduce the district's base student cost by one percent until such time as the requirement is met. Once in compliance, any funds withheld will be returned to the district.*	N	Y	Other service or product our agency must/may provide	Compliance monitoring
45	1.45	State	Proviso	*(SDE: Governor's Schools Residency Requirement) Of the funds appropriated, the Governor's School for the Arts and the Humanities and the Governor's School for Science and Mathematics 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 South Carolina at the time of application and must remain so throughout time of attendance. The Governor's School for the Arts and the Humanities and Governor's School for Science and Mathematics may not admit students whose parent(s) or guardian(s) are not legal residents of South Carolina.*	N	N		
46	1.46	State	Proviso	*(SDE: Holocaust Funds) Funds appropriated to the Department of Education for the SC Council on Holocaust shall not be used for any other purpose nor transferred to any other program. In addition, in the event the department is required to implement a budget reduction, SC Council on Holocaust funds may not be reduced.*	N	Y	Distribute funding to another entity	
47	1.47	State	Proviso	(SDE: Student Health and Fitness) Funds appropriated for Student Health and Fitness shall be allocated to school districts to increase the number of physical education teachers to the extent possible and to provide licensed nurses for elementary public schools. Twenty-seven percent of the funds shall be allocated to the districts based on average daily membership of grades K-5 from the preceding year for physical education teachers. The remaining funds will be made available 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 funds.	N	Y	Distribute funding to another entity	
48	1.48	State	Proviso	*(SDE: Impute Index Value) 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. The Department of Revenue shall not include sales ratio data in its calculation of the index of taxpaying ability. The methodology for the calculations for the remaining classes of property shall remain as required pursuant to the EFA and other applicable provisions of la*	N	N		
49	1.49	State	Proviso	*(SDE: EFA State Share) A school district that does not recognize a State share of the EFA financial requirement shall be supplemented with an amount equal to seventy percent of the school district with the least State financial requirement.*	N	Y	Distribute funding to another entity	
50	1.50	State	Proviso	*(SDE: Health Education) (1) 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 and aligns to all standards and regulations adopted by the South Carolina State Board of Education. Each district shall publish on its website the title and publisher of all health education materials it has approved, adopted, and used in the classroom. If the department determines that a district is non-compliant with mandated health education upon review of the district's annual CHE Compliance Survey or if the district fails to publish the title and publisher of materials on its website, then the Department of Education shall withhold one percent of the district's funds allocated in Part IA, Section 1, X - Student Health and Fitness Act until the department determines the district is in compliance.* *(2) Any person may complain in a signed, notarized writing to the chairman of the governing board of a school district that matter not in compliance with the requirements of Chapter 32, Title 59 is being taught in the district. Upon receiving a notarized complaint, the chairman of the governing board must ensure that the complaint is immediately investigated and, if the complaint is determined to be founded, that immediate action is taken to correct the violation. If corrective action is not taken within 60 days of such a determination, or if no investigation is made within 60 days of the chairman's receipt of the notarized statement, then the complainant may within 60 calendar days, give written notice to the department. The notice must include the original notarized complaint. If, upon investigation, the department determines that the district has not taken appropriate immediate action to correct a violation, then the Department of Education shall withhold one percent of the district's funds allocated in Part IA, Section 1, X - Student Health and Fitness Act until the department determines the district is in compliance.* *1.51. (SDE: Bus Lease/Purchase) The Department of Education is permitted to purchase or lease school buses in order to continue replacement of the state's school bus fleet.*	Y	Y	Other service or product our agency must/may provide	Monitor compliance and withhold funding
51	1.51	State	Proviso	*(SDE: Bus Lease/Purchase) The Department of Education is permitted to purchase or lease school buses in order to continue replacement of the state's school bus fleet.*	N	N		
52	1.52	State	Proviso	*(SDE: Lee County Bus Shop) From the funds appropriated in program VII.B. Bus Shops, in the current fiscal year, the department 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 fiscal year.*	Y	Y	Distribute funding to another entity	
53	1.53	State	Proviso	*(SDE: School Enrollment Policy) 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		
54	1.54	State	Proviso	*(SDE: District Funding Flexibility) 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		
55	1.55	State	Proviso	*(SDE: Transportation Maintenance Facilities) For the current fiscal year, a school district wishing to include school bus maintenance in a contract with a private vendor may enter into an agreement with the Department of Education whereby the department releases the school district to include school bus maintenance in the private vendor contract.*	N	N		
56	1.56	State	Proviso	*(SDE: School District Activity Bus Advertisements) School Districts may sell commercial advertising space on the outside or inside of district owned activity buses. However, as defined and determined by the local school board, a school district may not sell such commercial advertising if the advertisement promotes a political candidate, ideology, or cause, a product that could be harmful to children, or a product that appeals to the prurient interest. Revenue generated from the sale of commercial advertising space shall be retained by the school district.*	N	N		
57	1.57	State	Proviso	*(SDE: School District Property) 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 fiscal year.*	N	N		

58	1.58	State	Proviso	(SDE: Full-Day 4K) Eligible students residing in a school district that met the poverty level for participation in the prior school year are eligible to participate in the South Carolina Early Reading Development and Education Program in the current school year. Public and private providers shall be funded for instructional costs at a rate of $4,422 per student enrolled. Eligible students enrolling during the school year or withdrawing during the school year shall be funded on a pro rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall also be eligible for a reimbursement of $563 per eligible child transported. All providers who are reimbursed are required to retain records as required by their fiscal agent. New providers participating for the first time in the current fiscal year and enrolling between one and six eligible children shall be eligible to receive up to $1,000 per child in materials and equipment funding, with providers enrolling seven or more such children eligible for funding not to exceed $10,000. Providers receiving equipment funding are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to 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. The Department of Education shall only provide funding for public school students whose complete records have been entered into PowerSchool and end of year adjustments shall be based on the one hundred and thirty-five day student average daily membership. Annually, the Department of Education is directed to audit the annual allocations to public providers to ensure that allocations are accurate and aligned to the appropriate pro rata per student allocation, materials, and equipment funding. In the event the department, during the audit process determines that the annual allocations of the prior fiscal year are not accurate, the department must adjust the allocations for the current fiscal year to account for the audit findings. The department must provide the results of the annual audit findings to the General Assembly no later than December 1. Likewise, in the event the Office of First Steps determines that the annual allocations of the prior fiscal year to private providers are not accurate, the Office of First Steps must adjust the allocations for the current fiscal year to account for the findings. Of the funds appropriated, $300,000 shall be allocated to the Education Oversight Committee to conduct an annual evaluation of the South Carolina Child Development Education Pilot Program and to issue findings in a report to the General Assembly by January fifteenth of each year. To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both public and private providers are required to submit the necessary data as a condition of continued participation in and funding of the program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of Education shall issue a unique student identifier for each child receiving services from a private provider. The Department of Education shall be responsible for the collection and maintenance of data on the public state funded full day and half-day four-year-old kindergarten programs. The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee shall use this data and all other collected and maintained data necessary to conduct a research based review of the program's implementation and assessment of	Y	Y	Distribute funding to another entity	
59	1.59	State	Proviso	*(SDE: Summer Reading Camps) For the current fiscal year, funds appropriated for summer reading camps must be allocated as follows: (1) up to twenty percent to the Department of Education to provide bus transportation for students attending the camps; (2) $700,000 allocated to the department to provide grants to support community partnerships whereby community organizations shall partner with local school districts to provide enrichment activities as part of after school programs or summer reading camps that utilize volunteers, mentors or tutors to provide instructional support to struggling readers in elementary schools that have a poverty index of forty 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. All mentors and tutors that are a part of these after school programs or summer reading camps must have passed a SLED criminal background check. Participant to volunteer or teacher ratio must conform to that of the school district in which the program is located; and (3) the remainder on a per pupil allocation to each school district based on the number of students who substantially failed to demonstrate third-grade reading proficiency as indicated on the prior year's state assessment as defined by Section 59-155-120 (10) of the 1976 Code. Summer reading camps must be at least six weeks in duration with a minimum of four days of instruction per week and four hours of instruction per day, or the equivalent minimum hours of instruction in the summer. School transportation shall be provided. The camps must be taught by compensated teachers who have at least an add-on literacy endorsement or who have documented and demonstrated substantial success in helping students comprehend grade-level texts. The Department of Education shall assist districts that cannot find qualified teachers to work in the summer camps. Districts may also choose to contract for the services of qualified instructors or collaborate with one or more districts to provide a summer reading camp. Schools and school districts are encouraged to partner with county or school libraries, institutions of higher learning, community organizations, faith-based institutions, businesses, pediatric and family practice medical personnel, and other groups to provide volunteers, mentors, tutors, space, or other support to assist with the provision of the summer reading camps. In the current school year, any student in third grade who substantially fails to demonstrate third-grade reading proficiency by the end of the school year must be offered the opportunity to attend a summer reading camp at no cost to the parent or guardian. The purpose of the reading camp is to provide students who are significantly below third-grade reading proficiency with the opportunity to receive quality, intensive instructional services and support. A district may also include in the summer reading camps students who are not exhibiting reading proficiency at any grade and may charge fees for these students to attend the summer reading camps based on a sliding scale pursuant to Section 59-19-90, except where a child is found to be reading below grade level in the first, second or third grade. A parent or guardian of a student who does not substantially demonstrate proficiency in comprehending texts appropriate for his grade level must make the final decision regarding the student's participation in the summer reading camp.*	Y	Y	Distribute funding to another entity	
60	1.60	State	Proviso	*(SDE: Interscholastic Athletic Association Dues) A public school district supported by state funds shall not use any 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 the following: (1) a range of sanctions that may be applied to a student, coach, team, or program and that takes into account factors such as the seriousness, frequency, and other relevant factors when there is a violation of the constitution, bylaws, rules, or other governing provisions of the association, body, or entity; (2) (a) guarantees that private or charter schools are afforded the same rights and privileges that are enjoyed by all other members of the association, body, or entity. A private or charter school may not be expelled from or have its membership unreasonably withheld by the association, body, or entity or restricted in its ability to participate in interscholastic athletics including, but not limited to, state playoffs or championships based solely on its status as a private school or charter school. The association, body, or entity shall set reasonable standards for private or charter school admission. A private or charter school denied membership must be provided, in writing within five business days, the reason or reasons for rejection of its application for membership; (b) guarantees that a South Carolina home school athletic team that is a member of a home school athletic association may not be denied access to preseason and regular season interscholastic athletics including, but not limited to, jamborees and invitational tournaments, based solely on its status as a home school athletic team; other rules or policies of the association, body, or entity would apply; (3) (a) an appeals process in which appeals of the association, body, or entity are made to a disinterested third-body appellate panel which consists of seven members who serve four year terms, with one person appointed by the delegation of each congressional district; (b) a member of the panel serves until his successor is appointed and qualifies. A vacancy on the panel is filled in the manner of the original appointment; (c) members of the appellate panel do not concurrently serve as officers of the association, body, or entity and may not have served as a member of the executive committee within the last three years. Principals and superintendents are able to appeal a ruling of the association, body, or entity to the panel. The appellate panel also must provide the final ruling in any appeal brought against a decision of the association, body, or entity; (4) a procedure in place for emergency appeals to be held and decided upon in an expedited manner if the normal appellate process would prohibit the participation of a student, team, program, or school in an athletic event, to include practices; (5) provisions, implemented within one year after the effective date of this section, that require the composition of the executive committee of the association, body, or entity be geographically representative of this State. In the event an association, body, or entity fails to include one of the items listed in this proviso, public school districts and schools must end*	N	N		
61	1.61	State	Proviso	*(SDE: Governor's Schools Informational Access to Students) 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. By June thirtieth, of the current fiscal year, the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics must report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee the results of these Informational Access efforts. Further, the two Governor's Schools will work with districts, the Department of Education and School Report Card administrators, to ensure that SAT scores of current Governor's Schools' students are included in the School Report Card of those students' resident schools and districts.*	N	N		
62	1.62	State	Proviso	(SDE: Reading/Literacy Coaches) (A) Funds appropriated for Reading/Literacy Coaches must be allocated to school districts by the Department of Education as follows: (1) for each elementary school in which twenty percent or more of the students scored below "meets expectations" on the reading sub score of the English language arts test in the most recent year for which such data are available, the school district shall be eligible to receive the lesser of up to $62,730 or the actual cost of salary and benefits for a full-time reading/literacy coach; and (2) for each elementary school in which fewer than twenty percent of the students scored as referenced in (A)(1), the school district shall be eligible to receive the lesser of up to $31,365 or fifty percent of the actual cost of salary and benefits for a full-time reading/literacy 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. (B) By accepting these funds, a school district warrants that they will not be used to supplant existing school district expenditures, except for districts that either are currently, or in the prior fiscal year, were paying for reading/literacy coaches with local funds. A district may, however, assign a reading/literacy coach to a primary school rather than to the elementary school to improve the early literacy skills of young children. (C) Funds appropriated for reading/literacy Coaches are intended to be used to provide elementary schools with reading/literacy coaches who shall serve according to the provisions in Chapter 155 of Title 59. (D) Schools and districts accepting funding to support a coaching position agree that the reading/literacy coach must not serve as an administrator. If the department finds that school districts are using these funds for administrative costs as defined in statute they must withhold that districts remaining balance of funds allocated pursuant to this proviso. (E) The Department of Education must publish guidelines that define the minimum qualifications for a reading/literacy coach. These guidelines must deem any licensed/certified teacher qualified if, at a minimum, he or she: (1) holds a bachelor's degree or higher and an add-on endorsement for literacy coach or literacy specialist; or (2) holds a bachelor's degree or higher and is actively pursuing the literacy coach or literacy specialist endorsement; or (3) holds a master's degree or higher in reading or a closely-related field. Within these guidelines, the Department of Education must assist districts in identifying a reading/literacy coach in the event that the school is not successful in identifying and directly employing a qualified candidate. The provisions of subsection (A), including the local support requirements, shall also apply to any allocations made pursuant to this paragraph. (F) The Department of Education must develop procedures for monitoring the use of funds appropriated for reading/literacy coaches to ensure they are applied to their intended uses and are not redirected for other purposes. The Department of Education may receive up to $100,000 of the funds appropriated for reading/literacy coaches in order to implement this program, provided that this allocation does not exceed the department's	Y	Y	Other service or product our agency must/may provide	Guidelines
63	1.63	State	Proviso	*(SDE: Sports Participation) 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 Department of Education shall withhold one percent of their total state allocation.*	N	N		
64	1.64	State	Proviso	*(SDE: Graduation Rates) 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		

65	1.65	State	Proviso	*(SDE: South Carolina Community Block Grants for Education Pilot Program) There is created the South Carolina 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. The initiatives and models funded by the grant must be well designed, based on strong evidence of effectiveness, and have a history of improved student performance.* *The General Assembly finds that the success offered by these initiatives and programs is assured best when vigorous community support is integral to their development and implementation. It is the intent of this proviso to encourage public school and district communities and their entrepreneurial public educators to undertake state-of-the-art initiatives to improve student learning and to share the results of these efforts with the state's public education community.* *As used in this proviso:* *(1) "Community" is defined as a group of parents, educators, and individuals from business, faith groups, elected officials, nonprofit organizations and others who support the public school district or school in its efforts to provide an outstanding education for each child. As applied to the schools impacted within a district or an individual school, "community" includes the school faculty and the School Improvement Council as established in Section 59-20-60 of the 1976 Code;* *(2) "Poverty" is defined as the percent of students eligible in the prior year for the free and reduced price lunch program and or Medicaid; and* *(3) "Achievement" is as established by the Education Oversight Committee for the report card ratings developed pursuant to Section 59-18-900 of the 1976 Code.* *The Executive Director of the Education Oversight Committee is directed to appoint an independent grants committee to develop the process for awarding the grants including the application procedure, selection process, and matching grant formula. The grants committee will be comprised of seven members, three members selected from the education community and four members from the business community. The chairman of the committee will be selected by the committee members at the first meeting of the grants committee. The grants committee will review and select the recipients of the Community Block Grants for Education.* *The criteria for awarding the grants must include, but are not limited to:* *(1) the establishment and continuation of a robust community advisory committee to leverage funding, expertise, and other resources to assist the district or school throughout the implementation of the initiatives funded through the Block Grant Program;* *(2) a demonstrated ability to meet the match throughout the granting period;* *(3) a demonstrated ability to implement the initiative or model as set forth in the application; and*	N	N		
66	1.66	State	Proviso	*(SDE: Board of Education Funds) For the current fiscal year, the Department of Education is authorized to carry forward funds appropriated in Part IA, Section 1, II. Board of Education. The State Board of Education is permitted to utilize these funds for innovative educational opportunities and projects. The Board of Education shall develop guidelines and publish them on the board's website.*	Y	Y		
67	1.67	State	Proviso	*(SDE: Proceeds from Sale of Bus Shop & Boat) For the current fiscal year the Department of Education is authorized to retain any funds received from the sale of any bus shop and the sale of the state-owned boat and expend those funds for transportation purposes.*	Y	N		
68	1.68	State	Proviso	*(SDE: First Steps 4K Technology) During the current fiscal year, South Carolina Office of First Steps to School Readiness is authorized to expend up to $75,000 from the four-year-old kindergarten carry forward funds to purchase electronic devices for the administration of required school readiness assessments to children enrolled in the full-day 4K program in private centers in the current fiscal year. The State Office of First Steps may purchase one device, which would be the property of the Office of First Steps, for every ten centers serving children in the program. The regional coordinators who provide support to the centers shall coordinate the usage of the devices among the centers. First Steps shall provide a report documenting its technology and materials expenditures to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than January 15, 2018.*	N	N		
69	1.69	State	Proviso	(SDE: Teacher Salary Schedule Structure) The Department of Education shall convene stakeholders to include: Palmetto State Teachers Association, South Carolina School Business Officials, South Carolina Association of School Administrators, South Carolina School Boards Association, South Carolina Education Association, the Education Oversight Committee and CERRA to examine and make recommendations regarding changes to the statewide minimum state teacher salary schedule to include extending the steps on the state teacher salary schedule; an examination of the beginning teacher salary; and an examination of each district's salary schedule structure. The department shall also include information from each of the districts who are, or were, the original trial and plaintiff school districts in the Abbeville law suit regarding salary needs in those districts. Recommendations shall be provided on the modification of the teacher salary schedule structure and the potential fiscal impact on implementing the modification recommendations to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by October 1, 2017.	N	Y	Report our agency must/may provide	
70	1.70	State	Proviso	(SDE: Teacher Certification Exemption) For the current fiscal year, a teacher certified at the secondary level may teach such courses in grades seven through twelve without having the add on certification for middle-level education. Districts must report to the Department of Education and the Center for Educator Recruitment Retention and Advancement on the teachers and courses that utilize this exemption.	N	N		
71	1.71	State	Proviso	(SDE: Digital Instructional Materials) The Department of Education shall create an instructional materials list composed of those items (print and/or digital) that have received State Board of Education approval through the normal adoption process. The department shall continue to work with the publishers of instructional materials to ensure that districts who wish to receive both the digital version and class sets of textbooks may be awarded that option. Funds appropriated for the purchase of textbooks and other instructional materials may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted textbook inventory, purchasing new kits from the central textbook depository, or a combination of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs, equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs. Funds provided for Instructional Materials may be carried forward from the prior fiscal year into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools. These funds are not subject to flexibility. Digital Instructional Materials shall include the digital equivalent of materials and devices.	Y	Y	Distribute funding to another entity	Instructional materials list
72	1.72	State	Proviso	(SDE: CDEPP Unexpended Funds) For Fiscal Year 2017-18, the Office of First Steps to School Readiness is permitted to retain the first $1,000,000 of any unexpended CDEPP funds of the prior fiscal year and expend these funds to enhance the quality of the full-day 4K program in private centers and provide professional development opportunities. By August first, the Office of First Steps is directed to allocate any additional unexpended CDEPP funds from the prior fiscal year and any CDEPP funds carried forward from prior fiscal years that were transferred to the restricted account for the following purpose: Education Oversight Committee - $1,000,000 for the South Carolina Community Block Grants for Education Pilot Program. If carry forward funds are less than the amounts appropriated, funding for the items listed herein shall be reduced on a pro rata basis. If by August first, the Department of Education or the Office of First Steps determines there will be funds available, funds shall be allocated on a per pupil basis for districts eligible for participation first, who have a documented waiting list, then to districts to increase the length of the program to a maximum of eight and a half hours per day or two hundred and twenty days per year or to fund summer programs. If a district chooses to fund summer enrollment the program funding shall conform to the funding in this act for full year programs, however shall be reduced on a pro rata basis to conform with the length of the program. A summer program shall be no more than eight and a half hours per day and shall be not more than ten weeks in length. The per pupil allocation and classroom grant must conform with the appropriated amount contained in this Act and end of year adjustments shall be based on the one hundred and thirty five day student average daily membership or later student average daily membership for districts choosing to extend the program past one hundred and eighty days. Funds may also be used to provide professional development and quality evaluations of programs. No later than April 1, the Department of Education and the Office of First Steps must report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on the expenditure of these funds to include the following information: the amount of money used and specific steps and measures taken to enhance the quality of the 4K program and the amount of money used for professional development as well as the types of professional development offered and the number of participants.	Y	Y	Report our agency must/may provide	
73	1.73	State	Proviso	(SDE: Technology Technical Assistance) Of the funds appropriated for the K-12 Technology Initiative, the department is authorized to withhold up to $350,000 in order to provide technology technical assistance to school districts.	Y	Y	Other service or product our agency must/may provide	Technical Assistance
74	1.74	State	Proviso	DELETED	N	N		
75	1.75	State	Proviso	(SDE: Data Maintenance and Collection) For the current fiscal year and from the funds appropriated to the department to procure and maintain licenses for a new Education Evaluation Data System, the department shall work with institutions of higher education to provide teacher preparation programs with aggregate, non-personally identifiable educator effectiveness data related to domain performance ratings, student growth data, and overall final ratings for graduates of the educator preparation program. Data collected on educator effectiveness shall remain private and shall be treated as personnel records and shall not be subject to public disclosure for any reason. The data shared with institutions of higher education per memorandum of agreement shall be used solely for the purpose of evaluating the educator preparation programs.	Y	Y	Report our agency must/may provide	
76	1.76	State	Proviso	(SDE: Teacher Employment) Of the funds appropriated in the current fiscal year, a local school district superintendent or his designee shall provide a teacher with notice of dismissal and an opportunity for a hearing before the local board or its designee. Further, a local board may authorize a South Carolina licensed, practicing attorney to serve as hearing officer to conduct a hearing on the matter and make a report of its recommendations to the board within forty-five days after receipt of notice of appeal. A hearing officer may not be a member of the board or an employee of the district. If the board designates a hearing officer, the report and recommendations of the hearing officer must be presented to the board in the form of a written order. In considering the report and recommendations, the board must have available to it the exhibits presented at the hearing and shall permit limited oral argument on behalf of the district and the teacher, allowing each party thirty minutes to present its respective argument. The board shall uphold the decision of the hearing officer if the evidence shows good and just cause for dismissal. The board shall issue a decision affirming or withdrawing the notice of suspension or dismissal within thirty days. The decision of the board may be appealed to the circuit court.	N	N		
77	1.77	State	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	Y	Other service or product our agency must/may provide	Technical Assistance
78	1.78	State	Proviso	(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 first on the updated Federal requirements under the Every Student Succeeds Act.	N	Y	Report our agency must/may provide	
79	1.79	State	Proviso	DELETED				
80	1.80	State	Proviso	DELETED				
81	1.81	State	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.	Y	Y		
83	1.82	State	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		
84	1.83	State	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, 2018 on the current allocation of funds to the Abbeville equity districts and the provision of services to these districts.	Y	Y	Report our agency must/may provide	
85	1.84	State	Proviso	(SDE: Computer Science Curriculum) Of the funds appropriated to the department for computer science, the department shall develop grade appropriate computer science standards that include computational thinking and computer coding for grades 9-12. Experts and officials from higher education, business and industry must be included in the development of the standards. The department shall support K-12 academic and computer science teachers in designing interdisciplinary units and instructional practices that engage students in applying literacy, math, and computational thinking skills to solve problems.	Y	Y	Other service or product our agency must/may provide	Standards
86	1.85	State	Proviso	(SDE: Military Child Care Centers) During the current fiscal year, South Carolina First Steps to School Readiness may extend four-year-old kindergarten provider eligibility to military child care settings regulated by the United States Department of Defense. State funds appropriated for use in military child care facilities must be used to expand service to CERDEP eligible children residing in school districts approved for participation during the prior fiscal year and may not be used to supplant any existing federal child care investment.	N	N		

	1.86	State	Proviso	(SDE: First Steps 4K Underserved Communities) Using funds appropriated for the Child Early Reading and Development Education Program, South Carolina First Steps shall develop a pilot program to expand four-year-old kindergarten enrollment within underserved communities eligible for participation during the most recent fiscal year. Newly created and/or newly approved private providers proposing to expand service to ten or more CERDEP eligible children in communities enrolling less than 80% of eligible students in a public, private, or Head Start setting during the prior fiscal year, may apply for up to $30,000 in one-time supplemental, needs-based incentives designed to address building renovations, documented as necessary to bring proposed classrooms into compliance with licensing regulations, materials and staffing costs, and/or other obstacles currently preventing their participation in the First Steps 4K program. The First Steps Board of Trustees shall develop and approve an application process that incorporates formal review and fiscal safeguards designed to ensure grant funds are used solely to address documented barriers to program participation. Providers receiving this one-time supplement are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the supplemental allocation at a level determined by the Office of First Steps to School Readiness. First Steps shall submit a report detailing its process, expenditures and expanded enrollment to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee by March 15, 2018.	N	N		
87	1.87	State	Proviso	(SDE: School Leadership) Of the funds appropriated to and retained by the department for Professional Development, $400,000 shall be used to contract with a non-profit leadership development provider. The provider must specialize in multiple assessments, executive coaching, and leadership development that provides the skills necessary for a progressive career path in school leadership.	N	Y	Distribute funding to another entity	
	1.88	State	Proviso	DELETED				
88	1.89	State	Proviso	(SDE: Carry Forward) For Fiscal Year 2017-18, the Department of Education is directed to allocate $30,000,000 from carry forward or unencumbered or unobligated cash balances for the School Districts Capital Improvement Plan as set forth in this Act.	Y	Y	Distribute funding to another entity	
89	1.90	State		(SDE: Poverty) Students eligible in the prior fiscal year to receive funding according to the Poverty weighting in the Education Finance Act pursuant to proviso 1.3 in this Act, are eligible to receive those funds for Fiscal Year 2017-18.	Y	Y	Distribute funding to another entity	
90	1.91	State	Proviso	(SDE: School Bus Drivers) For the current fiscal year, a driver candidate must possess a valid driver's license that meets the requirements in State and Federal law to operate commercial and non-commercial school bus type vehicles with no restrictions other than vision correction to qualify for issuance. Driver candidates must complete all Department of Education classroom and behind-the-wheel training requirements, including a medical examination and drug/alcohol testing, for initial certification as well as all Department of Education required in-service training annually to qualify for continued certification.	Y	Y	Other service or product our agency must/may provide	Driver training
91	1.92	State	Proviso	(SDE: Committee on Educator Retention and Recruitment) From the funds appropriated to the department, the Superintendent of Education shall initiate convening a study committee to address the issue of educator recruitment and retention to include identification of the causes of teacher shortages and the state's educational system's future demand for teachers. The study committee shall develop recommendations for the General Assembly to consider which include, but are not limited to, building teacher recruitment; alternative certification; financial incentives; induction and mentorship; evaluation and feedback; and teacher leadership. The study committee shall be comprised of the following members: (1) Chairman of the Senate Education Committee, or his designee; (2) Chairman of the House Education and Public Works Committee, or his designee; (3) Chairman of the Senate Labor, Commerce, and Industry Committee, or his designee; (4) Chairman of the House Labor, Commerce, and Industry Committee, or his designee; (5) Senate Majority Leader, or his designee; (6) Senate Minority Leader, or his designee; (7) House Majority Leader, or his designee; (8) House Minority Leader, or his designee; (9) Chairman of the State Board of Education, or his designee; (10) Chairman of the Palmetto State Teacher's Association, or his designee; (11) Chairman of the South Carolina Education Association, or his designee; (12) Superintendent from a small School District appointed by the Governor; (13) Superintendent from a medium School District appointed by the Governor; (14) Superintendent from a large School District appointed by the Governor; Of the three Superintendents appointed by the Governor, at least one Superintendent must come from a plaintiff or trial district in the Abbeville lawsuit; (15) Executive Director of CERRA; (16) Chairman of the Education Oversight Committee; (17) Two Deans of Colleges of Education appointed by the Governor; and (18) State Superintendent of Education who shall serve as Chairman of the Committee. Staff support shall be provided by the Department of Education, with assistance from the staffs of the Senate Education Committee and the House Education and Public Works Committee, upon request. Findings and recommendations shall be submitted to the (SDE: Committee on Educator	N	Y	Report our agency must/may provide	
92	1.93	State	Proviso	(SDE: Big Brothers Big Sisters) Of the funds retained and carried forward by the Department of Education pursuant to proviso 117.23, the Department of Education is directed to transfer up to $50,000 to Big Brothers Big Sisters of the Upstate and up to $50,000 to Big Brothers Big Sisters - Carolina Youth Development Center to support educational activities.	Y	Y	Distribute funding to another entity	
93	1.94	State	Proviso	(SDE: Hold Harmless) The Department of Education shall distribute the $5,000,000 appropriated from Proviso 8.2 for the Education Foundation Supplement distributed to public school districts which would in the current fiscal year recognize a loss in State financial requirement of the foundation program by utilizing an Index of Taxpaying Ability which imputes the assessed value of owner occupied property compared to the State financial requirement of the same Index of Taxpaying Ability without an imputed value of owner-occupied homes. Funds in the Education Foundation Supplement must be distributed to the school districts receiving a loss, in an amount equal to the amount of the loss. If funds are not sufficient to cover the full loss, funds will be reduced on a pro rata basis. This supplement shall not require a local financial requirement.	Y	Y	Distribute funding to another entity	
94	1.95	State	Proviso	(SDE: Save the Children) Of the funds retained and carried forward by the Department of Education pursuant to proviso 117.23, the Department of Education is directed to transfer up to $200,000 to Save the Children.	Y	Y	Distribute funding to another entity	
95	1.96	State	Proviso	DELETED				
N 1A - H630 - DEPARTMENT OF EDUCATION-EIA								
96	1A.1	State	Proviso	(SDE-EIA: Prohibition on Appropriation Transfers) 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. However, transfers are authorized from allocations to school districts or special line items with projected year-end excess appropriations above requirements, to allocations to school districts or special line items with projected deficits in appropriations.	N	N		
97	1A.2	State	Proviso	(SDE-EIA: African-American History) Funds provided for the development of the African-American History curricula may be carried forward into the current fiscal year. Funds that are currently a salary line item will be reallocated for the development of instructional materials and programs and the implementation of professional learning opportunities that promote African American history and culture. For Fiscal Year 2017-18 not less than seventy percent of the funds carried forwarded must be expended for the development of additional instructional materials by nonprofit organizations selected through a grant process by the Department of Education.	Y	N		
98	1A.3	State	Proviso	(SDE-EIA: Teacher Evaluations, Implementation/Education Oversight) The Department of Education is directed to oversee the evaluation of teachers at the School for the Deaf and the Blind, the John de la Howe School and the Department of Juvenile Justice under the ADEPT model.	Y	N		
99	1A.4	State	Proviso	(SDE-EIA: Teacher Salaries/State Agencies) Each state agency which does not contain a school district but has instructional personnel shall receive an appropriation as recommended by the Education Oversight Committee and funded by the General Assembly for teacher 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. Instructional personnel may include all positions which would be eligible for EIA supplements in a public school district, and may at the discretion of the state agency, be defined to cover curriculum development specialists, educational testing psychologists, psychological and guidance counselors, and principals. The twelve-month agricultural teachers located at Clemson University are to be included in this allocation of funds for base salary increases. The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to increase the salaries of instructional personnel by an amount equal to the percentage increase given by the School District in which they are both located.	N	N		
100	1A.5	State	Proviso	Teacher salary increases recommended by the Education Oversight Committee and funded in this Act shall be incorporated into each agency's EIA appropriation contained in Section 1, VIII.E.	Y	Y	Distribute funding to another entity	
101	1A.6	State	Proviso	(SDE-EIA: CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, VIII.E. for the Teacher Recruitment Program, the South Carolina Commission on Higher Education shall distribute a total of ninety-two percent to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which at least seventy-eight percent must be used for the Teaching Fellows Program specifically to provide scholarships for future teachers, and of which twenty-two percent must be used for other aspects of the state teacher recruitment program, including the Teacher Cadet Program and $166,302 which must be used for specific programs to recruit minority teachers: and shall distribute eight percent to South Carolina State University to be used only for the operation of a minority teacher recruitment program and therefore shall not be used for the operation of their established general education programs. Working with districts with an absolute rating of At-Risk or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA will report annually by October first to the Education Oversight Committee and the Department of Education on the success of the recruitment and retention efforts in these schools. The South Carolina Commission on Higher Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The South Carolina State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees, the State Board of Education and the Education Oversight Committee by October first annually, in a format agreed upon by the Education Oversight Committee and the Department of Education. With the funds appropriated CERRA shall also appoint and maintain the South Carolina Teacher Loan Advisory Committee. The Committee shall be composed of one member representing each of the following: (1) Commission on Higher Education; (2) State Board of Education; (3) Education Oversight Committee; (4) Center for Educator Recruitment, Retention, and Advancement; (5) South Carolina Student Loan Corporation; (6) South Carolina Association of Student Financial Aid Administrators; (7) a local school district human resources officer; (8) a public higher education institution with an approved teacher education program; and (9) a private higher education institution with an approved teacher education program. The members of the committee representing the public and private higher education institutions shall rotate among those intuitions and shall serve a two-year term on the committee. The committee must be staffed by CERRA, and shall meet at least twice annually. The committee's responsibilities are limited to: (1) establishing goals for the Teacher Loan Program; (2) facilitating communication among the cooperating agencies; (3) advocating for program participants; and (4) recommending policies and procedures necessary to promote and maintain the program.	N	N		
102	1A.7	State	Proviso	(SDE-EIA: Disbursements/Other Entities) Notwithstanding the provisions of Sections 2-7-66 and 11-3-50, South Carolina Code of Laws, it is the intent of the General Assembly that funds appropriated in Part IA, Section 1, VIII.E. 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 Education Oversight Committee and School Technology, which shall receive their full appropriation at the start of the fiscal year from available revenue. The Comptroller General's Office is authorized to make necessary appropriation reductions in Part IA, Section 1, VIII.E. to prevent duplicate appropriations. If the Education Improvement Act appropriations in the agency and entity respective sections of the General Appropriations Act at the start of the fiscal year do not agree with the appropriations in Part IA, Section 1, VIII.E. Other State Agencies and Entities, the "other funds" appropriations in the respective agency and entity sections of the General Appropriations Act will be adjusted by the Comptroller General's Office to conform to the appropriations in Part IA, Section 1, VIII.E. Other State Agencies and Entities. Further, the Department of Revenue is directed to provide the full appropriation of the funding appropriated in Part IA, Section 1, VIII.C.2. Teacher Supplies to the Department of Education at the start of the fiscal year from available revenue. The Department of Revenue is also directed to provide the first quarter appropriation of the funding appropriated in Part IA, Section 1, VIII.G. Charter School District to the Department of Education at the start of the fiscal year from available revenue	N	N		
103	1A.8	State	Proviso	(SDE-EIA: Arts in Education) Funds appropriated in Part IA, Section 1, VIII.A.1. Arts Curricula shall be used to support innovative practices in arts education curriculum, instruction, and assessment in the visual and performing arts including dance, music, theatre, and visual arts which incorporates strengths from the Arts in Education sites. They shall also be used to support the advancement of the implementation of the visual and performing arts academic standards. These funds shall be distributed to schools and school districts under a competitive grants program; however, up to thirty-three percent of the total amount of the grant fund shall be made available as "Aid to Other Agencies" to facilitate the funding of professional development arts institutes that have been approved by the State Department of Education for South Carolina arts teachers, appropriate classroom teachers, and administrators. Arts Curricular Grants funds may be retained and carried forward into the current fiscal year to be expended in accordance with the proposed award.	Y	Y	Distribute funding to another entity	

104	1A.9	State	Proviso	(SDE-EIA: Teacher Supplies) All certified and non-certified public school teachers identified in PCS, certified special school classroom teachers, certified media specialists, certified guidance counselors, and career specialists who are employed by a school district, a charter school, or lead teachers employed in a publically funded full day 4K classroom approved by the South Carolina First Steps to School Readiness, as of November thirtieth of the current fiscal year, based on the public decision of the school board may receive reimbursement of two hundred seventy-five dollars each school year to offset expenses incurred by them for teaching supplies and materials. Funds shall be disbursed by the department to School districts by July fifteenth based on the last reconciled Professional Certified Staff (PCS) listing from the previous year. With remaining funds for this program, any deviation in the PCS and actual teacher count will be reconciled by December thirty-first or as soon as practicable thereafter. Based on the public decision of the school district and no later than May 15 annually, the district shall notify all individuals entitled to receive these funds the manner in which the funds will be dispersed. Funds may be disbursed to each teacher via check in a manner separate and distinct from their payroll check on the first day teachers, by contract, are required to be in attendance at school for the current contract year, or the funds may be disbursed to each teacher via direct deposit as long as the funds are handled in a manner to be separate and distinct from their payroll check. This reimbursement shall not be considered by the state as taxable income. Special schools include the Governor's School for Science and Math, the Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and Palmetto Unified School District. Funds distributed to school districts or allocated to schools must not supplant existing supply money paid to teachers from other sources. If a school district requires receipts for tax purposes the receipts may not be required before December thirty-first. Districts that do not wish to require receipts may have teachers retain the receipts and certify for the district they have received the allocation for purchase of teaching supplies and/or materials and that they have purchased or will purchase supplies and/or materials during the fiscal year for the amount of the allocation. Districts shall not have an audit exception related to non-retention of receipts in any instances where a similar instrument is utilized. Any district requiring receipts must notify any teacher from whom receipts have not been submitted between November twenty-fifth and December sixth that receipts must be submitted to the district. Districts may not add any additional requirement not listed herein related to this reimbursement. Any classroom teacher, including a classroom teacher at a South Carolina private school, that is not eligible for the reimbursement allowed by this provision, may claim a refundable income tax credit on the teacher's 2017 tax return, provided that the return or any amended return claiming the credit is filed prior to the end of the fiscal year. The credit is equal to two hundred seventy-five dollars, or the amount the teacher expends on teacher supplies and materials, whichever is less. If any expenditures eligible for a credit are made after December thirty-first, the teacher may include the expenditures on his initial return or may file an amended 2017 return claiming the credit, so long as the return or amended return is filed in this fiscal year. The Department of Revenue may require whatever proof it deems necessary to implement the credit provided by this part of this provision. Any person receiving the reimbursement provided by this proviso is ineligible to take the income tax credit allowed by this proviso	Y	N		
105	1A.10	State	Proviso	(SDE-EIA: Teacher of the Year Awards) 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. To be eligible, districts must participate in the State Teacher of the Year Program sponsored by the State Department of Education. These awards shall not be subject to South Carolina income taxes.	Y	N		
106	1A.11	State	Proviso	(SDE-EIA: EOC) The Education Oversight Committee 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 from 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.12	State	Proviso	(SDE-EIA: Technical Assistance) In order to best meet the needs of underperforming schools, funds appropriated for technical assistance must be used to provide intensive support to schools and districts with an absolute rating of below average or at-risk on the most recent annual school report card or with the lowest percentages of students meeting state standards on state assessments on the most recent state assessments or with the lowest high school graduation rates. The department will create a system of tiers of technical assistance for low-performing schools and districts that will receive technical assistance. The tiers will be determined by factors that include, but are not limited to, length of time performance of the school or district has been at-risk/below average, annual achievement ratings, annual growth ratings, school or district accreditation, and/or financial risk status. The tiers of technical assistance may include a per student allocation, placement of a principal mentor, transformation coach, instructional leader, replacement of the principal, reconstitution of a school, and declaration of a state of emergency. Low-performing schools and districts shall be placed within the tiered technical assistance framework not later than December fifteenth. Low-performing schools shall receive a diagnostic review through the department. In addition, newly identified low-performing schools and districts must be reviewed by an External Review Team in the year of designation, and every third year thereafter. These reports shall be made available on the Department of Education's website; any information pertaining to personnel matters or containing personally identifiable information shall be exempted. Based upon the recommendations in the review(s), low-performing schools and districts must develop and submit to the Department of Education an updated school renewal or district strategic plan outlining goals for improvements. The amended plans must address specific strategies designed to increase student achievement and must include measures to evaluate the success of implementation of the plan. With the funds appropriated to the Department of Education, and any experts placed in the school or district for technical assistance services, the department will assist low-performing schools and districts in designing and implementing the strategies and measurement identified in the amended plans and in brokering for technical assistance personnel as stipulated in the plan. In addition, the department must monitor student academic achievement and progress on implementation and report their findings to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, the Chairman of the House Education and Public Works Committee, the local legislative delegation, and the Governor in the fall following the school or district designation as low-performing. If the school or school district does not provide the evaluation information necessary to determine effective use, the principal of the school or the district superintendent may be subject to receiving a public reprimand by the State Board of Education if it is determined that those individuals are responsible for the failure to provide the required information. Funds must be used by the department for implementation and delivery of technical assistance services. Using previous report card data and monitoring reports on the status of implementation of the school renewal plan, the department shall identify priority schools. Funds appropriated for technical assistance shall be used by the department to work with those schools identified as low-performing and to support priority schools	Y	Y	Other service or product our agency must/may provide	Technical Assistance to underperforming schools
108	1A.13	State	Proviso	(SDE-EIA: Proviso Allocations) In the event an official EIA revenue shortfall is declared by the Board of Economic Advisors, the Department of Education may reduce any allocation in Section 1A specifically designated by proviso in accordance with the lower Board of Economic Advisors revenue estimate as directed by the Executive Budget Office. No allocation for teacher salaries shall be reduced as a result of this proviso.	Y	N		
109	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.15	State	Proviso	(SDE-EIA: Teacher Salary Supplement) The department 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. Any unexpended funds in teacher salary supplement may be used to fund shortfalls in the associated employer contribution funding in the current fiscal year.	Y	N		
111	1A.16	State	Proviso	(SDE-EIA: Dropout Prevention and High Schools That Work Programs) The Department of Education must report annually by December first, to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public Works Committee 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. The department, school districts, and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal that were allocated for High Schools That Work.	Y	Y	Report our agency must/may provide	
112	1A.17	State	Proviso	(SDE-EIA: Assessment) The department is authorized to carry forward into the current fiscal year, prior year state assessment funds for the same purpose. Reimbursements shall resume in the current fiscal year for PSAT, pre-ACT or 10th grade Aspire.	N	N		
113	1A.18	State	Proviso	(SDE-EIA: Report Card Information) The percentage each school district expended on classroom instruction as defined by the Department of Education's In$ite classification for "Instruction" must be printed on the Annual School and District Report Card.	N	N		
114	1A.19	State	Proviso	(SDE-EIA: Core Curriculum Materials) The funds appropriated in Part IA, Section 1, VIII.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. Furthermore, the evaluation criteria used to select instructional materials with funds appropriated in Part IA, Section 1, VIII.A.3 shall include a weight of up to ten percent of the overall criteria to the development of higher order thinking skills and critical thinking.	N	N		
115	1A.20	State	Proviso	(SDE-EIA: Certified Staff Technology Proficiency) To ensure the effective and efficient use of the funding provided by the General Assembly in Part IA, Section 1 VIII.D. for school technology in the classroom and internet access, the State Department of Education shall approve district technology plans that specifically address and incorporate certified staff technology competency standards and local school districts must require certified staff to demonstrate proficiency in these standards as part of each certified staff's Professional Development plan. District adopted technology proficiency standards and plans should be, at minimum, 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.21	State	Proviso	(SDE-EIA: Accountability Program Implementation) To support implementation of the accountability program, the Education Oversight Committee may carry forward unexpended Education Accountability Act funds authorized specifically for the administration of the Education Oversight Committee. For the current fiscal year the Education Oversight Committee may carry forward prior year EIA South Carolina Community Block Grants for Education Pilot Program funds not awarded by the grant committee. These funds must be used for an independent common evaluation of each awarded grant to ensure high quality programs that maximize a return on the state's investment.	N	N		
117	1A.22	State	Proviso	(SDE-EIA: 4K Targeting) 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. Children with developmental delays documented through state approved screening assessments or children with medically documented disabilities who do not already qualify for special need services should also be considered for enrollment. In the event that more students seek to enroll than available space permits, districts shall prioritize students (at the time of acceptance) on the basis of family income expressed as a percentage of the federal poverty guidelines, with the lowest family incomes given the highest enrollment priority.	Y	N		
118	1A.23	State	Proviso	(SDE-EIA: Reading) Of the funds appropriated for reading/literacy, the Department of Education, schools, and districts shall ensure that resources are utilized to improve student achievement in reading/literacy. To focus on the importance of early reading and writing skills and to ensure that all students acquire reading/literacy skills by the end of grade three, fifty percent of the appropriation shall be directed toward acquisition of reading proficiency to include, but not be limited to, strategies in phonemic awareness, phonics, fluency, vocabulary, and comprehension. Forty percent of the appropriation shall be directed toward classroom instruction and intervention to focus on struggling readers and writers in grades four through eight. Ten percent of the appropriation should be directed toward acceleration to provide additional opportunities for deepening and refinement of literacy skills.	Y	Y	Distribute funding to another entity	
119	1A.24	State	Proviso	Fifty percent of the funds shall be allocated to school districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the one hundred thirty-five day count of the prior school year. Fifty percent of the funds shall be allocated to the Department of Education to provide districts with research-based strategies and professional development and to work directly with schools and districts to assist with implementation of research-based strategies. When providing professional development the department and school districts must use the most cost effective method and when able utilize ETV to provide such services throughout the state. The department shall provide for an evaluation to review first year implementation activities and to establish measurements for monitoring impact on student achievement.	Y	Y	Distribute funding to another entity	
120	1A.25	State	Proviso	(SDE-EIA: Professional Development) 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 weighted pupil units in each school district in proportion to the statewide weighted pupil units using the one hundred thirty-five day count of the prior school year. The funds must be expended on professional development for certificated instructional and instructional leadership personnel in grades kindergarten through twelve across all content areas, including teaching in and through the arts and using technology in classroom instruction. No more than twenty-five percent of the funds appropriated for professional development may be retained by the Department of Education for the administration and provision of other professional development services which must be targeted to districts who are or were the original trial and plaintiff school districts in the Abbeville law suit to increase the capacity of educators and leaders in those districts. The Department of Education must provide professional development on assessing student mastery of the content standards through classroom, formative and end-of-year assessments. The Department of Education also must post on the agency's website the South Carolina Professional Development Standards and provide training through telecommunication methods to school leadership on the professional development standards. The department is authorized to carry forward and expend professional development funds for the same purpose.	Y	Y	Distribute funding to another entity	
121	1A.26	State	Proviso	(SDE-EIA: Assessments-Gifted & Talented, Advanced Placement, & International Baccalaureate Exams) Funds appropriated and/or authorized for assessment 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.27	State	Proviso	(SDE-EIA: Adult Education) A minimum of thirty percent of the funds appropriated for adult education must be allocated to school districts to serve adult education students between the ages of seventeen and twenty-one who are enrolled in programs leading to a state high school diploma, state high school equivalency diploma (GED), or career readiness certificate (WorkKeys). The remaining funds will be allocated to districts based on a formula which includes factors such as target populations without a high school credential, program enrollment the previous school year, number of students making an educational gain the previous school year, and performance factors such as number of high school credentials and career readiness certificates awarded the previous school year. Overall levels of state funding must meet the federal requirement of state maintenance of effort. 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 Department of Education and must include the unique student identifier. The department, in turn, will provide summary information to the House Ways and Means Committee, the House Education and Public Works Committee, the Senate Finance Committee and the Senate Education Committee on the information. Up to a maximum of $300,000, of funds may be used to establish an initiative by which qualifying adult education students may qualify for a free high school equivalency test. The Department of Education shall establish guidelines for the free high school equivalency testing initiative.	Y	Y	Distribute funding to another entity	
123	1A.28	State	Proviso	(SDE-EIA: Clemson Agriculture Education Teachers) The funds appropriated in Part IA, Section VIII.E. 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 attributable to summer employment. If sufficient funds remain, Clemson University PSA may utilize such funds for a Regional Coordinator.	N	N		
124	1A.29	State	Proviso	DELETED	N	N		
125	1A.30	State	Proviso	(SDE-EIA: Full-Day 4K) Eligible students residing in a school district that met the poverty level for participation in the prior school year are eligible to participate in the South Carolina Early Reading Development and Education Program in the current school year. Public and private providers shall be funded for instructional costs at a rate of $4,422 per student enrolled. Eligible students enrolling during the school year or withdrawing during the school year shall be funded on a pro rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall also be eligible for a reimbursement of $563 per eligible child transported. All providers who are reimbursed are required to retain records as required by their fiscal agent. New providers participating for the first time in the current fiscal year and enrolling between one and six eligible children shall be eligible to receive up to $1,000 per child in materials and equipment funding, with providers enrolling seven or more such children eligible for funding not to exceed $10,000. Providers receiving equipment funding are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to 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. The Department of Education shall only provide funding for public school students whose complete records have been entered into PowerSchool and end of year adjustments shall be based on the one hundred and thirty-five day student average daily membership. Annually, the Department of Education is directed to audit the annual allocations to public providers to ensure that allocations are accurate and aligned to the appropriate pro rata per student allocation, materials, and equipment funding. In the event the department, during the audit process determines that the annual allocations of the prior fiscal year are not accurate, the department must adjust the allocations for the current fiscal year to account for the audit findings. The department must provide the results of the annual audit findings to the General Assembly no later than December 1. Likewise, in the event the Office of First Steps determines that the annual allocations of the prior fiscal year to private providers are not accurate, the Office of First Steps must adjust the allocations for the current fiscal year to account for the findings. Of the funds appropriated, $300,000 shall be allocated to the Education Oversight Committee to conduct an annual evaluation of the South Carolina Child Development Education Pilot Program and to issue findings in a report to the General Assembly by January fifteenth of each year. To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both public and private providers are required to submit the necessary data as a condition of continued participation in and funding of the program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of Education shall issue a unique student identifier for each child receiving services from a private provider. The Department of Education shall be responsible for the collection and maintenance of data on the public state funded full day and half-day four-year-old kindergarten programs. The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee shall use this data and all other collected and maintained data necessary to conduct a research based review of the program's implementation and assessment of	Y	Y	Distribute funding to another entity	
126	1A.31	State	Proviso	(SDE-EIA: Aid to Districts) Funds appropriated in Part IA, Section 1, VIII.A.1. Aid to Districts shall be dispersed to school districts based on the number of weighted pupil units	Y	N		
	1A.32	State	Proviso	(SDE-EIA: Centers of Excellence) Of the funds appropriated for Centers of Excellence, $350,000 must be allocated to the Francis Marion University Center of Excellence to Prepare Teachers of Children of Poverty to expand statewide training for individuals who teach children of poverty through weekend college, nontraditional or alternative learning opportunities.	N	N		
127	1A.33	State	Proviso	(SDE-EIA: IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section VIII.A.1. Aid to Districts according to Proviso 1A.31 for the current fiscal year, in the event that there is a reduction in state funds or there are changes in the Education Finance Act/Base Student Cost formula that would reduce support for children with disabilities, the Department of Education is authorized to utilize funds appropriated in Section VIII.A.1. Aid to Districts to ensure maintenance of state financial support for the IDEA. The department shall distribute these funds using the current fiscal year one hundred thirty-five day Average Daily Membership or as directed by the United States Department of Education. Funds provided for these purposes may not be transferred to any other purpose and therefore are not subject to flexibility. For continued compliance with the federal maintenance of state financial support requirements of the IDEA, funding for children with disabilities must, to the extent practicable, be held harmless to budget cuts or reductions to the extent those funds are required to meet federal maintenance of state financial support requirements under the IDEA. In the event cuts to funds that are needed to maintain fiscal effort are necessary, when administering such cuts, the department must not reduce funding to support children with disabilities who qualify for services under the IDEA in a manner that is disproportionate to the level of overall reduction to state programs in general. By December 1, the department must submit an estimate of the IDEA maintenance of state financial support requirement to the General Assembly and the Governor. For the current fiscal year, the department may carry forward IDEA Maintenance of Effort funds from the prior fiscal year and expend them in the same manner.	Y	Y	Report our agency must/may provide	
128	1A.34	State	Proviso	(SDE-EIA: Career Cluster Industry Partnerships) From the funds appropriated to the Department of Education, $800,000 must be provided as direct grants to the private sector statewide trade association or educational foundation providing nationally certified programs in career and technology education representing the automotive, construction, engineering, healthcare, mechanical contracting/construction, and hospitality tourism career clusters. Organizations applying for a grant must do so by July thirty-first and the Department of Education must award a minimum of one grant of at least $150,000 in at least four of these specified career clusters to be used exclusively for career and technology education. The recipient industry organization must conduct end-of-course exams graded by a national industry organization and must include in their grant request how the money will be spent in direct support of students to further industry-specific career technology education; a description and history of their program nationally and within South Carolina; estimates of future employment growth in their industry; and the national scope of their program. By August first of the following year, the organization must submit to the department a report detailing how the grant increased industry/employer awareness; the number of increased schools using the industry-based curriculum and partnered with the industry organization; the increased number of students in the program; and an overview and analysis of the organization's statewide student competition. The grant must be used for career awareness programs for that industry cluster; statewide student competitions leading to national competitions; teacher development and training; post-secondary scholarships in industry-specific degree programs; student recruitment into that career cluster programs; programs to educate middle and high school Career or Guidance Counselors about the industry; service to disadvantaged youth; and administering business/employer awareness and partnerships which help lead to experience-based, career-oriented experiences including internships, apprenticeships, mentoring, co-op education and service learning. The Office of Career and Technology Education of the department 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. These funds may not be used to supplant or replace, in whole or in part, other existing resources/assets sourced outside the present grant being used to provide the same services or programs. Organizations may carry-over grants for up to three years when a large project is identified in the grant application to be used at a future date; otherwise excess funds must be returned to the state. Organizations awarded must submit a semi-annual programmatic and financial report on the last day of December in addition to the final report due August first that has been audited by a third party accounting firm.	Y	Y	Report our agency must/may provide	
129	1A.35	State	Proviso	(SDE-EIA: Partnerships/Other Agencies & Entities) For the current fiscal year, agencies and other entities receiving funds appropriated in Part IA, Section 1, VIII.E. will continue to report annually to the Education Oversight Committee (EOC). Any entity receiving funds that must flow through a state agency will receive those funds through the EOC. The EOC will make funding recommendations to the Governor and General Assembly as part of the agency's annual budget request.	N	N		
131	1A.36	State	Proviso	(SDE-EIA: ETV Teacher Training/Support) Of the funds appropriated in Part IA, Section 1, VIII.E. South Carolina Educational Television must provide training and technical support on the educational resources available to teachers and school districts.	N	N		
132	1A.37	State	Proviso	(SDE-EIA: Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers' salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school year the Southeastern average teacher salary is projected to be $51,966. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary. The statewide minimum teacher salary schedule used in Fiscal Year 2016-17 will continue to be used in Fiscal Year 2017-18. 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 no less than one year of experience credit using the district salary schedule utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible certified teachers. Funds appropriated in Part IA, Section 1, VIII.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50(4)(b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state. For purposes of this provision teachers shall be defined by the Department of Education using the Professional Certified Staff (PCS) System.	Y	Y	Distribute funding to another entity	
133	1A.38	State	Proviso	(SDE-EIA: PowerSchool Dropout Recovery Data) With the funds appropriated to the Department of Education for PowerSchool and data collection, the department 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. The Education Oversight Committee working with the Department of Education will determine how to calculate a dropout recovery rate that will be reflected on the annual school and district report cards.	Y	N		
134	1A.39	State	Proviso	(SDE-EIA: Assisting, Developing and Evaluating Professional Teaching -ADEPT) With funds appropriated in the current fiscal year, the Department of Education, school districts, the Department of Juvenile Justice and special schools of the state may continue implementation of the ADEPT program. Governing boards of public institutions of higher education may provide by policy or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public school teachers who serve as supervisors for full-time students completing education degree requirements. 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	Other service or product our agency must/may provide	Implementation of ADEPT
135	1A.40	State	Proviso	*DELETED*	N	N		
136	1A.41	State	Proviso	(SDE-EIA: Educational Partnerships) 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. These initiatives will include, but are not limited to, professional development in writing, geography and other content areas; training; research; advocacy; and practical consultancy. The Center will establish collaborative educational enterprises with schools, school districts, parents, communities, and businesses while fulfilling the responsibilities of the School Improvement Council Assistance. The Center will focus on connecting the educational needs and goals of communities to improve efficiency and effectiveness.				
137	1A.42	State	Proviso	(SDE-EIA: STEM Centers SC) 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		

138	1A.43	State	Proviso	*(SDE-EIA: EOC Partnerships for Innovation) Of the funds appropriated or 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. The Education Oversight Committee may provide financial support to districts and to public-private partnerships for planning and support to implement, sustain and evaluate the innovation and to develop a matrix and measurements of student academic success based on evidence-based models. These funds may also be used to support the innovative delivery of science, technology, and genetic education and exposure to career opportunities in science, including mobile science laboratory programs, to students enrolled in the Abbeville equity school districts and students in high poverty schools. These funds may also focus on creating public-private literacy partnerships utilizing a 2:1 matching funds provision when the initiative employs research-based methods, has demonstrated success in increasing reading proficiency of struggling readers, and works directly with high poverty schools and districts. The committee will work to expand the engagement of stakeholders including state agencies and boards like the Educational Television Commission, businesses, and higher education institutions. The committee shall annually report to the General Assembly on the measurement results.* *The Education Oversight Committee and the Department of Education shall recommend to the Senate Finance Committee and to the House Ways and Means Committee a plan to develop and implement a strategic grants process for reviewing, awarding, and monitoring innovative education strategies in schools and districts. The plan would identify the process and priority areas for funding that address the educational needs of the state. The plan must be submitted by January 15, 2018.* 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	Y	Report our agency must/may provide	
139	1A.44	State	Proviso	(SDE-EIA: Aid to Districts Draw Down) For the current fiscal year, in order to draw down funds appropriated in Part IA, Section 1, VIII.A.1, Aid to Districts, school districts, Palmetto Unified District and the Department of Juvenile Justice must work with local law enforcement agencies, and when necessary, state law enforcement agencies in order to ensure that the district has an updated school safety plan in place. The safety plan must include safety directives in the classroom, a safe student and staff exit strategy and necessary safety staff. Notice of completion of the updated plan must be submitted to the Department of Education no later than September first, of the current fiscal year. The department must report to the Chairman of the House Ways and Means Committee, the Chairman of the House Education and Public Works Committee, the Chairman of the Senate Finance Committee and the Chairman of the Senate Education Committee by September thirtieth, of the current fiscal year, on any districts that failed to submit an updated plan.	N	Y	Report our agency must/may provide	
140	1A.45	State	Proviso	(SDE-EIA: Education and Economic Development Act Carry Forward) 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 department, school districts, and special schools	N	N		
141	1A.46	State	Proviso	(SDE-EIA: EEDA Regional Education Centers) Funds appropriated from the EEDA for Regional Education Centers must not be less than $108,500.	N	Y	Distribute funding to another entity	
142	1A.47	State	Proviso	(SDE-EIA: Teach for America SC) Because Teach For America SC receives EIA funds in the current fiscal year, school districts that partner with Teach For America SC are required to provide to Teach For America SC by September first annually, information on the prior year's academic achievement of students who were directly taught by Teach For America corps members. The information must be in a format that protects the identity of individual students and must include state assessment data as appropriate.	N	N		
143	1A.48	State	Proviso	(SDE-EIA: EOC South Carolina Autism Society) Of the funds appropriated in Section 1A, VIII.E. Partnerships, Education Oversight Committee (A83), $500,000 must be transferred in quarterly installments from the Education Oversight Committee to the South Carolina Autism Society for the Autism	N	N		
144	1A.49	State	Proviso	(SDE-EIA: CHE/CERRA) The Center for Educator Recruitment, Retention and Advancement (CERRA) must complete periodic evaluations of the institutions currently hosting a Teaching 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 forth by the CERRA Board of Directors. Further, CERRA will continue implementing a long-range plan for approving additional TF programs at other public, four-year institutions who wish to be considered to host a TF program, provided the proposed programs meet the requirements set forth by the CERRA Board of Directors. CERRA will publish TF program criteria and requirements prominently on its website. Any institution who applies but is not selected to host a TF program will be informed in writing of the basis for the selection decision and be offered technical support if the institution elects to reapply. Any institution that applies but is not selected to host a TF program may appeal to the Commission on Higher Education.	N	N		
145	1A.50	State	Proviso	(SDE-EIA: Surplus) For Fiscal Year 2017-18, EIA cash funds from the prior fiscal year and EIA funds not otherwise appropriated or authorized must be carried forward and expended on the following items in the order listed: 1. Computer Science Task Force - $400,000; 2. EOC-Partnerships - $6,281,500; 3. Industry Certification - $3,000,000; 4. SDE-School Districts Capital Improvement Plan - $55,828,859; 5. SDE-Technical Assistance - $1,308,500; and 6. SDE-K-12 Funding Gap - $450,000. The Department of Education shall disburse the funds for the K-12 Funding Gap proportionately to school districts that, in the current fiscal year, are cumulatively appropriated and allocated at least eight percent less state funds than the school district was appropriated and allocated in Fiscal Year 2016-17. For purposes of this proviso, state funds includes Education Improvement Act funds. Further, the amounts appropriated and allocated in Part IA and Sections 1 and 1A of this Part IB, shall be considered for purposes of determining whether a school district received less state funds.	N	Y	Distribute funding to another entity	
146	1A.51	State	Proviso	(SDE-EIA: Public Charter Pupil Counts) With funds appropriated to the South Carolina Public Charter School District, 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 Average Daily Membership and Weighted Pupil Unit membership. The South Carolina Public Charter School District shall then provide the data for each charter school to the Department of Education. Quarterly, the department will submit the information to the House Ways and Means Committee, the House Education and Public Works Committee, the Senate Finance Committee and the Senate Education Committee. The South Carolina Public Charter School District must also require each virtual charter school to collect the following information: (1) the reason or reasons why each student enrolled in the virtual charter school district from both the parent(s) and the referring school district; and (2) the reason or reasons why a student withdrew from the virtual charter school district. This data must be provided to the Department of Education quarterly and must include the unique student identifier. The department, in turn, will provide summary information to the House Ways and Means Committee, the House Education and Public Works Committee, the Senate Finance Committee and the Senate Education Committee on the enrollment and withdrawal information.	N	N		
147	1A.52	State	Proviso	(SDE-EIA: South Carolina Public Charter School District Funding) The funds appropriated in Part IA, Section VIII.G. - South Carolina Public Charter School District must be allocated in the following manner to students at charter schools within the South Carolina Public Charter School District: Pupils enrolled in virtual charter schools sponsored by the South Carolina Public Charter School District 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 shall receive $3,600 per weighted pupil. 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. For Fiscal Year 2017-18, the timelines set forth for ruling on charter school applications are extended for sixty calendar days for all applications submitted to the South Carolina Public Charter School District if the district determines that an applicant should be permitted to amend its application to meet the requirements of Section 59-40-60 and Section 59-40-70, of the 1976 Code, based on an applicant's proposal to address an existing achievement gap utilizing an evidence-based educational program in an underserved geographical area of the state including, but not limited to, charter schools proposed to be located in any school district that is a plaintiff in the Abbeville law suit. The South Carolina Public Charter School District shall report to the Senate Finance Committee and the House Ways and Means Committee on the outcomes of this extended time for a hearing at the end of the application cycle.	Y	Y	Distribute funding to another entity	
148	1A.53	State	Proviso	(SDE-EIA: Low Achieving Schools) Of the funds appropriated to the Education Oversight Committee for Partnerships for Innovation, $500,000 must be allocated to support up to three 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. The committee will assist the schools in determining the evidence that will be collected to measure the effectiveness of the initiative and in identifying resources to support the initiative and in collaborating with TransformSC	N	N		
149	1A.54	State	Proviso	(SDE-EIA: TransformSC) 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		
150	1A.55	State	Proviso	(SDE-EIA: CDEPP Student Information and Reporting) For the current fiscal year, the Department of Education and the Office of First Steps to School 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 of such to the House Ways and Means Committee, the House Education Committee, the Senate Finance Committee, the Senate Education Committee and the Education Oversight Committee by November first. The Department of Education 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 thirtieth.	N	Y	Report our agency must/may provide	
151	1a.56	State	Proviso	DELETED				
152	1A.57	State	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.project.	Y	y	Distribute funding to another entity	
153	1A.58	State	Proviso	DELETED				
154	1A.59	State	Proviso	(SDE-EIA: Rural Teacher Recruiting Incentive) (A) There is created a program within the South Carolina Center for Educator Recruitment, Retention, and Advancement (CERRA) to recruit and retain classroom educators in rural and underserved districts experiencing excessive turnover of classroom teachers on an annual basis. (B) During the current fiscal year CERRA shall publish eligibility requirements and applications for individual educators, school districts, and institutions of higher education not inconsistent with existing licensure requirements for each, but also including: (1) Eligible districts identified by CERRA as experiencing greater than eleven percent average annual teacher turnover, as reported on the districts' five most recent district report cards issued by the South Carolina Department of Education, may make application to participate in the program. (2) Individuals eligible for incentives shall be willing to provide instructional services in an eligible district in exchange for participation in an incentive detailed in item (C) of this section, pursuant to the obligations and restrictions stated for each. (3) Institutions of higher education eligible to receive education funding as a component of recruiting incentives created pursuant to item (C) of this section shall not be excluded from participation in Teaching Fellows Program. (4) Any incentives requiring individuals to relocate into an eligible district to provide instructional services shall not be made available to individuals providing instructional services in other eligible districts. (C) Pursuant to item (A), CERRA shall develop a set of incentives including, but not limited to, salary supplements, education subsidies, loan forgiveness, professional development, and mentorship to be provided to classroom educators that offer instructional services in eligible districts and shall provide incentive options for eligible individuals at all stages of their careers, including high-school and college or university students interested in entering the teaching profession and including individuals entering the field through an alternative certification pathway to include, but not limited to, PACE, ABCTE, Teach for American and CATE Work-Based Certification. At a minimum, the incentives shall include: (1) South Carolina Teachers Loan forgiveness at a rate of one year for every two years of service as a teacher in an eligible district, unless otherwise eligible for a greater forgiveness rate under the guidelines of the South Carolina Teachers Loan Program. (2) Development of a program for forgiveness of undergraduate student loans, not to exceed $5,000 per year, for up to 7 years, for teachers participating in this incentive that achieve certification through an alternative pathway or who have a loan from an institution other than the South Carolina Student Loan Corporation or program other than the South Carolina Teachers Loan Program. (3) Development of a forgivable loan program for individuals pursuing graduate coursework in furtherance of a teaching career, including enrollment in graduate-level coursework necessary to seek additional credentialing or certification relevant to the participant's teaching practice, or individuals seeking an alternative pathway to certification as a teacher	N	N		
155	1A.60		Proviso	(SDE-EIA: Project Read) Of the funds appropriated in Section 1A. VIII.A.3. for Reading, $500,000 must be used for teacher in-service training and professional development related to Project Read. The department may set accountability guidelines to ensure that funds are spent in accordance with the proviso.	Y	Y	Distribute funding to another entity	

156	1A.61		Proviso	(SDE-EIA: Reading/Literacy Coaches) (A) Funds appropriated for Reading/Literacy Coaches must be allocated to school districts by the Department of Education as follows: (1) for each elementary school in which twenty percent or more of the students scored below "meets expectations" on the reading sub score of the English language arts test in the most recent year for which such data are available, the school district shall be eligible to receive the lesser of up to $62,730 or the actual cost of salary and benefits for a full-time reading/literacy coach; and (2) for each elementary school in which fewer than twenty percent of the students scored as referenced in (A)(1), the school district shall be eligible to receive the lesser of up to $31,365 or fifty percent of the actual cost of salary and benefits for a full-time reading/literacy 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. (B) By accepting these funds, a school district warrants that they will not be used to supplant existing school district expenditures, except for districts that either are currently, or in the prior fiscal year, were paying for reading/literacy coaches with local funds. A district may, however, assign a reading/literacy coach to a primary school rather than to the elementary school to improve the early literacy skills of young children. (C) Funds appropriated for reading/literacy Coaches are intended to be used to provide elementary schools with reading/literacy coaches who shall serve according to the provisions in Chapter 155 of Title 59. (D) Schools and districts accepting funding to support a coaching position agree that the reading/literacy coach must not serve as an administrator. If the department finds that school districts are using these funds for administrative costs as defined in statute they must withhold that districts remaining balance of funds allocated pursuant to this proviso. (E) The Department of Education must publish guidelines that define the minimum qualifications for a reading/literacy coach. These guidelines must deem any licensed/certified teacher qualified if, at a minimum, he or she: (1) holds a bachelor's degree or higher and an add-on endorsement for literacy coach or literacy specialist; or (2) holds a bachelor's degree or higher and is actively pursuing the literacy coach or literacy specialist endorsement; or (3) holds a master's degree or higher in reading or a closely-related field. Within these guidelines, the Department of Education must assist districts in identifying a reading/literacy coach in the event that the school is not successful in identifying and directly employing a qualified candidate. The provisions of subsection (A), including the local support requirements, shall also apply to any allocations made pursuant to this paragraph. (F) The Department of Education must develop procedures for monitoring the use of funds appropriated for reading/literacy coaches to ensure they are applied to their intended uses and are not redirected for other purposes. The Department of Education may receive up to $100,000 of the funds appropriated for reading/literacy coaches in order to implement this program, provided that this allocation does not exceed the department's	Y	Y	Report our agency must/may provide	
157	1A.62	State	Proviso	(SDE-EIA: Digital Instructional Materials) The Department of Education shall create an instructional materials list composed of those items (print and/or digital) that have received State Board of Education approval through the normal adoption process. The department shall continue to work with the publishers of instructional materials to ensure that districts who wish to receive both the digital version and class sets of textbooks may be awarded that option. Funds appropriated for the purchase of textbooks and other instructional materials may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted textbook inventory, purchasing new kits from the central textbook depository, or a combination of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs, equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs. Funds provided for Instructional Materials may be carried forward from the prior fiscal year into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools. These funds are not subject to flexibility. Digital Instructional Materials shall include the digital equivalent of materials and devices.	N	Y	Other service or product our agency must/may provide	Instructional materials list
158	DELETED - (1A.63)	State	Proviso	(SDE-EIA: 4K Early Literacy Competencies Assessments) Of the funds carried forward from the full-day 4K program from the previous fiscal year, the Department of Education is authorized to expend up to $800,000 on assessments and professional development to analyze the early literacy competencies of children in publicly funded prekindergarten. The department shall manage the administration of assessments that analyze the early literacy and language development of children in publicly funded prekindergarten as done in the prior fiscal year. Each school district and private provider participating in a publicly funded prekindergarten program will administer one of the formative assessments selected by the department to each child eligible for and enrolled in a publicly funded prekindergarten program during the first forty-five days of the school year and during the last forty-five days of the school year. Accommodations that do not invalidate the results of these assessments must be provided in the manner set forth by the student's Individualized Education Program or 504 Accommodations Plan. The department will provide the assessment data to the Education Oversight Committee. The results of the assessment and the developmental intervention strategies recommended or services needed to address the child's identified needs must also be provided, in writing, to the parent or guardian. The assessment may not be used to deny a student to admission to prekindergarten. Furthermore, up to $2,000,000 of the funds appropriated for half-day programs for four-year-olds and funds carried forward from assessment must be expended by the Department of Education to administer the Kindergarten Readiness Assessment (KRA) to each child entering kindergarten in the public schools. The assessment of kindergarten students must be administered at a minimum of once during the first forty-five days of the school year with the results collected by the department. The results of the assessments and the developmental intervention strategies recommended or services needed to address each child's identified needs must also be provided, in writing, to the parent or guardian. The assessment may not be used to deny a student admission to kindergarten. Accommodations that do not invalidate the results of these assessments must be provided in the manner set forth by the student's Individualized Education Program or 504 Accommodations Plan. Districts are given the option of designating up to two days of the one hundred eighty day school calendar to administer the assessment to kindergarten students. The department will also provide the results of the assessment of kindergarten students to the Education Oversight Committee. With available funds, the department will also provide or secure training for appropriate educators in how to administer the assessment. For all students assessed with the Kindergarten Readiness Assessment (KRA), the Department of Education is required to collect data from schools and school districts on the prior early learning experience of each student. The data would include whether the kindergartener had attended in the prior school year a Head Start program, a South Carolina Early Reading Development and Education Program in a public school or a private center, a half-day 4K program in a public school, a full-day 4K program in a public school, a child care center (registered faith-based, registered family home, group home, or exempt provider) or informal child care. 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	Other service or product our agency must/may provide	Assessment administration
159	1A.64	State	Proviso	(SDE-EIA: Teacher Supply Study) With funds appropriated to the Center for Educator Recruitment, Retention, and Advancement (CERRA), in concert with the Commission on Higher Education, the Department of Education, and the Education Oversight Committee, CERRA shall initiate and conduct a study to identify and project the number of additional teachers needed annually in public school classrooms for grades K5 through 12, for school years beginning 2017 through 2027. The purpose of the study shall be to: (1) provide specific data and projections on the number of teachers expected to be needed as compared to the number available, by Subject Areas Taught as indicated in CERRA's annual Supply and Demand Report, and with a focus on critical need subject areas; (2) determine whether, individually and collectively, teaching programs at applicable institutions of higher learning in South Carolina have the capacity and infrastructure to fulfill projected needs in item (1); and (3) provide data for general use in estimating the fiscal impact of any new or revised programs being considered to incent more talented individuals to enter teacher training programs and more highly qualified teachers to remain in the profession for longer periods of time	N	N		
160	1A.65	State	Proviso	(SDE-EIA: CDEPP Unexpended Funds) For Fiscal Year 2017-18, the Office of First Steps to School Readiness is permitted to retain the first $1,000,000 of any unexpended CDEPP funds of the prior fiscal year and expend these funds to enhance the quality of the full-day 4K program in private centers and provide professional development opportunities. By August first, the Office of First Steps is directed to allocate any additional unexpended CDEPP funds from the prior fiscal year and any CDEPP funds carried forward from prior fiscal years that were transferred to the restricted account for the following purpose: Education Oversight Committee - $1,000,000 for the South Carolina Community Block Grants for Education Pilot Program. If carry forward funds are less than the amounts appropriated, funding for the items listed herein shall be reduced on a pro rata basis. If by August first, the Department of Education or the Office of First Steps determines there will be funds available, funds shall be allocated on a per pupil basis for districts eligible for participation first, who have a documented waiting list, then to districts to increase the length of the program to a maximum of eight and a half hours per day or two hundred and twenty days per year or to fund summer programs. If a district chooses to fund summer enrollment the program funding shall conform to the funding in this act for full year programs, however shall be reduced on a pro rata basis to conform with the length of the program. A summer program shall be no more than eight and a half hours per day and shall be not more than ten weeks in length. The per pupil allocation and classroom grant must conform with the appropriated amount contained in this Act and end of year adjustments shall be based on the one hundred and thirty five day student average daily membership or later student average daily membership for districts choosing to extend the program past one hundred and eighty days. Funds may also be used to provide professional development and quality evaluations of programs. No later than April 1, the Department of Education and the Office of First Steps must report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on the expenditure of these funds to include the following information: the amount of money used and specific steps and measures taken to enhance the quality of the 4K program and the amount of money used for professional development as well as the types of professional development offered and the number of participants.	Y	Y	Report our agency must/may provide	
161	1A.66	State	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	Other service or product our agency must/may provide	SDE must provide assistance to the district that are or were the Abbeville Plaintiff Districts
162	1A.67	State	Proviso	(SDE-EIA: Industry Certifications/Credentials) Of the funds appropriated for Industry Certifications/Credentials, $3,000,000 must be allocated to school districts based upon the number of national industry exams administered in the prior school year with each district receiving a base amount of $10,000. 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. Any additional funds appropriated must be allocated to school districts based upon the number of national industry exams/credentials earned in the prior school year, and districts must expend these funds to pay for the cost of industry exams or to support students in preparing for the exams in the current fiscal year.	Y	Y	Distribute funding to another entity	
163	1A.68	State	Proviso	(SDE-EIA: Career and Technology Education) Funds appropriated for Career and Technology Education 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, regional career specialists, and such evidence-based initiatives like High Schools that Work and Project Lead the Way. 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. In addition, $125,000 of the funds appropriated shall be allocated to the Palmetto Partners for Science and Technology for robotics competition, curriculum, and support.	Y	Y	Distribute funding to another entity	
164	1A.69	State	Proviso	(SDE-EIA: Digital Learning) Of the funds appropriated to the Education Oversight Committee for Partnerships for Innovation, $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.	N	N		
165	1A.70	State	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	Y	Y	Distribute funding to another entity	

166	1A.71	State	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 fifteenth of the current fiscal year, and quarterly reporting of expenditures thereafter; and a performance report submitted annually.	N	N		
167	1A. 72		Proviso	DELETED				
168	1A. 73		Proviso	DELETED				
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: EOC Military-Connected Children) Of the funds allocated for Partnerships for Innovation, the Education Oversight Committee is directed to expend $300,000 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		
171	1A. 76		Proviso	(SDE-EIA: STEM Labs) Of the funds allocated for Partnerships for Innovation, the Education Oversight Committee is directed to expend $300,000 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.	N	N		
172	1A. 77		Proviso	DELETED				
173	1A. 78		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.	N	N		
174	1A. 79		Proviso	DELETED				
175	1A. 80		Proviso	(SDE-EIA: National Board Certification Incentive) Public school classroom teachers, to include teachers employed at the special schools or classroom teachers who work with classroom teachers, to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 shall be paid a $7,500 salary supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governors School for Science and Math, Governors School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Department of Juvenile Justice and Palmetto Unified School District 1. The $7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the $7,500 supplement shall be adjusted on a pro rata basis for the teachers FTE and paid to the teacher in accordance with the districts payroll procedure. In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification. For the current fiscal year the salary supplement will be $5,000 for public school classroom teachers, to include teachers employed at the special schools or classroom teachers who work with classroom teachers, to include teachers employed at the special schools who are certified by the State Board of Education and who complete the application process on or after July 1, 2010, beginning in the year of achieving certification and applies uniformly to all teachers covered under Section 59-26-85(A)(2) of the 1976 Code. The special schools include the Governors School for Science and Math, Governors School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Department of Juvenile Justice and Palmetto Unified School District 1. The $5,000 salary supplement shall be added to the annual pay of the teacher, not to exceed the lesser of, the length of one national certificate cycle. However, the $5,000 supplement shall be adjusted on a pro rata basis for the teachers FTE and paid to the teacher in accordance with the districts payroll procedure. Fiscal Year 2017-18 shall be the final year for eligible teachers to submit the initial application and fee for NBPTS and be eligible to receive the state supplement upon achieving certification. Appropriations in excess of applicable expenditures shall be distributed to school districts based on the EFA formula.	Y	Y	Distribute funding to another entity	
176	1A. 81		Proviso	(SDE-EIA: Revolving Student Loan Program Transfer) The State Treasurer shall transfer $16,000,000 from the EIA Revolving Student Loan Program, Fund 41L1, to the Department of Education. The department shall utilize these funds for the School Districts Capital Improvement Plan as set forth in this act.	Y	Y	Distribute funding to another entity	
177	1A. 82		Proviso	(SDE-EIA: Abbeville Equity School Districts Capital Improvement Plan) The funds appropriated for the Abbeville Equity School Districts Capital Improvement Plan in Part IA, Section 1, VIII, I, Abbeville Equity School Districts Capital Improvements and by provisos 1.89, 1A.50, 1A.81, and 1A.85 shall be allocated by the Department of Education to eligible school districts for the purpose of funding school facility upgrades. Eligible school districts include any school district that is a plaintiff in the Abbeville law suit or districts with a poverty index of eighty percent or higher. For the purpose of this provision, "school facility" means only facilities necessary for instructional and related supporting 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. Eligible school facility projects shall include: (a) health and safety upgrades; (b) technology upgrades inside school facilities; (c) upgrades associated with career and technology education programs; and (d) deferred maintenance needs as described in the district's capital improvement plan. For purposes of this provision, school facilities shall not include unimproved real property, centralized district administration facilities, or other facilities, including those normally identified with interscholastic sports activities.	Y	Y	Distribute funding to another entity	
178	1A. 83		Proviso	The department shall develop and maintain an application process for school districts to request funding for qualified school projects and establish policies, procedures, and priorities for the making of grants pursuant to this provision. At least twice a year and upon receipt of applications pursuant to the application process adopted by the department, the department shall prioritize the eligible projects with the greatest need and shall submit a list of recommended grant awards to the State Board of Education. Grants shall be awarded upon an affirmative vote of the State Board.	N	Y	Other service or product our agency must/may provide	SDE must procure a value added assessme system
179	1A. 84		Proviso	The financial assistance provided to school districts pursuant to this provision must be used for the eligible school facility project. The department is responsible for establishing policies and procedures to ensure that funds are expended in a manner consistent with this provision.	Y	Y	Distribute funding to another entity	
180	1A. 85		Proviso	Following the close of the fiscal year, the department shall submit an annual report of its Abbeville Equity School Districts Capital Improvement Plan activities for the preceding year to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public Works Committee.	Y	Y	Distribute funding to another entity	
	1A.86	State	Proviso	Funds distributed to a school district may only be used for the following purposes: (1) To improve external connections to schools, with a goal of reaching at least 100 kilobits per second, per student in each school by 2017; (2) To improve internal connections within schools, with a goal of reaching at least 1 megabit per second, per student in each school by 2017; or (3) To develop or expand one-to-one computing initiatives.	N	Y	Report our agency must/may provide	
	1A. 87	State	Proviso	A school district that has achieved each of the above goals may submit a plan to the K-12 Technology Committee for permission to expend its allocation on other technology-related uses; such permission shall not be unreasonably withheld and the K-12 Technology Committee must permit districts to appeal any process should a district not receive approval and must provide technical assistance to districts in developing plans should the district request such.	N	N		
	1A.88	State	Proviso	Funds appropriated may not be used to supplant existing school district expenditures on technology. By June 30, 2018, each school district that receives funding during Fiscal Year 2017-18 must provide the K-12 Technology Committee with an itemized report on the amounts and uses of these funds, using a form developed by the Education Oversight Committee. In this report, a school district must provide information on its efforts to obtain reimbursements through the "E-Rate" Schools and Libraries Program administered by the Universal Service Administrative Company. Within its available resources, the K-12 Technology Committee shall support school districts' efforts to obtain these reimbursements.	N	N		
	1A.89	State	Proviso	EIA funds directed to EOC Partnerships - Kinesthetic Learning Platform	N	N		
	1A.90	State	Proviso	EIA funds directed to EOC Partnerships - Algebra Nation	N	N		
	1A.91	State	Proviso	EIA funds directed to EOC Partnerships - kindergarten readiness	N	N		
182		State	Proviso					
183		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, Chairman of Senate Finance and the Chairman of the Ways and Means Committee on the amount disbursed to each entity in the prior fiscal year.	Y	Y	Report our agency must/may provide	
184	3.4	State	Proviso	*SCDE - Appropriations for school buses, Reading Partners*	N	Y	Report our agency must/may provide	
185		State	Proviso					
186		State	Proviso	DELETED	Y	Y		
187		State	Proviso					
188		State	Proviso	*House Education and Public Works Committee, House Ways and Means Committee, Senate Education Committee and Senate Finance Committee* - (Report) Of the funds appropriated in the Department of Education's program VIII.D 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		State	Proviso	DELETED	N	N		
190	91.25	State	Proviso	Departments upon Legislative request shall immediately provide requested information 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		State	Proviso					
192		State	Proviso	DELETED				
193		State	Proviso					
194		State	Proviso	DELETED				
195		State	Proviso					
196		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	Report our agency must/may provide	
197		State	Proviso					
198	117.1	State	Proviso	*State Treasurer* -(Revenue, Collections, and Income Remittance). (Report) 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	Distribute funding to another entity	
199	117.9	State	Proviso	*Executive Budget Office and Comptroller General* -(Notification of Appropriation Transfers) SDE is authorized to transfer appropriations within programs and within the agency. No such transfer may exceed 20% of the program budget.	Y	Y	Report our agency must/may provide	

200	117.13	State	Proviso	*State Human Affairs Commission* -(Affirmative Action Plan) 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	Report our agency must/may provide	
201	117.14	State	Proviso	*EBO* - (FTE Position Authorization) SDE must have established on the Executive Budget Office 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	Report our agency must/may provide	
202	117.15	State	Proviso	*State Employees* -(Payment of Salaries) 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 , 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	Report our agency must/may provide	
203	117.18	State	Proviso	(Travel/Business Expenses) 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	(Per Diem) 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	(State Employee Travel Expenses) 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	Reimbursements for employee travel	
206	117.23	State	Proviso	(Carry Forward Authorization) 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.	N	N		
207	117.26	State	Proviso	*Comptroller General, Senate Finance Committee, the House Ways and Means Committee, and the Statehouse Press Room* - (Travel Report) 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	Report our agency must/may provide	
208	117.27	State	Proviso	*School Districts* -(Appropriation, Carry Forward) 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	*Governor, Senate Finance Committee, House Ways and Means Committee, Public* - (Accountability Report) 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	(Collection Authorization and Carry Forward)) 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	*Admin*- (Report) State agencies may implement, in consultation with the Human Resources Division of the Department of Administration, 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	Report our agency must/may provide	
212	117.33	State	Proviso	(Identification of Alternatives) -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	N		
213	117.34	State	Proviso	*Chair of the Senate Finance and House of Representatives Ways and Means Committees and the Inspector General* -(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	Report our agency must/may provide	
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	*Admin - 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		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	Report our agency must/may provide	
219	117.50	State	Proviso	Agencies continue to actively pursue cost savings measures through collaborative efforts and may combine administrative functions.	N	Y	r service or product our agency must/may pro	Collaborative savings
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	r service or product our agency must/may pro	Employee Bonuses
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	Report our agency must/may provide	
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	117.64	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	Other service or product our agency must/may provide	Cover cost of bar association dues
224	117.68	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	117.70	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	117.71	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		
228	117.74	State	Proviso	Committee *Chairs (of the Senate Finance Committee and Chair of the House Ways and Means Committee, Public*- (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	Report our agency must/may provide	
229	117.75	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	117.77	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	117.80	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	117.81	State	Proviso	State agencies must operate in a manner to avoid a year end deficit - shall be monitored by the EBO	N	N		
233	117.82	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	117.84	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	Report our agency must/may provide	
235	117.85	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	117.86	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	117.88	State	Proviso	(Recovery Audits) The SFAA 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	Other service or product our agency must/may provide	Audit information
238	119.92	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	117.98	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	117.99	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	117.101	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	117.106	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	Other service or product our agency must/may provide	Notification of data breach
243	117.113	State	Proviso	*DSIT* (Submission of Plan) All state agencies must submit an information technology plan and an information security plan for the current fiscal year to the Department of Administration's Division of Technology.	N	Y	Other service or product our agency must/may provide	Technology plan submission
244	117.114	State	Proviso	For the current fiscal year, 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		
245		State	Proviso	Deleted				

246	117.18	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		
247		State	Proviso					
248	118.1	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, 2018. 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 13, 2018.	N	N		
250	118.2	State	Proviso	*Admin*- (Document Submission) provide Admin 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	118.6	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	No funding in FY 17-18 to agency	N	N		

Agency Name:	Department of Education							Fiscal Year 2017-2018
								Accountability Report
Agency Code:	063	Section:	001					
								Legal Standards Template
Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who your agency must or may serve? (Y/N)	Does the law specify a product or service your agency must or may provide?	*If yes, what type of service or product?*	*If other service or product, please specify what service or product.*
253	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		
254	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.	N	N		
255	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		
256	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		
257	SECTION 59-1-50	State	Statute	Educational achievement goals for high school graduates and students, which codified the Profile of the South Carolina Graduate	N	N		
258	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		
259	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		
260	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		
261	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		
262	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		
263	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		
264	SECTION 59-1-170	State	Statute	"State Board" defined. "State Board" means State Board of Education.	N	N		
265	SECTION 59-1-180	State	Statute	"State Educational Finance Commission" defined. "State Educational Finance Commission" means the State Board of Education.	N	N		
266	SECTION 59-1-190	State	Statute	"State Department" defined. "State Department" means State Department of Education.	N	N		
267	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		
268	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		
269	SECTION 59-1-320	State	Statute	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	Other service or product our agency must/may provide	Make rules and/or regulations
270	SECTION 59-1-330	State	Statute	The pledge to the flag of South Carolina shall be as follows: "I salute the flag of South Carolina and pledge to the Palmetto State, love, loyalty and faith."	N	N		
271	SECTION 59-1-340	State	Statute	Each county board of education or board of trustees shall meet at least every other month during the regular school session on a regular date and at a regular time to be determined by each board during its organizational meeting. All regular meetings shall be open to the public and members of the news media. Any board may hold a special meeting when it is considered necessary either by the chairman or a majority of the board members. All meetings, whether regular or special, shall be held at the school district office or at such other place within the district that the board deems convenient and suitable. Nothing in this section shall preclude the board from the right to go into executive session by majority vote of the membership present.	N	N		
272	SECTION 59-1-350	State	Statute	Members of the county board of education or board of trustees may serve without pay. Each member of the board may receive a per diem for attendance at board meetings and may be paid mileage to and from such meetings. No member may receive per diem and mileage unless in actual attendance upon a meeting of the board. When any member of a board is directed to travel outside the county or school district on official business of the board, he may be allowed actual expenses incurred as a result.	N	N		
273	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	Other service or product our agency must/may provide	Loaning equipment

274	SECTION 59-1-370	State	Statute	Closing of educational institutions on general election day. All State-supported colleges and universities, technical education centers and public schools shall be closed general election day in November of each even-numbered year. This day shall not be considered as one of the regular school days for the year for public schools.	N	N		
275	SECTION 59-1-390			Courses necessitating wearing of protective eye devices; purchase of devices; protective-corrective devices. (A) A pupil and teacher in a public school shall wear an industrial quality eye device while participating in the following courses: (1) career and technology or industrial art shops or laboratories involving use of or exposed to: (a) hot molten metals; (b) milling, sawing, turning, shaping, cutting, or stamping of any solid materials; (c) heat treatment, tempering, or kiln firing of any metal or other materials; (d) gas or electric arc welding; (e) repair or servicing of any vehicle; (f) caustic or explosive materials; (2) chemical or combined chemical-physical laboratories involving caustic or explosive chemical or hot liquids or solids. (B) The trustees of each school district shall purchase and place in public schools plano protective eye devices for the eye protection of pupils, teachers, and visitors to the classrooms or laboratories. (C) A person desiring protective-corrective lenses instead of plano protective devices supplied by the school trustees, at his own expense, shall procure and equip himself with industrial quality eye protective devices secured from legally authorized dispensers. (D) "Industrial quality eye protective device", as used in this section, means a device meeting the standards of the American Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1-1959, promulgated by the American Standards Association, Incorporated.	N	N		
276	SECTION 59-1-400	State	Statute	Sick leave for public school employees. (A) All full-time employees of public schools accrue sick leave on the basis of one and one-fourth days of sick leave for each month of active service or twelve days for nine months of active service. Sick leave accrued but not used may be accumulated up to ninety days if the employees do not violate their respective contracts. Provisions for the additional benefits provided for in this section must be made on the same basis as existing sick leave benefits. A school employee using sick leave as provided for in this section may not be terminated from employment nor during a continuing sick leave of less than ninety-one days. The provisions of this section do not apply to employees of a school district which provides more liberal sick leave benefits. Any benefits accrued under school district sick leave policies in effect prior to July 1, 1976, are not lost as a result of this section. Sick leave accumulated in compliance with this section is transferable to any school district in the State or to the State Department of Education by the employee with the earned leave. (B) For the purposes of the South Carolina Education Improvement Act of 1984 "full-time employee" means any person employed in a position for which certification is required by the State Department of Education or a person who has been employed in the school district for five months and works at least thirty hours per week. (C) School districts shall report to the State Board of Education costs incurred in implementing subsection A of this section. The State Department of Education shall report the assembled cost data to the Executive Budget Office and the	N	N		
277	SECTION 59-1-403	State	Statute	Restoration of sick leave of certain employees who changed employment from school district to State Department of Education. An amount of sick leave not to exceed sixty days lost by a State Department of Education employee as a result of changing employment from a school district to the State Department of Education is restored if the employee was employed by the State Department of Education after June 28, 1984, and is employed on the effective date of this act.	N	N		
278	SECTION 59-1-405	State	Statute	Distribution of contraceptives on school grounds prohibited. No contraceptive device or contraceptive medication may be distributed in or on the school grounds of any public elementary or secondary school. No school district may contract with any contraceptive provider for their distribution in or on the school grounds.	N	N		
279	SECTION 59-1-410	State	Statute	"Teacher Recognition Day" in South Carolina shall be observed annually during American Education Week.	N	N		
280	SECTION 59-1-420	State	Statute	Repealed by 2006 Act No. 260, Section 2, eff April 8, 2006.				
281	SECTION 59-1-425	State	Statute	Beginning and length of school term; make-up days; waiver; instructional days.	Y	Y	Report our agency must/may provide; other	Waive requirements
282	SECTION 59-1-445	State	Statute	Violations of mandatory test security; penalties; investigations. (1) It is unlawful for anyone knowingly and wilfully to violate security procedures regulations promulgated by the State Board of Education for mandatory tests administered by or through the State Board of Education to students or educators, or knowingly and wilfully to: (a) Give examinees access to test questions prior to testing; (b) Copy, reproduce, or use in any manner inconsistent with test security regulations all or any portion of any secure test booklet; (c) Coach examinees during testing or alter or interfere with examinees' responses in any way; (d) Make answer keys available to examinees; (e) Fail to follow security regulations for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing; (f) Participate in, direct, aid, counsel, assist in, encourage, or fail to report any of the acts prohibited in this section. Any person violating the provisions of this section or regulations issued hereunder is guilty of a misdemeanor and upon conviction must be fined not more than one thousand dollars or be imprisoned for not more than ninety days, or both. Upon conviction, the State Board of Education may suspend or revoke the administrative or teaching credentials, or both, of the person convicted. (2) The South Carolina Law Enforcement Division shall investigate allegations of violations of mandatory test security, either on its own initiative following receipt of allegations, or at the request of a school district or the State Department of Education.	N	N		
283	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	Report our agency must/may provide	

284	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	Y	Y	Report our agency must/may provide; Board, Commission, or Committee on which someone from our agency may/must serve	
285	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	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	
286	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	Other service or product our agency must/may provide	Develop parental involvement program
287	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	Distribute funding to another entity	
288	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	Board, Commission, or Committee on which someone from our agency may/must serve	

289	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,	Y	Y	Report our agency must/may provide	
290	SECTION 59-1-495	State	Statute	The General Assembly directs the State Superintendent of Education, the Executive Director of the Education Oversight Committee, the Chairman of the House Education and Public Works Committee, and the Chairman of the Senate Education Committee to each appoint one representative to a committee to be chaired by the appointee of the State Superintendent of Education to review Title 59 of the South Carolina Code of Laws and report to the General Assembly all statutes that are obsolete or no longer applicable. In addition, the report must identify all the federal education statutes and regulations with which the State of South Carolina is required to comply. The committee, with the assistance of the Revenue and Fiscal Affairs Office, must include in the report the total cost to the State of South Carolina to comply with the identified federal education statutes and regulations. This report must be submitted by December 31, 2016, and updated at least every five years thereafter. "SECTION 1. The State Department of Education and the Center for Educator Recruitment, Retention and Advancement (CERRA), working in collaboration with the Commission on Higher Education, shall survey students enrolled in the state's colleges of education. This survey shall be administered to those college students who have been fully admitted into their institution's teacher education program. At a minimum, the survey shall include questions inquiring as to whether students have ever considered teaching in a rural and economically challenged district. Students must be asked what incentives, if any, would cause them to move to, and work in, such a district. The State Department of Education and CERRA may include additional questions in the survey as considered useful. Results of the survey must be reported to the General	Y	Y	Report our agency must/may provide; Board, Commission, or Committee on which someone from our agency may/must serve	
291	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	Other service or product our agency must/may provide	Establish guidelines and regulations
292	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	Other service or product our agency must/may provide	Corrective measures
293	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	Y	Y	Distribute funding to another entity; Other service or product our agency must/may provide	Development of grant program
294	Chapter 2?							
295	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		
296	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		

297	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	N		
298	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		
299	SECTIONS 59-3-50 to 59-3-70	State	Statute	Repealed by 2004 Act No. 195, Section 2, eff January 1, 2005.				
300	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	Distribute funding to another entity	
301	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	Other service or product our agency must/may provide	Assist districts in conducting training programs
302	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	Y	Y	Distribute funding to another entity	
303	Chapter 4?							
304	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	N	N		
305	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		
306	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		
307	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		

308	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		
309	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	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	
310	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	Other service or product our agency must/may provide	Career and Technology centers
311	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	N		
312	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	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	
313	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	Other service or product our agency must/may provide	Establish grant program; provide training
314	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	Report our agency must/may provide	
315	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	Other service or product our agency must/may provide	Promulgate regulations

316	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		
317	SECTION 59-5-71	State	Statute	Repealed by 2003 Act No. 89, Section 7, eff July 23, 2003.				
318	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	Report our agency must/may provide	
319	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	Y	Y	Report our agency must/may provide; Board, Commission, or Committee on which someone from our agency may/must serve	
320	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	N		
321	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	Other service or product our agency must/may provide	Appoint panel
322	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	Distribute funding to another entity	
323	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	Other service or product our agency must/may provide	Survey of school system
324	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	Other service or product our agency must/may provide	Promulgate regulations
325	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		

326	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,	Y	Y	Distribute funding to another entity	
327	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	Report our agency must/may provide	
328	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	Other service or product our agency must/may provide	Initiate award program
329	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	Other service or product our agency must/may provide	Ability to waive certain requirements
330	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;	Y	Y	Report our agency must/may provide; Board, Commission, or Committee on which someone from our agency may/must serve	

331	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.	N	N		
332	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	Board, Commission, or Committee on which someone from our agency may/must serve	
333	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		
334	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	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	
335	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	Report our agency must/may provide; Board, Commission, or Committee on which someone from our agency may/must serve	
336	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		

337	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	N	N		
338	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	Other service or product our agency must/may provide	Collaboration between Accountability division
339	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	Y	Y	Report our agency must/may provide	
340	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		
341	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		
342	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		
343	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	Report our agency must/may provide	
344	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		
345	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	Distribute funding to another entity	

346	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		
347	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	Other service or product our agency must/may provide	Establish recommendations for school lunches
348	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	Other service or product our agency must/may provide	Establishment of school health model programs
349	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		
350	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		
351	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		
352	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		
353	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		
354	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		
355	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		

356	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.	Y	Y	Other service or product our agency must/may provide	Establishment of virtual education program
357	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	Other service or product our agency must/may provide	Ability to contract
358	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		
359	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	Other service or product our agency must/may provide	Develop guidelines and promulgate regulations
360	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	Other service or product our agency must/may provide	Examine flexibility of services
361	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	Report our agency must/may provide	
362	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	Board, Commission, or Committee on which someone from our agency may/must serve	
363	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		

364	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.	N	N		
365	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	Report our agency must/may provide	
366	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	N	N		
367	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	Board, Commission, or Committee on which someone from our agency may/must serve	
368	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	Y	Y	Report our agency must/may provide	

369	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	Y	Y	Report our agency must/may provide	
370	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	N	N		
371	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	Other service or product our agency must/may provide	Administration of NAEP Assessment
372	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 reenforced. 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		
373	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	Y	Y	Report our agency must/may provide	
374	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	N	N		

375	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	Report our agency must/may provide	
376	SECTION 59-18-370	State	Statute	Renumbered as Section 59 18 360 by 2008 Act No. 282, Section 1, eff June 5, 2008.				
377	SECTION 59-18-500	State	Statute	Omitted by 2008 Act No. 282, Section 1, eff June 5, 2008.				
378	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	Other service or product our agency must/may provide	Anility to revice instructional materials
379	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	Other service or product our agency must/may provide	Provide recommendations
380	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.	Y	Y	Report our agency must/may provide	
381	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	Report our agency must/may provide; Board, Commission, or Committee on which someone from our agency may/must serve	
382	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	Report our agency must/may provide	
383	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	Report our agency must/may provide	
384	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		

385	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	Distribute funding to another entity	
386	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	Y	Y	Other service or product our agency must/may provide	Granting exemptions
387	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	Other service or product our agency must/may provide	Granting exemptions
388	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	Y	Y	Distribute funding to another entity	
389	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	Other service or product our agency must/may provide	Offer technical support; conduct review

390	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	Other service or product our agency must/may provide	Consolidation of strategic plans and improvement reports
391	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	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	
392	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	Y	Y	Report our agency must/may provide	
393	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	Other service or product our agency must/may provide	Declaring state of emergegency
394	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	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	
395	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	Other service or product our agency must/may provide	Design mentioring program with EOC

396	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	Y	Y	Distribute funding to another entity	
397	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	Y	Y	Report our agency must/may provide	
398	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.	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	
399	SECTION 59-18-1575	State	Statute	Technical assistance to underperforming schools and districts. The Department of Education shall implement the provisions of this section through the Office of Transformation. The office shall provide technical assistance to underperforming schools and districts as directed by the Superintendent of Education. Underperforming schools and districts are identified with a rating of below average or at risk on the most recent annual school report card or with the lowest percentages of students meeting state standards on state assessments on the most recent state assessments or with the lowest high school graduation rates. Assistance includes, but is not limited to: (1) implementation of the external review team process; (2) a diagnostic review of operations and academics that must include a leadership capacity report; (3) a review of five systems consisting of mission/vision, governance, teaching and learning, resource allocation, and continuous improvement practices; (4) an analysis of student achievement data; and (5) an analysis of culture and climate including stakeholder surveys.	Y	Y	Other service or product our agency must/may provide	Provide technical assistance
400	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	Other service or product our agency must/may provide	Provide technical assistance

401	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	Distribute funding to another entity; Other service or product our agency must/may provide	Establish criteria for reviewing and assisting schools rated at risk or below average
402	SECTION 59-18-1595	State	Statute	Renumbered as Section 59 18 1590 by 2008 Act No. 282, Section 1, eff June 5, 2008.				
403	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		
404	SECTION 59-18-1610	State	Statute	Assistance to districts; monitoring of performance. (A) The State Department of Education shall develop a system for providing services and technical assistance to districts that shall include academic assistance and assistance with finances. The State Superintendent of Education shall report the design of the system to the General Assembly no later than December 31, 2016. Every year thereafter, the Superintendent shall report on the progress of the system in regard to assistance provided to the local school districts and data documenting the impact of the assistance on student academic achievement and on high school graduation rates. (B) In addition to the provisions of subsection (A), the State Department of Education shall monitor the professional development of teachers, staff, and administrators in districts it determines are underperforming to ascertain what improvements and changes are necessary in accordance with the provisions of the Education Accountability Act. The department also shall monitor the operations of school boards in underperforming districts in order to determine if they are operating efficiently and effectively. These improvements and changes must be communicated to the school districts and other parties or entities involved.	Y	Y	Report our agency must/may provide; other	Monitor; Provide technical assistance
405	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		
406	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	Distribute funding to another entity	

407	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	Distribute funding to another entity	
408	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		
409	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		
410	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	N	N		
411	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	Distribute funding to another entity	
412	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		

413	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	N	N		
414	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	Y	Y	Distribute funding to another entity	
415	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		
416	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	N	N		
417	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		

418	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	Y	Y	Report our agency must/may provide; Distribute funding to another entity	
419	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	Report our agency must/may provide	
420	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		
421	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		
422	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	Distribute funding to another entity	
423	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	Report our agency must/may provide	
424	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	Other service or product our agency must/may provide	Supervision of program
425	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	Other service or product our agency must/may provide	
426	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	Y	Y	Other service or product our agency must/may provide	Provide reimbursements
427	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.	N	N		

428	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	Other service or product our agency must/may provide	Special education services
429	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	Other service or product our agency must/may provide	Approval to districts
430	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	Other service or product our agency must/may provide	Promulgate rules and regulations
431	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		
432	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	Distribute funding to another entity	
433	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	Other service or product our agency must/may provide	Employment of school psychologist
434	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	Other service or product our agency must/may provide	Provide certification
435	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.	N	N		
436	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	Other service or product our agency must/may provide	Aid to districts
437	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	Other service or product our agency must/may provide	Employment of school psychologist
438	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	Other service or product our agency must/may provide	Promulgate rules and regulations

439	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		
440	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	Other service or product our agency must/may provide	Monitor and audit disbursements
441	59-21-1030 not inluded							
442	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	Distribute funding to another entity	
443	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	Other service or product our agency must/may provide	Develop and implement program
444	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	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	
445	SECTIONS 59-23-10 to 59-23-190	State	Statute	Repealed by 2003 Act No. 87, Section 2, eff July 16, 2003.				
446	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	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	
447	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	Other service or product our agency must/may provide	Inspection of construction, improvements, and renovations

448	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	Other service or product our agency must/may provide	Waive building regulations
449	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	Other service or product our agency must/may provide	Inspection of construction, improvements, and renovations
450	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	Other service or product our agency must/may provide	Approval to districts
451	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	Report our agency must/may provide	
452	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	Y	Y	Other service or product our agency must/may provide	Develop and adopt statewide performance standards for principals
453	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.	N	N		
454	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.	N	N		
455	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	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	

456	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	Other service or product our agency must/may provide	Develop and adopt statewide performance standards for principals
457	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	Distribute funding to another entity	
458	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	Y	Y	Distribute funding to another entity	
459	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	Other service or product our agency must/may provide	Establish guidelines
460	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		
461	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	Other service or product our agency must/may provide	Formulate and administer a system for the examination and certification of teachers
462	SECTION 59-25-115	State	Statute	Notice to enrollee in teacher education program regarding effect of prior criminal record; criminal records check and fingergprinting 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	Other service or product our agency must/may provide	Review of teacher candidate with prior arrests
463	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		
464	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	Other service or product our agency must/may provide	Maintain full record of teachers' certificate
465	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.	N	N		
466	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.	Y	Y	Other service or product our agency must/may provide	Revoke or suspend teacher certificates

467	SECTION 59-25-160	State	Statute	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.	N	N		
468	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	Other service or product our agency must/may provide	Revoke or suspend teacher certificates; provide hearing
469	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	Other service or product our agency must/may provide	Revoke or suspend teacher certificates; provide notice
470	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.	N	N		
471	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	Other service or product our agency must/may provide	Provide due process hearing
472	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	Other service or product our agency must/may provide	Power to subpoena, administer oaths, and examine witnesses
473	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		
474	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		
475	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		
476	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	Other service or product our agency must/may provide	Ability to issue sheriff warrants
477	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		

478	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		
479	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	Other service or product our agency must/may provide	Ability to revoke or refuse to issue certificate
480	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		
481	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		
482	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	Report our agency must/may provide	
483	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.	N	N		
484	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.	N	N		
485	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		
486	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		

487	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		
488	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		
489	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		
490	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		
491	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		
492	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		
493	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		

494	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		
495	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		
496	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		
497	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		
498	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		
499	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		
500	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		
501	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		
502	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		
503	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		
504	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		
505	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		

506	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		
507	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	Other service or product our agency must/may provide	Carry out recommendation
508	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	Other service or product our agency must/may provide	Provide due process hearing
509	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	Other service or product our agency must/may provide	Appeal procedures
510	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	Other service or product our agency must/may provide	Appeal procedures
511	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		
512	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		
513	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		
514	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	N		

515	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	Y	Y	Report our agency must/may provide; Distribute funding to another entity	
516	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	Y	Y	Report our agency must/may provide	
517	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	Y	Y	Other service or product our agency must/may provide	Promulgate rules and regulations
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	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	Ensure that colleges, universities, school districts, and schools comply with the provisions established in this chapter.
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	Other service or product our agency must/may provide	May allow adjustments in the amount of instructional time required

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.	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	Other service or product our agency must/may provide	Teacher of the Year program
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	Other service or product our agency must/may provide	Establish program
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	Other service or product our agency must/may provide	Provide training in youth suicide awareness and prevention
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	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	Other service or product our agency must/may provide	Establish criteria
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.	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	
533	SECTION 59-28-150	State	Statute	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; (5) provide technical assistance relating to parental involvement training to districts and schools; (6) sponsor statewide conferences on best practices; (7) identify, recommend, and implement ways to integrate programs and funding for maximum benefit to enhance parental involvement; (8) enroll the Department of Education as a state member of national organizations which promote proven parental involvement frameworks, models, and practices and provide related services to state and local members; (9) promote and encourage local school districts to join national parental involvement organizations; and (10) monitor and evaluate parental involvement programs statewide by designing a statewide system which will determine program effectiveness and identify best practices and report evaluation findings and implications to the	Y	Y	Distribute funding to another entity; Other service or product our agency must/may provide	Promote parental involvement
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	Other service or product our agency must/may provide	Develop and publish informational materials
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	Other service or product our agency must/may provide	Assist school districts in implementing cursive writing and multiplication tables
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	Other service or product our agency must/may provide	Enforce provisions
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	Other service or product our agency must/may provide	Develop guidelines

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	Other service or product our agency must/may provide	Enforce provisions
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	Other service or product our agency must/may provide	Establish course of instruction on State traffic laws
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	Other service or product our agency must/may provide	Examine status of teaching SC History
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.	N	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	Other service or product our agency must/may provide	Provide instruction on fire prevention
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	Other service or product our agency must/may provide	Promulgate regulations; supervise
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	Other service or product our agency must/may provide	Establish and promulgate rules and regulations
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	Other service or product our agency must/may provide	Prescribe suitable texts
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	Report our agency must/may provide	
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	Other service or product our agency must/may provide	Assist school districts in identifying instructional materials
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.	Y	Y	Distribute funding to another entity	

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	Board, Commission, or Committee on which someone from our agency may/must serve	
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	Other service or product our agency must/may provide	Emphasize higher order problem solving skills
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	Other service or product our agency must/may provide	Select tests for statewide testing
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	Other service or product our agency must/may provide	Review procedures to assess student acheivement
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	Distribute funding to another entity	
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	Other service or product our agency must/may provide	Provide specificity
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.	N	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	Y	Y	Distribute funding to another entity	
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	Y	Y	Other service or product our agency must/may provide	Develop and adopt academic standards

574	SECTION 59-29-240			(A) For purposes of this section, "civics test" means the one hundred questions that, as of January 1, 2015, and updated accordingly, officers of the United States Citizenship and Immigration Services use in order that the applicants can demonstrate a knowledge and understanding of the fundamentals of United States history and the principles and form of United States government, as required by 8 U.S.C. 1423. (B) As part of the high school curriculum regarding the United States government required credit, students are required to take the civics test, as defined in subsection (A), provided there is no cost to a school or school district for obtaining and giving the test, but are not required to obtain a minimum score. However, a student who receives a passing grade, as determined by the United States Citizenship and Immigration Services, or better, may be recognized by the school district. This requirement applies to each student enrolled in a public or charter school in this State. This requirement does not apply to a student who is exempted in accordance with the student's individualized education program plan. (C) Each public school, including charter schools, must report the percentage of students at or above the designated passing score on the test to the South Carolina Education Oversight Committee which must then include such on the school report card. (D) No school or school district of this State may impose or collect any fees or charges in connection with this section. (E) This section must be applied to any student entering ninth grade beginning in the 2016-2017 school year.	N	N		
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	Other service or product our agency must/may provide	Develop and adopt curricula, materials, and guidelines
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	Other service or product our agency must/may provide	Incoporate elements of financial literacy
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	Board, Commission, or Committee on which someone from our agency may/must serve	

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	Distribute funding to another entity	
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.	N	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	Distribute funding to another entity	
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	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	Board, Commission, or Committee on which someone from our agency may/must serve	
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	Other service or product our agency must/may provide	Ability to hire field workers
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	Other service or product our agency must/may provide	Designate uniform series of textbooks
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	Other service or product our agency must/may provide	Designate uniform series of textbooks
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	Other service or product our agency must/may provide	Designate uniform series of textbooks
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	Distribute funding to another entity	
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	Distribute funding to another entity	

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	Distribute funding to another entity	
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	Other service or product our agency must/may provide	Provide textbooks on a rental basis
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	Other service or product our agency must/may provide	Furnish library books
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	Other service or product our agency must/may provide	Furnish audio visual equipment
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	Other service or product our agency must/may provide	Allow rental or purchase of textbooks
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	Other service or product our agency must/may provide	Determination of textbook value
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	Other service or product our agency must/may provide	Promulgate rules and regulations
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	Other service or product our agency must/may provide	Retention of textbooks

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	Other service or product our agency must/may provide	Textbook depositories
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	Other service or product our agency must/may provide	Promulgate rules and regulations
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	Other service or product our agency must/may provide	Ability to waive rental charges for textbooks
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	Other service or product our agency must/may provide	Promulgate rules and regulations
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	Other service or product our agency must/may provide	Ability to negotiate and eedute contracts for textbooks

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	Other service or product our agency must/may provide	Ability to negotiate and eedute contracts for textbooks
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.	N	N		
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	Other service or product our agency must/may provide	Promulgate rules and regulations
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	Other service or product our agency must/may provide	Ability to alter or amend contracts for textbooks
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	Other service or product our agency must/may provide	Adoption of textbooks
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	Other service or product our agency must/may provide	Provie a thirty day public review of instructional materials
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:	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	Other service or product our agency must/may provide	Guidelines for Comprehensive Health Education program
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	Y	Y	Other service or product our agency must/may provide	Guidelines for Comprehensive Health Education program
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	Other service or product our agency must/may provide	Provide professional development
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	Other service or product our agency must/may provide	Assure district compliance
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	Other service or product our agency must/may provide	Establish program
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	Other service or product our agency must/may provide	Assist in development of educational plan
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	Y	Y	Other service or product our agency must/may provide	Approval to districts
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	Other service or product our agency must/may provide	Contract with Continuum of Care Policy Council
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	Other service or product our agency must/may provide	Establish mediation process
656	SECTION 59-34-10	State	Statute	Short title. This chapter may be cited as the Blind Persons' Literacy Rights and Education Act.	N	N		
657	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		
658	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.	N	N		

659	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		
660	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		
661	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	N	N		
662	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	Other service or product our agency must/may provide	Establish a comprehensive system of special education and related services
663	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.	N	N		

664	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	Other service or product our agency must/may provide	Establish policies, standards, and procedures
665	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	N	N		
666	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		
667	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	Y	Y	Report our agency must/may provide; Board, Commission, or Committee on which someone from our agency may/must serve	
668	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.	N	N		
669	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	Other service or product our agency must/may provide	Establish schools for inmates
670	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.	N	N		

671	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	N	N		
672	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		
673	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		
674	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.	N	N		
675	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.	N	N		
676	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		
677	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		
678	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		
679	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		
680	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		

681	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.	Y	Y	Other service or product our agency must/may provide	Requirements for dipolmas
682	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.	N	N		
683	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		
684	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.	N	N		
685	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		
686	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	Report our agency must/may provide	
687	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	Other service or product our agency must/may provide	Promulgate rules and regulations
688	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		

689	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	Y	Y	Other service or product our agency must/may provide	Ability to grant waiver of requirements
690	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		
691	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		
692	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		
693	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	Other service or product our agency must/may provide	Promulgate rules and regulations
694	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		
695	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.	N	N		
696	SECTION 59 40 10	State	Statute	Short title. This chapter may be cited as the “South Carolina Charter Schools Act of 1996”.	N	N		
697	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		
698	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		

699	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	N	N		
700	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	N	N		
701	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	N	N		
702	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.	Y	Y	Other service or product our agency must/may provide	Produce contract templace to be used by charter school and sponsor

703	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;	N	N		
704	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	N	N		
705	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		
706	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		
707	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		
708	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.	N	N		

709	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	N	N		
710	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;	N	N		
711	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		
712	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		
713	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		
714	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	N	N		

715	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	N	N		
716	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		
717	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	Other service or product our agency must/may provide	Provide information to the public
718	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	Other service or product our agency must/may provide	Provide orientation
719	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	Other service or product our agency must/may provide	Impact study
720	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	Report our agency must/may provide	

721	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		
722	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	Other service or product our agency must/may provide	Promulgate rules and regulations
723	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		
724	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		
725	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		
726	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		
727	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.	N	N		
728	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		
729	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		

730	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		
731	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		
732	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		
733	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	Distribute funding to another entity	
734	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		
735	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	Other service or product our agency must/may provide	Promulgate rules and regulations
736	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		
737	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		
738	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		
739	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		
740	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	Y	Y	Distribute funding to another entity	

741	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	Other service or product our agency must/may provide	Establish diploma requirements
742	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		
743	SECTION 59 44 10	State	Statute	Short title. This chapter may be cited as the Community Education Act of 1976.	N	N		
744	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		
745	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		
746	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	Other service or product our agency must/may provide	Promote implementation
747	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		
748	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		
749	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	Other service or product our agency must/may provide	Approve home school study
750	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		
751	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		
752	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	Board, Commission, or Committee on which someone from our agency may/must serve	

753	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	Y	Y	Other service or product our agency must/may provide	Appoint members to committee
754	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.	N	N		
755	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	N	N		
756	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		

757	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.	N	N		
758	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	N	N		
759	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		
760	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	N	N		

761	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		
762	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.	N	N		
763	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	N	N		
764	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	N	N		

765	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		
766	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.	N	N		
767	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		
768	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		
769	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	N	N		

770	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		
771	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		
772	SECTIONS 59 52 10 to 59 52 150	State	Statute	Repealed by 2005 Act No. 88, Section 4, eff May 27, 2005.				
773	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.	N	N		
774	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;	N	N		
775	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	N	N		
776	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	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	

777	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		
778	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	N	N		
779	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		
780	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		
781	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		
782	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	Y	Y	Other service or product our agency must/may provide	Establishment and maintenanc
783	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	Other service or product our agency must/may provide	Supervision of junior college
784	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		
785	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		

786	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	Other service or product our agency must/may provide	Develop curriculum organized around career clusters
787	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	Other service or product our agency must/may provide	Provide administrative support and staffing
788	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	Other service or product our agency must/may provide	Develop guidance and counseling model
789	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	Y	Y	Other service or product our agency must/may provide	Develop indiviudal graduation plans
790	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	Other service or product our agency must/may provide	Develop model for addressing risk students
791	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.	N	N		
792	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	Other service or product our agency must/may provide	Implementation of career development plan
793	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.	N	N		
794	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		

795	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	Other service or product our agency must/may provide	Supervision of career specialists
796	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;	N	N		
797	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	Other service or product our agency must/may provide	Implementation of career guidance model
798	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		
799	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.	N	N		
800	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		
801	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		

802	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		
803	SECTION 59 59 170	State	Statute	Repealed by 2014 Act No. 149, Section 3, eff April 7, 2014				
804	SECTION 59 59 180	State	Statute	Repealed by 2014 Act No. 149, Section 3, eff April 7, 2014				
805	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	Other service or product our agency must/may provide	Planning and promoting the career information and employment options
806	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	Other service or product our agency must/may provide	Develop performance based standards
807	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	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	
808	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	Other service or product our agency must/may provide	Develop and adopt instructional materials
809	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	Other service or product our agency must/may provide	Promulgate rules and regulations
810	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		
811	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		

812	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	N	N		
813	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		
814	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	N	N		
815	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	N	N		
816	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		
817	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.	N	N		

818	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		
819	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		
820	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		
821	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		
822	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	Y	Y	Distribute funding to another entity	
823	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		
824	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	Y	Y	Other service or product our agency must/may provide	Posting on website

825	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	N	N		
826	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	Other service or product our agency must/may provide	Develop notice of available IDEA and 504 services
827	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.	N	N		
828	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	N	N		
829	SECTION 59 63 110	State	Statute	Citation of article. This article may be cited as the “Safe School Climate Act”.	N	N		
830	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		
831	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		

832	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;	Y	Y	Other service or product our agency must/may provide	Develop policy for bullying prevention
833	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		
834	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		
835	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		
836	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		
837	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		
838	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		

839	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		
840	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		
841	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		
842	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		
843	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		
844	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		
845	SECTION 59 63 310	State	Statute	Short title. This article may be cited as the “School Crime Report Act”.	N	N		
846	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	Other service or product our agency must/may provide	Consultation with SLED
847	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	Report our agency must/may provide	
848	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.	N	N		

849	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		
850	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	Other service or product our agency must/may provide	Promulgate rules and regulations
851	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		
852	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		
853	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	N	N		
854	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		
855	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		
856	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		
857	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		
858	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		
859	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	Other service or product our agency must/may provide	Furnish copies of relevant statutes to teachers
860	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		

861	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		
862	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		
863	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		
864	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		
865	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	Y	Y	Other service or product our agency must/may provide	Settle disputes between districts
866	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		
867	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		
868	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		
869	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		

870	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		
871	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		
872	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	Other service or product our agency must/may provide	Continue and expand school lunch program
873	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	Other service or product our agency must/may provide	Employment of school lunch supervisors
874	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		
875	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	Other service or product our agency must/may provide	Furnish hot lunches in all public schools to the extent possible
876	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		
877	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		
878	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		
879	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		
880	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		
881	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		
882	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	Other service or product our agency must/may provide	Waiver of school breakfast requirements
883	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		
884	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		

885	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		
886	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		
887	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		
888	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		
889	SECTION 59 63 1140	State	Statute	Strip searches prohibited. No school administrator or official may conduct a strip search.	N	N		
890	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		
891	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		
892	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		
893	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		
894	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	N	N		
895	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		

896	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		
897	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	N	N		
898	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		
899	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		
900	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	Y	Y	Distribute funding to another entity	
901	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	Other service or product our agency must/may provide	Promulgate regulations for alternative school prgorams
902	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	Distribute funding to another entity	
903	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.	N	N		

904	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		
905	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	N	N		
906	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	N	N		
907	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		
908	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		
909	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	Y	Y	Other service or product our agency must/may provide	Conduct annual reviews of association standards

910	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		
911	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		
912	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		
913	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		
914	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	Other service or product our agency must/may provide	Establish regulations
915	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		
916	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		
917	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	Other service or product our agency must/may provide	Qualifications for certifications
918	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		
919	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		
920	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		

921	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		
922	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		
923	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		
924	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	Y	Y	Distribute funding to another entity	
925	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	Distribute funding to another entity	
926	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	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	
927	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		
928	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	Other service or product our agency must/may provide	Promulgate rules and regulations

929	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		
930	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.	N	N		
931	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		
932	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		
933	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		
934	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		
935	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		
936	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		
937	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	Other service or product our agency must/may provide	Establish efficient school bus routes
938	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	Other service or product our agency must/may provide	Establish appropriate level of driver certification

939	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		
940	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		
941	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		
942	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		
943	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		
944	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		
945	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		
946	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		
947	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		
948	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		
949	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		
950	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		
951	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		
952	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		

953	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	Other service or product our agency must/may provide	Furnish copies to various school districts
954	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		
955	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	Y	Y	Other service or product our agency must/may provide	Inspect school buses
956	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		
957	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		
958	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	Other service or product our agency must/may provide	Grant waivers
959	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	Other service or product our agency must/may provide	Control and management of school buses
960	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		
961	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	Y	Y	Other service or product our agency must/may provide	Provide transportation
962	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		
963	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		

964	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	Distribute funding to another entity	
965	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.	N	N		
966	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.	N	N		
967	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	Other service or product our agency must/may provide	Examination of prospective bus drivers
968	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		
969	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.	N	N		
970	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		
971	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		
972	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		

973	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	Other service or product our agency must/may provide	Transportation of handicapped persons
974	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		
975	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	Other service or product our agency must/may provide	Transportation of students
976	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	Distribute funding to another entity	
977	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		
978	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	Distribute funding to another entity	
979	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	Other service or product our agency must/may provide	Adopt rules and regulations
980	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	Distribute funding to another entity	
981	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		

982	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;	N	N		
983	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		
984	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		
985	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		
986	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		
987	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		
988	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		
989	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		
990	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	N	N		
991	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		

992	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		
993	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		
994	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	Distribute funding to another entity	
995	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		
996	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		
997	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		
998	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		
999	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		
1000	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		
1001	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		

1002	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		
1003	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		
1004	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		
1005	SECTION 59 71 10	State	Statute	Short title. This article may be cited as the "School Bond Act."	N	N		
1006	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		
1007	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		
1008	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		
1009	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		
1010	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		

1011	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		
1012	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		
1013	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		
1014	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		
1015	SECTION 59 71 110	State	Statute	Interest rate. Such bonds shall bear interest at rates to be named by the authorities.	N	N		
1016	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		
1017	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		
1018	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		
1019	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		
1020	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	N	N		
1021	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		
1022	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		
1023	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		
1024	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		

1025	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		
1026	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		
1027	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		
1028	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		
1029	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	Distribute funding to another entity	
1030	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		
1031	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	Distribute funding to another entity	

1032	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		
1033	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		
1034	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		
1035	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		
1036	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		
1037	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		
1038	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		
1039	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		
1040	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		
1041	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		

1042	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	Distribute funding to another entity	
1043	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		
1044	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		
1045	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		
1046	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		
1047	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	Y	Y	Distribute funding to another entity; Other service or product our agency must/may provide	Develop regulations and plans
1048	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		

1049	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		
1050	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.	Y	Y	Distribute funding to another entity; Other service or product our agency must/may provide	Develop regulations and plans
1051	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		
1052	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	Other service or product our agency must/may provide	Develop criteria for monitoring district and school plans
1053	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	Other service or product our agency must/may provide	Develop criteria for monitoring district and school plans
1054	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	Y	Y	Other service or product our agency must/may provide	Establish assessment system
1055	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		
1056	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	Other service or product our agency must/may provide	Provide technical assistance
1057	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		

1058	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	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	
1059	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		
1060	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		
1061	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		
1062	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		
1063	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	N	N		
1064	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	Other service or product our agency must/may provide	Develop and implement program and guidelines

1065	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	Report our agency must/may provide	
1066	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	Other service or product our agency must/may provide	Assist in development of policies, guidelines, standards, and regulations.
1067	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		
1068	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	Other service or product our agency must/may provide	Recommendation to General Assembky
1069	SECTION 59 146 10	State	Statute	Short title. This chapter may be cited as the "State School Facilities Bond Act".	N	N		
1070	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		
1071	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		
1072	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		
1073	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	Distribute funding to another entity	
1074	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	Other service or product our agency must/may provide	Notify Budget and Control
1075	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		

1076	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		
1077	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		
1078	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		
1079	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		
1080	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		
1081	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		
1082	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		
1083	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		
1084	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		
1085	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		
1086	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	Other service or product our agency must/may provide	May withhold funds from districts

1087	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	Y	Y	Distribute funding to another entity; Other service or product our agency must/may provide	Implementation of Read to Succeed
1088	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	N	N		
1089	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	Y	Y	Report our agency must/may provide	
1090	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	Y	Y	Report our agency must/may provide	

1091	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	Y	Y	Other service or product our agency must/may provide	Readiness assessment requirements
1092	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	N	N		
1093	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	N	N		
1094	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	N	N		
1095	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		

1096	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	Other service or product our agency must/may provide	Promote reading and writing habits and skills development
1097	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	Other service or product our agency must/may provide	Translate statutory requirments
1098	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.	N	N		
1099	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	Distribute funding to another entity	
1100	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.	N	N		

1101	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	N	N		
1102	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	Other service or product our agency must/may provide	Duties of Read to Succeed office
1103	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	Y	Y	Other service or product our agency must/may provide	Waive requirements
1104	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		
1105	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		

1106	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	Distribute funding to another entity	
1107	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		
1108	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	Other service or product our agency must/may provide	Duties owed to public school providers
1109	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	Distribute funding to another entity	
1110	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		
1111	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		

Agency Name:	Department of Education							Fiscal Year 2017-2018 Accountability Report Legal Standards Template
Agency Code:	63	Section:	063					

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who your agency must or may serve? (Y/N)	Does the law specify a product or service your agency must or may provide?	*If yes, what type of service or product?*	*If other service or product, please specify what service or product.*
1112	ARTICLE 3 REQUIREMENTS FOR TEACHER EDUCATION AND CERTIFICATION REGULATIONS 43-50 Persons Required to Hold	State	Regulation	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.	Y	N	Other service or product our agency must/may provide	Provide teaching credential
1113		State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Provide teaching credential
1114	43-52 Application for Teaching Credential.	State	Regulation	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	Y	Y		Provide teaching credential
1115	43-53 Credential Classification. (Statutory Authority: S.C. Code Ann. Section 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))	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Provide teaching credential
1116	43-55 Renewal of Credentials.	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Provide teaching credential

1117	43-56 Foreign Applicants.	State	Regulation	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.	N	N		
1118	43-57 Prior Work Experience.	State	Regulation	The State Department of Education shall maintain records indicating the work experience for which persons are entitled.	Y	Y	Other service or product our agency must/may provide	Maintain records
1119	43-57.1 Computing the Experience of Teachers.	State	Regulation	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.	N	N		
1120	43-57.2 Teaching Experience Acceptable for Credit.	State	Regulation	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;	N	N		
1121	43-57.5 Military Service.	State	Regulation	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		
1122	43-58 Disciplinary Action on Educator Certificates.	State	Regulation	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	Other service or product our agency must/may provide	Authority to deny, revoke, or suspend certificates
1123	43-58.1 Reporting of Terminations of Certain School District Employees.	State	Regulation	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.	Y	Y	Other service or product our agency must/may provide	Investigation of claims

1124	43-62 Requirements for Additional Areas of Certification.	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Require individuals with certificates to upgrade certification; provide teaching credential
1125	43-62 continued…	State	Regulation	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	see above	see above	see above	see above
1126	43-62 continued…	State	Regulation	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	see above	see above	see above	see above
1127	43-62 continued…	State	Regulation	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)	see above	see above	see above	see above

1128	43-62 continued…	State	Regulation	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.	see above	see above	see above	see above
1129	43-63 Requirements for Career and Technology Education Work Based Certification.		Regulation	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.	Y	Y	Other service or product our agency must/may provide	Provide teaching credential
1130	43-64 Requirements for Certification at the Advanced Level.	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Provide teaching credential
1131	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	State	Regulation	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	Y	Y	Distribute funding to another entity	

1132	43-71 Free Textbooks. (Statutory Authority: 1976 Code Section Section 59 5 60 and 59 31 360)		Regulation	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	Y	Y	Distribute funding to another entity	
1133	43-73 Disposition of Instructional Materials Samples after State Adoption Process.	State	Regulation	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	Y	Y		
1134	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)	State	Regulation	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	Y	Y	Distribute funding to another entity; Other service or product our agency must/may provide	Supervision of school transportation program
1135	43-80 continued…	State	Regulation	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.	see above	see above	see above	see above
1136	ARTICLE 6 TEACHER TRAINING INSTITUTIONS 43-90 Program Approval Standards for South Carolina Teacher Education Institutions.	State	Regulation	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.	Y	Y	Other service or product our agency must/may provide	Approval of teacher training institutions

1137	ARTICLE 7 TEST SECURITY 43-100 Test Security.	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Administer tests and assessments
1138	ARTICLE 10 DEFINED MINIMUM PROGRAM 43-130	State	Regulation	Repealed by State Register Volume 38, Issue No. 6, Doc. No. 4401, eff June 27, 2014.				
1139	ARTICLE 13 GENERAL SCHOOL ADMINISTRATION 43-161 Appointment (Term) of School Superintendent	State	Regulation	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		
1140	43-162	State	Regulation	Repealed by State Register Volume 38, Issue No. 6, Doc. No. 4391, eff June 27, 2014.				
1141	43-165.1 Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP).	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Adopt statewife performance standards
1142	43-166 Student and School Safety.	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Develop Model Safe Schools Checklist
1143	43-167 Principal Induction Program. (Statutory Authority: 1976 Code Section Section 59 5 60 and 59 24 80)		Regulation	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.	Y	Y	Other service or product our agency must/may provide	Develop and implement Principal Induction Program

1144	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))	State	Regulation	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:	N	N		
1145	43-169 Food Service Management Company Contracts	State	Regulation	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	Y	Y	Distribute funding to another entity	
1146	ARTICLE 14 FISCAL MANAGEMENT 43-171.1 Disbursement of Funds for Pressing Repairs, Renovations and Construction	State	Regulation	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	Y	Y	Distribute funding to another entity	
1147	43-172 Accounting and Reporting	State	Regulation	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	Y	N	Distribute funding to another entity	
1148	ARTICLE 15 BUSINESS MANAGEMENT 43-180. Repealed by State Register Volume 37, Issue No. 5, eff May 24, 2013	State	Regulation					
1149	43-181. Repealed by State Register Volume 37, Issue No. 5, eff May 24, 2013	State	Regulation					
1150	43-183. Repealed by State Register Volume 37, Issue No. 5, eff May 24, 2013	State	Regulation					

1151	43-187. Repealed by State Register Volume 37, Issue No. 5, eff May 24, 2013	State	Regulation	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		
1152	43-188 Displaying the Flag. (Statutory Authority: S.C. Code Ann. Section Section 59 5	State	Regulation		N	N		
1153	ARTICLE 16 FACILITY EXPANSION PROGRAM 43-190. Repealed by State Register	State	Regulation					
1154	43-191. Repealed by State Register Volume 37, Issue No. 5, eff May 24, 2013	State	Regulation					
1155	ARTICLE 17 PERSONNEL 43-201.1. Repealed by State Register Volume 38, Issue No. 6, Doc. No. 4409, eff June 27, 2014	State	Regulation					
1156	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))	State	Regulation	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	Y	Y	Distribute funding to another entity; Other service or product our agency must/may provide	Provide and renew credentials; Supervision and oversight; implementation of standards; management of class size and ratio; provide due process hearings
1157	43-205 continued…	State	Regulation	(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	see above	see above	see above	see above
1158	43-205 continued…	State	Regulation	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	see above	see above	see above	see above

1159	43-205 continued…	State	Regulation	(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.	see above	see above	see above	see above
1160	43-205 continued…	State	Regulation	(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 Disabil- 17:1 ities 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 20 students	see above	see above	see above	see above
1161	43-205.1 Assisting, Developing, and Evaluating Professional Teaching (ADEPT)	State	Regulation	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	Y	Y	Distribute funding to another entity; Other service or product our agency must/may provide	Assist, develop, and evaluate professional teaching
1162	43-205.1 continued…	State	Regulation	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.	see above	see above	see above	see above

1163	43-205.1 continued…	State	Regulation	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	see above	see above	see above	see above
1164	43-206 Professional Personnel Resignation	State	Regulation	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	Other service or product our agency must/may provide	Provide due process hearings
1165	43-207 Health Examination	State	Regulation	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		
1166	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))	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Review and provide feedback
1167	ARTICLE 19 INSTRUCTIONAL PROGRAM 43-220 Gifted and Talented (Statutory Authority: S.C. Code Ann. Section 59 29 170 (Supp. 2002))	State	Regulation	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,	Y	Y	Distribute funding to another entity; Other service or product our agency must/may provide	Rules and regulations regarding gifted and talented students

1168	43-220 continued…	State	Regulation	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	see above	see above	see above	see above
1169	43-220 continued…	State	Regulation	(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.	see above	see above	see above	see above
1170	43-220 continued…	State	Regulation	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.	see above	see above	see above	see above
1171	43-220 continued…	State	Regulation	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.	see above	see above	see above	see above

1172	43-229 Defined Program for the Palmetto Unified School District (PUSD)	State	Regulation	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	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	
1173	43-229 continued…	State	Regulation	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	see above	see above	see above	see above
1174	43-229 continued…	State	Regulation	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	see above	see above	see above	see above
1175	43-231 Defined Program K 5	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Adopt academic achievement standards; develop additional regulatory requirements

1176	43-231 continued…	State	Regulation	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.	see above	see above	see above	see above
1177	43-232 Defined Program 6 8	State	Regulation	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	Y	Y		
1178	43-234 Defined Program, Grades 9 12 and Graduation Requirements	State	Regulation	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	Y	N	Other service or product our agency must/may provide	Develop and adopt requirements for the South Carolina High School Diploma (Defined Program for Grades 9-12)
1179	43-234 continued…	State	Regulation	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	see above	see above	see above	see above

1180	43-234 continued…	State	Regulation	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	see above	see above	see above	see above
1181	43-236 Career or Technology Centers/Comprehensive High Schools	State	Regulation	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		
1182	43-237.1 Adult Education Program	State	Regulation	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	Y	N	Other service or product our agency must/may provide	Implementation of Adult Education Program
1183	43-238 Health Education Requirements	State	Regulation	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.	Y	N	Other service or product our agency must/may provide	Develop and implementation of Comphrehensive Health Education Act/Standards
1184	43-240 Summer School Programs (Statutory Authority: 1976 Code Section Section 59 6 60(3&6), and 59 39 100)	State	Regulation	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	Y	N	Other service or product our agency must/may provide	Implementation of Summer Reading Camps

1185	43-241 Medical Homebound Instruction	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Allow Medical Homebound Instruction/develop appropriate rules and expectations
1186	43-242 Driver Training	State	Regulation	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 be hind 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	N	N		
1187	43-243 Special Education, Education of Students with Disabilities	State	Regulation	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	Y	Y	Distribute funding to another entity; Other service or product our agency must/may provide	Implementation of IDEA by aligning state rules, regulations, and policies relating to Federal IDEA requirements
1188	43-243 continued…	State	Regulation	(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	see above	see above	see above	see above

1189	43-243 continued…	State	Regulation	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	see above	see above	see above	see above
1190	43-243 continued…	State	Regulation	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	see above	see above	see above	see above
1191	43-243 continued…	State	Regulation	(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.	see above	see above	see above	see above
1192	43-243 continued…	State	Regulation	(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	see above	see above	see above	see above

1193	43-243 continued…	State	Regulation	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,	see above	see above	see above	see above
1194	43-243 continued…	State	Regulation	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	see above	see above	see above	see above
1195	43-243 continued…	State	Regulation	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	see above	see above	see above	see above
1196	43-243 continued…	State	Regulation	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	see above	see above	see above	see above

1197	43-243 continued…	State	Regulation	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	see above	see above	see above	see above
1198	43-243 continued…	State	Regulation	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	see above	see above	see above	see above
1199	43-243 continued…	State	Regulation	(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	see above	see above	see above	see above
1200	43-243 continued…	State	Regulation	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	see above	see above	see above	see above

1201	43-243 continued…	State	Regulation	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	see above	see above	see above	see above
1202	43-243 continued…	State	Regulation	(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	see above	see above	see above	see above
1203	43-243 continued…	State	Regulation	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	see above	see above	see above	see above
1204	43-243 continued…		Regulation	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	see above	see above	see above	see above

1205	43-243 continued…	State	Regulation	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	see above	see above	see above	see above
1206	43-243 continued…	State	Regulation	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	see above	see above	see above	see above
1207	43-243 continued…	State	Regulation	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	see above	see above	see above	see above
1208	43-243 continued…	State	Regulation	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	see above	see above	see above	see above

1209	43-243 continued…	State	Regulation	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	see above	see above	see above	see above
1210	43-243 continued…	State	Regulation	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	see above	see above	see above	see above
1211	43-243 continued…	State	Regulation	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	see above	see above	see above	see above
1212	43-243 continued…	State	Regulation	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	see above	see above	see above	see above

1213	43-243 continued…	State	Regulation	(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;	see above	see above	see above	see above
1214	43-243 continued…		Regulation	(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	see above	see above	see above	see above
1215	43-243 continued…	State	Regulation	(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,	see above	see above	see above	see above
1216	43-243 continued…	State	Regulation	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	see above	see above	see above	see above

1217	43-243 continued…	State	Regulation	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	see above	see above	see above	see above
1218	43-243 continued…	State	Regulation	(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	see above	see above	see above	see above
1219	43-243 continued…	State	Regulation	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	see above	see above	see above	see above
1220	43-243 continued…	State	Regulation	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	see above	see above	see above	see above

1221	43-243 continued…	State	Regulation	(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.	see above	see above	see above	see above
1222	43-243 continued…	State	Regulation	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	see above	see above	see above	see above
1223	43-243 continued…	State	Regulation	(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	see above	see above	see above	see above
1224	43-243 continued…	State	Regulation	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	see above	see above	see above	see above

1225	43-243.1 Criteria for Entry into Programs of Special Education for Students with Disabilities	State	Regulation	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	N	N		
1226	43-243.1 continued…	State	Regulation	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	Y	N		
1227	43-243.1 continued…	State	Regulation	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.	N	N		
1228	43-243.4. Repealed by State Register Volume 38, Issue No. 6, Doc. No. 4396, eff June 27, 2014.	State	Regulation					
1229	43-244 Interscholastic Activities	State	Regulation	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		
1230	43-244.1 Interscholastic Activities: Academic Requirements for Participation	State	Regulation	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	N	N		

1231	43-246 Instruction at Place Other Than School (Statutory Authority: 1976 Code Section Section 59 5 60 and 59 65 40)	State	Regulation	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	Other service or product our agency must/may provide	Provide due process hearings
1232	43-248 Virtual Education Program	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Establish virtual education program
1233	43-248 Virtual Education Program	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Determine costs associated with Virtual Education Program courses
1234	43-258.1 Advanced Placement	State	Regulation	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 REQUIREMENTWS 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.	Y	Y	Distribute funding to another entity; Other service or product our agency must/may provide	Fund and coordinate AP training teacher courses
1235	43-259 Adult Education	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Issue a state high school equivalency diploma to eligble candidates; Implement Adult Education Program

1236	43-259 continued…	State	Regulation	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	see above	see above	see above	see above
1237	43-260 Use and Dissemination of Test Results	State	Regulation	Repealed by State Register Volume 39, Issue No. 6, Doc. No. 4532, eff June 26, 2015				
1238	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.	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Provide technical assistance; Review District's Strategic Plan and School Renewal Plans
1239	43-262 Assessment Program.	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Specify content and skill areas for statewide assessments
1240	43-262.4 End of Course Tests	State	Regulation	. Repealed by State Register Volume 39, Issue No. 6, Doc. No. 4530, eff June 26, 2015				
1241	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)	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Evaluation of districts

1242	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))	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Provide and coordinate activities to train parent educators in developing and implementing parenting and family literacy initiatives
1243	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)	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Review and update guidelines on "as needed" basis
1244	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)	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Implemt guidelines for academic assistance programs
1245	ARTICLE 20 STUDENTS 43-272 School Admission	State	Regulation	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.	N	N		
1246	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))	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Review decisions of districts

1247	43-273 Transfers and Withdrawals	State	Regulation	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.	N	N		
1248	43-274 Student Attendance	State	Regulation	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	N	N		
1249	43-274.1 At Risk Students. (Statutory Authority: S.C. Code Ann. Section Section 59 5 60 (2004), 59 5 65 (2004 & Supp. 2010), and 59 59 10, et seq. (Supp. 2010))	State	Regulation	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:	Y	Y		
1250	43-279 Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts.	State	Regulation	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	N	N		

1251	APPENDIX B Relevant State Law	State	Regulation	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	N	N		
1252	ARTICLE 23 EDUCATIONAL AGENCY RELATIONS 43-300 Accreditation Criteria	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Accreditation standards; keep documents on file
1253	43-302 Palmetto Gold and Silver Awards Program. (Statutory Authority: 1976 Code Section Section 59 5 60, 59 18 1100)	State	Regulation	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.	Y	Y	Other service or product our agency must/may provide	Operate program in accordance with criteria set by the EOC
1254	43-303 Flexibility Through Deregulation Program. (Statutory Authority: S.C. Code Ann. Section Section 59 18 1110 and 59 18 1120 (Supp. 2002))	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Operate program in accordance with criteria set by the EOC
1255	43-307 Alignment of Assessment and Accountability Elements with the No Child Left Behind Act.	State	Regulation	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.	Y	Y	Other service or product our agency must/may provide	Develop and amend State Accountability Workbook
1256	ARTICLE 25 TEACHER TRAINING PROGRAMS IN MATHEMATICS, SCIENCE AND COMPUTER EDUCATION	State	Regulation	43-500. Repealed by State Register Volume 38, Issue No. 6, Doc. No. 4405, eff June 27, 2014.				

1257	ARTICLE 26 CHARTER SCHOOLS 43-601 Procedures and Standards for Review of Charter School Applications	State	Regulation	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	Y	Y	Other service or product our agency must/may provide	Issue guidelines to assist charter schools in complying with federal legislation,
1258	43-601 continued…	State	Regulation	(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	see above	see above	see above	see above
1259	43-601 continued…	State	Regulation	(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.	see above	see above	see above	see above
1260	43-601 continued…	State	Regulation	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	Y	Y		

Agency Name:	Department of Education							Fiscal Year 2017-2018
								Accountability Report
Agency Code:	63	Section:	001					
								Legal Standards Template

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who your agency must or may serve? (Y/N)	Does the law specify a product or service your agency must or may provide?	*If yes, what type of service or product?*	*If other service or product, please specify what service or product.*
1,261	Subpart B—General Provisions §200.100 Purpose	Federal	Statute	(a)(1) This part establishes uniform administrative requirements, cost principles, and audit requirements for Federal awards to non-Federal entities, as described in §200.101 Applicability. Federal awarding agencies must not impose additional or inconsistent requirements, except as provided in §§200.102 Exceptions and 200.210 Information contained in a Federal award, or unless specifically required by Federal statute, regulation, or Executive Order. (2) This part provides the basis for a systematic and periodic collection and uniform submission by Federal agencies of information on all Federal financial assistance programs to the Office of Management and Budget (OMB). It also establishes Federal policies related to the delivery of this information to the public, including through the use of electronic media. It prescribes the manner in which General Services Administration (GSA), OMB, and Federal agencies that administer Federal financial assistance programs are to carry out their statutory responsibilities under the Federal Program Information Act (31 U.S.C. 6101-6106). (b) Administrative requirements. Subparts B through D of this part set forth the uniform administrative requirements for grant and cooperative agreements, including the requirements for Federal awarding agency management of Federal grant programs before the Federal award has been made, and the requirements Federal awarding agencies may impose on non-Federal entities in the Federal award. (c) Cost Principles. Subpart E—Cost Principles of this part establishes principles for determining the allowable costs incurred by non-Federal entities under Federal awards. The principles are for the purpose of cost determination and are not intended to identify the circumstances or dictate the extent of Federal Government	N	N		
1,262	§200.101 Applicability	Federal	Statute	(a) General applicability to Federal agencies. The requirements established in this part apply to Federal agencies that make Federal awards to non-Federal entities. These requirements are applicable to all costs related to Federal awards. (b)(1) Applicability to different types of Federal awards. The following table describes what portions of this part apply to which types of Federal awards. The terms and conditions of Federal awards (including this part) flow down to subawards to subrecipients unless a particular section of this part or the terms and conditions of the Federal award specifically indicate otherwise. This means that non-Federal entities must comply with requirements in this part regardless of whether the non-Federal entity is a recipient or subrecipient of a Federal award. Pass-through entities must comply with the requirements described in Subpart D—Post Federal Award Requirements of this part, §§200.330 Subrecipient and contractor determinations through 200.332 Fixed amount Subawards, but not any requirements in this part directed towards Federal awarding agencies unless the requirements of this part or the terms and conditions of the Federal award indicate otherwise. (2) Federal award of cost-reimbursement contract under the FAR to a non-Federal entity. When a non-Federal entity is awarded a cost-reimbursement contract, only Subpart D—Post Federal Award Requirements of this part, §§200.330 Subrecipient and contractor determinations through 200.332 Fixed amount Subawards (in addition to any FAR related requirements for subaward monitoring), Subpart E—Cost Principles of this part and Subpart F—Audit Requirements of this part are incorporated by reference into the contract. However, when the Cost Accounting Standards (CAS) are applicable to the contract, they take precedence over the requirements of this part except for Subpart F—Audit Requirements of this part when	N	N	Other service or product our agency must/may provide	
1,263	§200.102 Exceptions	Federal	Statute	(a) With the exception of Subpart F—Audit Requirements of this part, OMB may allow exceptions for classes of Federal awards or non-Federal entities subject to the requirements of this part when exceptions are not prohibited by statute. However, in the interest of maximum uniformity, exceptions from the requirements of this part will be permitted only in unusual circumstances. Exceptions for classes of Federal awards or non-Federal entities will be published on the OMB Web site at www.whitehouse.gov/omb. (b) Exceptions on a case-by-case basis for individual non-Federal entities may be authorized by the Federal awarding agency or cognizant agency for indirect costs, except where otherwise required by law or where OMB or other approval is expressly required by this part. (c) The Federal awarding agency may apply more restrictive requirements to a class of Federal awards or non-Federal entities when approved by OMB, or when, required by Federal statutes or regulations, except for the requirements in Subpart F—Audit Requirements of this part. A Federal awarding agency may apply less restrictive requirements when making fixed amount awards as defined in Subpart A—Acronyms and Definitions of this part, except for those requirements imposed by statute or in Subpart F—Audit Requirements of this part. (d) On a case-by-case basis, OMB will approve new strategies for Federal awards when proposed by the Federal awarding agency in accordance with OMB guidance (such as M-13-17) to develop additional evidence relevant to addressing important policy challenges or to promote cost-effectiveness in and across Federal programs. Proposals may draw on the innovative program designs discussed in M-13-17 to	N	N		
1,264	§200.103 Authorities	Federal	Statute	This part is issued under the following authorities. (a) Subpart B—General Provisions of this part through Subpart D—Post Federal Award Requirements of this part are authorized under 31 U.S.C. 503 (the Chief Financial Officers Act, Functions of the Deputy Director for Management), 31 U.S.C. 1111 (Improving Economy and Efficiency of the United States Government), 41 U.S.C. 1101-1131 (the Office of Federal Procurement Policy Act), Reorganization Plan No. 2 of 1970, and Executive Order 11541 ("Prescribing the Duties of the Office of Management and Budget and the Domestic Policy Council in the Executive Office of the President"), the Single Audit Act Amendments of 1996, (31 U.S.C. 7501-7507), as well as The Federal Program Information Act (Public Law 95-220 and Public Law 98-169, as amended, codified at 31 U.S.C. 6101-6106). (b) Subpart E—Cost Principles of this part is authorized under the Budget and Accounting Act of 1921, as amended; the Budget and Accounting Procedures Act of 1950, as amended (31 U.S.C. 1101-1125); the Chief Financial Officers Act of 1990 (31 U.S.C. 503-504); Reorganization Plan No. 2 of 1970; and Executive Order No. 11541, "Prescribing the Duties of the Office of Management and Budget and the Domestic Policy Council in the Executive Office of the President." (c) Subpart F—Audit Requirements of this part is authorized under the Single Audit Act Amendments of 1996, (31 U.S.C. 7501-7507).	N	N		
1,265	§200.104 Supersession	Federal	Statute	As described in §200.110 Effective/applicability date, this part supersedes the following OMB guidance documents and regulations under Title 2 of the Code of Federal Regulations: (a) A-21, "Cost Principles for Educational Institutions" (2 CFR part 220); (b) A-87, "Cost Principles for State, Local and Indian Tribal Governments" (2 CFR part 225) and also Federal Register notice 51 FR 552 (January 6, 1986); (c) A-89, "Federal Domestic Assistance Program Information"; (d) A-102, "Grant Awards and Cooperative Agreements with State and Local Governments"; (e) A-110, "Uniform Administrative Requirements for Awards and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations" (codified at 2 CFR 215); (f) A-122, "Cost Principles for Non-Profit Organizations" (2 CFR part 230); (g) A-133, "Audits of States, Local Governments and Non-Profit Organizations "; and (h) Those sections of A-50 related to audits performed under Subpart F—Audit Requirements of this part. [78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75882, Dec. 19, 2014]	N	N		
1,266	§200.105 Effect on other issuances	Federal	Statute	For Federal awards subject to this part, all administrative requirements, program manuals, handbooks and other non-regulatory materials that are inconsistent with the requirements of this part must be superseded upon implementation of this part by the Federal agency, except to the extent they are required by statute or authorized in accordance with the provisions in §200.102 Exceptions.	N	N		

1,267	§200.106 Agency implementation	Federal	Statute	The specific requirements and responsibilities of Federal agencies and non-Federal entities are set forth in this part. Federal agencies making Federal awards to non-Federal entities must implement the language in the Subpart C—Pre-Federal Award Requirements and Contents of Federal Awards of this part through Subpart F—Audit Requirements of this part in codified regulations unless different provisions are required by Federal statute or are approved by OMB.	N	N		
1,268	§200.107 OMB responsibilities	Federal	Statute	OMB will review Federal agency regulations and implementation of this part, and will provide interpretations of policy requirements and assistance to ensure effective and efficient implementation. Any exceptions will be subject to approval by OMB. Exceptions will only be made in particular cases where adequate justification is presented.	N	N		
1,269	§200.108 Inquiries	Federal	Statute	Inquiries concerning this part may be directed to the Office of Federal Financial Management Office of Management and Budget, in Washington, DC. Non-Federal entities' inquiries should be addressed to the Federal awarding agency, cognizant agency for indirect costs, cognizant or oversight agency for audit, or pass-through entity as appropriate.	N	N		
1,270	§200.109 Review date	Federal	Statute	OMB will review this part at least every five years after December 26, 2013.	N	N		
1,271	§200.110 Effective/applicability date	Federal	Statute	(a) The standards set forth in this part which affect administration of Federal awards issued by Federal awarding agencies become effective once implemented by Federal awarding agencies or when any future amendment to this part becomes final. Federal awarding agencies must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB. For the procurement standards in §§200.317-200.326, non-Federal entities may continue to comply with the procurement standards in previous OMB guidance (superseded by this part as described in §200.104) for one additional fiscal year after this part goes into effect. If a non-Federal entity chooses to use the previous procurement standards for an additional fiscal year before adopting the procurement standards in this part, the non-Federal entity must document this decision in their internal procurement policies. (b) The standards set forth in Subpart F—Audit Requirements of this part and any other standards which apply directly to Federal agencies will be effective December 26, 2013 and will apply to audits of fiscal years beginning on or after December 26, 2014.	N	N		
1,272	§200.111 English language	Federal	Statute	(a) All Federal financial assistance announcements and Federal award information must be in the English language. Applications must be submitted in the English language and must be in the terms of U.S. dollars. If the Federal awarding agency receives applications in another currency, the Federal awarding agency will evaluate the application by converting the foreign currency to United States currency using the date specified for receipt of the application. (b) Non-Federal entities may translate the Federal award and other documents into another language. In the event of inconsistency between any terms and conditions of the Federal award and any translation into another language, the English language meaning will control. Where a significant portion of the non-Federal entity's employees who are working on the Federal award are not fluent in English, the non-Federal entity must provide the Federal award in English and the language(s) with which employees are more familiar.	N	N		
1,273	§200.112 Conflict of interest	Federal	Statute	The Federal awarding agency must establish conflict of interest policies for Federal awards. The non-Federal entity must disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy.	Y	Y	Other service or product our agency must/may provide	Establish conflict of interest policies for Federal awards
1,274	§200.113 Mandatory disclosures	Federal	Statute	The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures can result in any of the remedies described in §200.338 Remedies for noncompliance, including suspension or debarment. (See also 2 CFR part 180 and 31 U.S.C. 3321).	Y	Y	Other service or product our agency must/may provide	Disclose in a timely manner all violations of Federal criminal law
1,275	Subpart C—Pre-Federal Award Requirements and Contents of Federal Awards §200.200 Purpose	Federal	Statute	(a) Sections 200.201 Use of grant agreements (including fixed amount awards), cooperative agreements, and contracts through 200.208 Certifications and representations prescribe instructions and other pre-award matters to be used in the announcement and application process. (b) Use of §§200.203 Notices of funding opportunities, 200.204 Federal awarding agency review of merit of proposals, 200.205 Federal awarding agency review of risk posed by applicants, and 200.207 Specific conditions, is required only for competitive Federal awards, but may also be used by the Federal awarding agency for non-competitive awards where appropriate or where required by Federal statute.	N	N		
1,276	§200.201 Use of grant agreements (including fixed amount awards), cooperative agreements, and contracts	Federal	Statute	(a) The Federal awarding agency or pass-through entity must decide on the appropriate instrument for the Federal award (i.e., grant agreement, cooperative agreement, or contract) in accordance with the Federal Grant and Cooperative Agreement Act (31 U.S.C. 6301-08). (b) Fixed Amount Awards. In addition to the options described in paragraph (a) of this section, Federal awarding agencies, or pass-through entities as permitted in §200.332 Fixed amount subawards, may use fixed amount awards (see §200.45 Fixed amount awards) to which the following conditions apply: (1) The Federal award amount is negotiated using the cost principles (or other pricing information) as a guide. The Federal awarding agency or pass-through entity may use fixed amount awards if the project scope is specific and if adequate cost, historical, or unit pricing data is available to establish a fixed amount award based on a reasonable estimate of actual cost. Payments are based on meeting specific requirements of the Federal award. Accountability is based on performance and results. Except in the case of termination before completion of the Federal award, there is no governmental review of the actual costs incurred by the non-Federal entity in performance of the award. Some of the ways in which the Federal award may be paid include, but are not limited to: (i) In several partial payments, the amount of each agreed upon in advance, and the "milestone" or event triggering the payment also agreed upon in advance, and set forth in the Federal award; (ii) On a unit price basis, for a defined unit or units, at a defined price or prices,	Y	Y	Other service or product our agency must/may provide	Establish grant agreement, cooperative agreement, or contract in accordance with FDCAA
1,277	§200.202 Requirement to provide public notice of Federal financial assistance programs	Federal	Statute	(a) The Federal awarding agency must notify the public of Federal programs in the Catalog of Federal Domestic Assistance (CFDA), maintained by the General Services Administration (GSA). (1) The CFDA, or any OMB-designated replacement, is the single, authoritative, governmentwide comprehensive source of Federal financial assistance program information produced by the executive branch of the Federal Government. (2) The information that the Federal awarding agency must submit to GSA for approval by OMB is listed in paragraph (b) of this section. GSA must prescribe the format for the submission. (3) The Federal awarding agency may not award Federal financial assistance without assigning it to a program that has been included in the CFDA as required in this section unless there are exigent circumstances requiring otherwise, such as timing requirements imposed by statute. (b) For each program that awards discretionary Federal awards, non-discretionary Federal awards, loans, insurance, or any other type of Federal financial assistance, the Federal awarding agency must submit the following information to GSA: (1) Program Description, Purpose, Goals and Measurement. A brief summary of the statutory or regulatory requirements of the program and its intended outcome. Where appropriate, the Program Description, Purpose, Goals, and Measurement should align with the strategic goals and objectives within the Federal awarding agency's performance plan and should support the Federal awarding agency's	N	N		

1,278	§200.203 Notices of funding opportunities	Federal	Statute	For competitive grants and cooperative agreements, the Federal awarding agency must announce specific funding opportunities by providing the following information in a public notice: (a) Summary Information in Notices of Funding Opportunities. The Federal awarding agency must display the following information posted on the OMB-designated governmentwide Web site for finding and applying for Federal financial assistance, in a location preceding the full text of the announcement: (1) Federal Awarding Agency Name; (2) Funding Opportunity Title; (3) Announcement Type (whether the funding opportunity is the initial announcement of this funding opportunity or a modification of a previously announced opportunity); (4) Funding Opportunity Number (required, if applicable). If the Federal awarding agency has assigned or will assign a number to the funding opportunity announcement, this number must be provided; (5) Catalog of Federal Financial Assistance (CFDA) Number(s); (6) Key Dates. Key dates include due dates for applications or Executive Order 12372 submissions, as well as for any letters of intent or pre-applications. For any announcement issued before a program's application materials are available, key	N	N		
1,279	§200.204 Federal awarding agency review of merit of proposals	Federal	Statute	For competitive grants or cooperative agreements, unless prohibited by Federal statute, the Federal awarding agency must design and execute a merit review process for applications. This process must be described or incorporated by reference in the applicable funding opportunity (see Appendix I to this part, Full text of the Funding Opportunity.) See also §200.203 Notices of funding opportunities.	N	N		
1,280	§200.205 Federal awarding agency review of risk posed by applicants	Federal	Statute	(a) Prior to making a Federal award, the Federal awarding agency is required by 31 U.S.C. 3321 and 41 U.S.C. 2313 note to review information available through any OMB-designated repositories of governmentwide eligibility qualification or financial integrity information, such as SAM Exclusions and “Do Not Pay”. See also suspension and debarment requirements at 2 CFR part 180 as well as individual Federal agency suspension and debarment regulations in title 2 of the Code of Federal Regulations. (b) In addition, for competitive grants or cooperative agreements, the Federal awarding agency must have in place a framework for evaluating the risks posed by applicants before they receive Federal awards. This evaluation may incorporate results of the evaluation of the applicant's eligibility or the quality of its application. If the Federal awarding agency determines that a Federal award will be made, special conditions that correspond to the degree of risk assessed may be applied to the Federal award. Criteria to be evaluated must be described in the announcement of funding opportunity described in §200.203 Notices of funding opportunities. (c) In evaluating risks posed by applicants, the Federal awarding agency may use a risk-based approach and may consider any items such as the following: (1) Financial stability; (2) Quality of management systems and ability to meet the management standards prescribed in this part; (3) History of performance. The applicant's record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable	N	N		
1,281	§200.206 Standard application requirements	Federal	Statute	(a) Paperwork clearances. The Federal awarding agency may only use application information collections approved by OMB under the Paperwork Reduction Act of 1995 and OMB's implementing regulations in 5 CFR part 1320, Controlling Paperwork Burdens on the Public. Consistent with these requirements, OMB will authorize additional information collections only on a limited basis. (b) If applicable, the Federal awarding agency may inform applicants and recipients that they do not need to provide certain information otherwise required by the relevant information collection.	N	N		
1,282	§200.207 Specific conditions	Federal	Statute	(a) The Federal awarding agency or pass-through entity may impose additional specific award conditions as needed, in accordance with paragraphs (b) and (c) of this section, under the following circumstances: (1) Based on the criteria set forth in §200.205 Federal awarding agency review of risk posed by applicants; (2) When an applicant or recipient has a history of failure to comply with the general or specific terms and conditions of a Federal award; (3) When an applicant or recipient fails to meet expected performance goals as described in §200.210 Information contained in a Federal award; or (4) When an applicant or recipient is not otherwise responsible. (b) These additional Federal award conditions may include items such as the following: (1) Requiring payments as reimbursements rather than advance payments; (2) Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given period of performance; (3) Requiring additional, more detailed financial reports; (4) Requiring additional project monitoring;	Y	Y	Other service or product our agency must/may provide	Impose additional specific award conditions
1,283	§200.208 Certifications and representations	Federal	Statute	Unless prohibited by Federal statutes or regulations, each Federal awarding agency or pass-through entity is authorized to require the non-Federal entity to submit certifications and representations required by Federal statutes, or regulations on an annual basis. Submission may be required more frequently if the non-Federal entity fails to meet a requirement of a Federal award.	N	N		
1,284	§200.209 Pre-award costs	Federal	Statute	For requirements on costs incurred by the applicant prior to the start date of the period of performance of the Federal award, see §200.458 Pre-award costs.	N	N		
1,285	§200.210 Information contained in a Federal award	Federal	Statute	A Federal award must include the following information: (a) General Federal Award Information. The Federal awarding agency must include the following general Federal award information in each Federal award: (1) Recipient name (which must match the name associated with its unique entity identifier as defined at 2 CFR 25.315); (2) Recipient's unique entity identifier; (3) Unique Federal Award Identification Number (FAIN); (4) Federal Award Date (see §200.39 Federal award date); (5) Period of Performance Start and End Date; (6) Amount of Federal Funds Obligated by this action; (7) Total Amount of Federal Funds Obligated; (8) Total Amount of the Federal Award; (9) Budget Approved by the Federal Awarding Agency; (10) Total Approved Cost Sharing or Matching, where applicable;	N	N		
1,286	§200.211 Public access to Federal award information	Federal	Statute	(a) In accordance with statutory requirements for Federal spending transparency (e.g., FFATA), except as noted in this section, for applicable Federal awards the Federal awarding agency must announce all Federal awards publicly and publish the required information on a publicly available OMB-designated governmentwide Web site (at time of publication, www.USAspending.gov). (b) Nothing in this section may be construed as requiring the publication of information otherwise exempt under the Freedom of Information Act (5 U.S.C 552), or controlled unclassified information pursuant to Executive Order 13556.	N	N		

1,287	§200.212 Suspension and debarment	Federal	Statute	Non-federal entities and contractors are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.	N	N		
1,288	Subpart D—Post Federal Award Requirements Standards for Financial and Program Management §200.300 Statutory and national policy requirements	Federal	Statute	(a) The Federal awarding agency must manage and administer the Federal award in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements: including, but not limited to, those protecting public welfare, the environment, and prohibiting discrimination. The Federal awarding agency must communicate to the non-Federal entity all relevant public policy requirements, including those in general appropriations provisions, and incorporate them either directly or by reference in the terms and conditions of the Federal award. (b) The non-Federal entity is responsible for complying with all requirements of the Federal award. For all Federal awards, this includes the provisions of FFATA, which includes requirements on executive compensation, and also requirements implementing the Act for the non-Federal entity at 2 CFR part 25 Financial Assistance Use of Universal Identifier and Central Contractor Registration and 2 CFR part 170 Reporting Subaward and Executive Compensation Information. See also statutory requirements for whistleblower protections at 10 U.S.C. 2409, 41 U.S.C. 4712, and 10 U.S.C. 2324, 41 U.S.C. 4304 and 4310.	N	Y	Other service or product our agency must/may provide	Compliance with all requirements of the Federal award
1,289	§200.301 Performance measurement	Federal	Statute	The Federal awarding agency must require the recipient to use OMB-approved standard information collections when providing financial and performance information. As appropriate and in accordance with above mentioned information collections, the Federal awarding agency must require the recipient to relate financial data to performance accomplishments of the Federal award. Also, in accordance with above mentioned standard information collections, and when applicable, recipients must also provide cost information to demonstrate cost effective practices (e.g., through unit cost data). The recipient's performance should be measured in a way that will help the Federal awarding agency and other non-Federal entities to improve program outcomes, share lessons learned, and spread the adoption of promising practices. The Federal awarding agency should provide recipients with clear performance goals, indicators, and milestones as described in §200.210 Information contained in a Federal award. Performance reporting frequency and content should be established to not only allow the Federal awarding agency to understand the recipient progress but also to facilitate identification of promising practices among recipients and build the evidence upon which the Federal awarding agency's program and performance decisions are made.	Y	Y	Other service or product our agency must/may provide	Maintain financial data of performance accomplishments
1,290	§200.302 Financial management	Federal	Statute	(a) Each state must expend and account for the Federal award in accordance with state laws and procedures for expending and accounting for the state's own funds. In addition, the state's and the other non-Federal entity's financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award. See also §200.450 Lobbying. (b) The financial management system of each non-Federal entity must provide for the following (see also §§200.333 Retention requirements for records, 200.334 Requests for transfer of records, 200.335 Methods for collection, transmission and storage of information, 200.336 Access to records, and 200.337 Restrictions on public access to records): (1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, name of the Federal agency, and name of the pass-through entity, if any. (2) Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set forth in §§200.327 Financial reporting and 200.328 Monitoring and reporting program performance. If a Federal awarding agency requires reporting on an accrual basis	Y	Y	Other service or product our agency must/may provide	Expend and account for the Federal award in accordance with state law.
1,291	§200.303 Internal controls	Federal	Statute	The non-Federal entity must: (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO). (b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards. (c) Evaluate and monitor the non-Federal entity's compliance with statutes, regulations and the terms and conditions of Federal awards. (d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings. (e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.	Y	Y	Other service or product our agency must/may provide	Establish internal controls over Federal award, comply with federal statutes, evaluate and monitor compliance, take prompt action, and take reasonable measures to safeguard PII.
1,292	§200.304 Bonds	Federal	Statute	The Federal awarding agency may include a provision on bonding, insurance, or both in the following circumstances: (a) Where the Federal Government guarantees or insures the repayment of money borrowed by the recipient, the Federal awarding agency, at its discretion, may require adequate bonding and insurance if the bonding and insurance requirements of the non-Federal entity are not deemed adequate to protect the interest of the Federal Government. (b) The Federal awarding agency may require adequate fidelity bond coverage where the non-Federal entity lacks sufficient coverage to protect the Federal Government's interest. (c) Where bonds are required in the situations described above, the bonds must be obtained from companies holding certificates of authority as acceptable sureties, as prescribed in 31 CFR Part 223, “Surety Companies Doing Business with the United States.”	N	N		
1,293	§200.305 Payment	Federal	Statute	(a) For states, payments are governed by Treasury-State CMIA agreements and default procedures codified at 31 CFR Part 205 “Rules and Procedures for Efficient Federal-State Funds Transfers” and TFM 4A-2000 Overall Disbursing Rules for All Federal Agencies. (b) For non-Federal entities other than states, payments methods must minimize the time elapsing between the transfer of funds from the United States Treasury or the pass-through entity and the disbursement by the non-Federal entity whether the payment is made by electronic funds transfer, or issuance or redemption of checks, warrants, or payment by other means. See also §200.302 Financial management paragraph (b)(6). Except as noted elsewhere in this part, Federal agencies must require recipients to use only OMB-approved standard governmentwide information collection requests to request payment. (1) The non-Federal entity must be paid in advance, provided it maintains or demonstrates the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement by the non-Federal entity, and financial management systems that meet the standards for fund control and accountability as established in this part. Advance payments to a non-Federal entity must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the non-Federal entity in carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the non-Federal entity for direct program or project costs and the proportionate share of any allowable indirect costs. The non-Federal entity must make timely payment to contractors in accordance with the contract provisions.	Y	Y	Distribute funding to another entity	

1,294	§200.306 Cost sharing or matching	Federal	Statute	(a) Under Federal research proposals, voluntary committed cost sharing is not expected. It cannot be used as a factor during the merit review of applications or proposals, but may be considered if it is both in accordance with Federal awarding agency regulations and specified in a notice of funding opportunity. Criteria for considering voluntary committed cost sharing and any other program policy factors that may be used to determine who may receive a Federal award must be explicitly described in the notice of funding opportunity. See also §§200.414 Indirect (F&A) costs, 200.203 Notices of funding opportunities, and Appendix I to Part 200—Full Text of Notice of Funding Opportunity. (b) For all Federal awards, any shared costs or matching funds and all contributions, including cash and third party in-kind contributions, must be accepted as part of the non-Federal entity's cost sharing or matching when such contributions meet all of the following criteria: (1) Are verifiable from the non-Federal entity's records; (2) Are not included as contributions for any other Federal award; (3) Are necessary and reasonable for accomplishment of project or program objectives; (4) Are allowable under Subpart E—Cost Principles of this part; (5) Are not paid by the Federal Government under another Federal award, except where the Federal statute authorizing a program specifically provides that Federal	Y	Y	Distribute funding to another entity	
1,295	§200.307 Program income	Federal	Statute	(a) General. Non-Federal entities are encouraged to earn income to defray program costs where appropriate. (b) Cost of generating program income. If authorized by Federal regulations or the Federal award, costs incidental to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the Federal award. (c) Governmental revenues. Taxes, special assessments, levies, fines, and other such revenues raised by a non-Federal entity are not program income unless the revenues are specifically identified in the Federal award or Federal awarding agency regulations as program income. (d) Property. Proceeds from the sale of real property, equipment, or supplies are not program income; such proceeds will be handled in accordance with the requirements of Subpart D—Post Federal Award Requirements of this part, Property Standards §§200.311 Real property, 200.313 Equipment, and 200.314 Supplies, or as specifically identified in Federal statutes, regulations, or the terms and conditions of the Federal award. (e) Use of program income. If the Federal awarding agency does not specify in its regulations or the terms and conditions of the Federal award, or give prior approval for how program income is to be used, paragraph (e)(1) of this section must apply. For Federal awards made to IHEs and nonprofit research institutions, if the Federal awarding agency does not specify in its regulations or the terms and conditions of the Federal award how program income is to be used, paragraph (e)(2) of this section	Y	Y	Distribute funding to another entity	
1,296	§200.308 Revision of budget and program plans	Federal	Statute	(a) The approved budget for the Federal award summarizes the financial aspects of the project or program as approved during the Federal award process. It may include either the Federal and non-Federal share (see §200.43 Federal share) or only the Federal share, depending upon Federal awarding agency requirements. It must be related to performance for program evaluation purposes whenever appropriate. (b) Recipients are required to report deviations from budget or project scope or objective, and request prior approvals from Federal awarding agencies for budget and program plan revisions, in accordance with this section. (c) For non-construction Federal awards, recipients must request prior approvals from Federal awarding agencies for one or more of the following program or budget-related reasons: (1) Change in the scope or the objective of the project or program (even if there is no associated budget revision requiring prior written approval). (2) Change in a key person specified in the application or the Federal award. (3) The disengagement from the project for more than three months, or a 25 percent reduction in time devoted to the project, by the approved project director or principal investigator. (4) The inclusion, unless waived by the Federal awarding agency, of costs that require prior approval in accordance with Subpart E—Cost Principles of this part or 45 CFR part 75 Appendix IX, "Principles for Determining Costs Applicable to Research and	Y	Y	Distribute funding to another entity	
1,297	§200.309 Period of performance	Federal	Statute	A non-Federal entity may charge to the Federal award only allowable costs incurred during the period of performance (except as described in §200.461 Publication and printing costs) and any costs incurred before the Federal awarding agency or pass-through entity made the Federal award that were authorized by the Federal awarding agency or pass-through entity.	N	Y	Distribute funding to another entity	
1,298	Property Standards §200.310 Insurance coverage	Federal	Statute	The non-Federal entity must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with Federal funds as provided to property owned by the non-Federal entity. Federally-owned property need not be insured unless required by the terms and conditions of the Federal award.	Y	Y	Distribute funding to another entity	
1,299	§200.311 Real property	Federal	Statute	(a) Title. Subject to the obligations and conditions set forth in this section, title to real property acquired or improved under a Federal award will vest upon acquisition in the non-Federal entity. (b) Use. Except as otherwise provided by Federal statutes or by the Federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the non-Federal entity must not dispose of or encumber its title or other interests. (c) Disposition. When real property is no longer needed for the originally authorized purpose, the non-Federal entity must obtain disposition instructions from the Federal awarding agency or pass-through entity. The instructions must provide for one of the following alternatives: (1) Retain title after compensating the Federal awarding agency. The amount paid to the Federal awarding agency will be computed by applying the Federal awarding agency's percentage of participation in the cost of the original purchase (and costs of any improvements) to the fair market value of the property. However, in those situations where the non-Federal entity is disposing of real property acquired or improved with a Federal award and acquiring replacement real property under the same Federal award, the net proceeds from the disposition may be used as an offset to the cost of the replacement property. (2) Sell the property and compensate the Federal awarding agency. The amount due to the Federal awarding agency will be calculated by applying the Federal awarding agency's percentage of participation in the cost of the original purchase (and cost of	N	N		
1,300	§200.312 Federally-owned and exempt property	Federal	Statute	(a) Title to federally-owned property remains vested in the Federal Government. The non-Federal entity must submit annually an inventory listing of federally-owned property in its custody to the Federal awarding agency. Upon completion of the Federal award or when the property is no longer needed, the non-Federal entity must report the property to the Federal awarding agency for further Federal agency utilization. (b) If the Federal awarding agency has no further need for the property, it must declare the property excess and report it for disposal to the appropriate Federal disposal authority, unless the Federal awarding agency has statutory authority to dispose of the property by alternative methods (e.g., the authority provided by the Federal Technology Transfer Act (15 U.S.C. 3710 (i)) to donate research equipment to educational and non-profit organizations in accordance with Executive Order 12999, "Educational Technology: Ensuring Opportunity for All Children in the Next Century."). The Federal awarding agency must issue appropriate instructions to the non-Federal entity. (c) Exempt federally-owned property means property acquired under a Federal award where the Federal awarding agency has chosen to vest title to the property to the non-Federal entity without further obligation to the Federal Government, based upon the explicit terms and conditions of the Federal award. The Federal awarding agency may exercise this option when statutory authority exists. Absent statutory authority and specific terms and conditions of the Federal award, title to exempt federally-owned property acquired under the Federal award remains with the Federal Government.	N	N		

1,301	§200.313 Equipment	Federal	Statute	See also §200.439 Equipment and other capital expenditures. (a) Title. Subject to the obligations and conditions set forth in this section, title to equipment acquired under a Federal award will vest upon acquisition in the non-Federal entity. Unless a statute specifically authorizes the Federal agency to vest title in the non-Federal entity without further obligation to the Federal Government, and the Federal agency elects to do so, the title must be a conditional title. Title must vest in the non-Federal entity subject to the following conditions: (1) Use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project. (2) Not encumber the property without approval of the Federal awarding agency or pass-through entity. (3) Use and dispose of the property in accordance with paragraphs (b), (c) and (e) of this section. (b) A state must use, manage and dispose of equipment acquired under a Federal award by the state in accordance with state laws and procedures. Other non-Federal entities must follow paragraphs (c) through (e) of this section. (c) Use. (1) Equipment must be used by the non-Federal entity in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the Federal award, and the non-Federal entity	Y	Y	Other service or product our agency must/may provide	Use, manage, and dispose of equipment in alignment with Federal award requirements.
1,302	§200.314 Supplies	Federal	Statute	See also §200.453 Materials and supplies costs, including costs of computing devices. (a) Title to supplies will vest in the non-Federal entity upon acquisition. If there is a residual inventory of unused supplies exceeding $5,000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other Federal award, the non-Federal entity must retain the supplies for use on other activities or sell them, but must, in either case, compensate the Federal Government for its share. The amount of compensation must be computed in the same manner as for equipment. See §200.313 Equipment, paragraph (e)(2) for the calculation methodology. (b) As long as the Federal Government retains an interest in the supplies, the non-Federal entity must not use supplies acquired under a Federal award to provide services to other organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute.	Y	Y	Distribute funding to another entity	
1,303	§200.315 Intangible property	Federal	Statute	(a) Title to intangible property (see §200.59 Intangible property) acquired under a Federal award vests upon acquisition in the non-Federal entity. The non-Federal entity must use that property for the originally-authorized purpose, and must not encumber the property without approval of the Federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in §200.313 Equipment paragraph (e). (b) The non-Federal entity may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a Federal award. The Federal awarding agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so. (c) The non-Federal entity is subject to applicable regulations governing patents and inventions, including governmentwide regulations issued by the Department of Commerce at 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Awards, Contracts and Cooperative Agreements.” (d) The Federal Government has the right to: (1) Obtain, reproduce, publish, or otherwise use the data produced under a Federal award; and (2) Authorize others to receive, reproduce, publish, or otherwise use such data for	N	N		
1,304	§200.316 Property trust relationship	Federal	Statute	Real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved. The Federal awarding agency may require the non-Federal entity to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a Federal award and that use and disposition conditions apply to the property.	N	N		
1,305	Procurement Standards §200.317 Procurements by states	Federal	Statute	When procuring property and services under a Federal award, a state must follow the same policies and procedures it uses for procurements from its non-Federal funds. The state will comply with §200.322 Procurement of recovered materials and ensure that every purchase order or other contract includes any clauses required by section §200.326 Contract provisions. All other non-Federal entities, including subrecipients of a state, will follow §§200.318 General procurement standards through 200.326 Contract provisions.	N	N		
1,306	§200.318 General procurement standards	Federal	Statute	(a) The non-Federal entity must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this part. (b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. (c)(1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.	N	N		
1,307	§200.319 Competition	Federal	Statute	(a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to: (1) Placing unreasonable requirements on firms in order for them to qualify to do business; (2) Requiring unnecessary experience and excessive bonding; (3) Noncompetitive pricing practices between firms or between affiliated companies; (4) Noncompetitive contracts to consultants that are on retainer contracts; (5) Organizational conflicts of interest; (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and (7) Any arbitrary action in the procurement process. (b) The non-Federal entity must conduct procurements in a manner that prohibits the	N	N		

1,308	§200.320 Methods of procurement to be followed	Federal	Statute	The non-Federal entity must use one of the following methods of procurement. (a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (§200.67 Micro-purchase). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable. (b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources. (c) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply. (1) In order for sealed bidding to be feasible, the following conditions should be present: (i) A complete, adequate, and realistic specification or purchase description is	N	N		
1,309	§200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.	Federal	Statute	(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. (b) Affirmative steps must include: (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists; (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises; (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.	Y	Y	Other service or product our agency must/may provide	Take all necessary steps to ensure minority businesses are used when possible
1,310	§200.322 Procurement of recovered materials	Federal	Statute	A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.	N	N		
1,311	§200.323 Contract cost and price	Federal	Statute	(a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals. (b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. (c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under Subpart E—Cost Principles of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles. (d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.	Y	Y	Other service or product our agency must/may provide	Perform costs or price analysis in connection with every procurement action in excess of threshold
1,312	§200.324 Federal awarding agency or pass-through entity review	Federal	Statute	(a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase. (b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when: (1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part; (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation; (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a “brand name” product;	Y	Y	Other service or product our agency must/may provide	Make available technical specifications on proposed procurements
1,313	§200.325 Bonding requirements	Federal	Statute	For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows: (a) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified. (b) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract. (c) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.	N	N		
1,314	§200.326 Contract provisions	Federal	Statute	The non-Federal entity’s contracts must contain the applicable provisions described in Appendix II to Part 200— Contract Provisions for non-Federal Entity Contracts Under Federal Awards.	N	N		

1,315	Performance and Financial Monitoring and Reporting §200.327 Financial reporting	Federal	Statute	Unless otherwise approved by OMB, the Federal awarding agency may solicit only the standard, OMB-approved governmentwide data elements for collection of financial information (at time of publication the Federal Financial Report or such future collections as may be approved by OMB and listed on the OMB Web site). This information must be collected with the frequency required by the terms and conditions of the Federal award, but no less frequently than annually nor more frequently than quarterly except in unusual circumstances, for example where more frequent reporting is necessary for the effective monitoring of the Federal award or could significantly affect program outcomes, and preferably in coordination with performance reporting.	N	N		
1,316	§200.328 Monitoring and reporting program performance	Federal	Statute	(a) Monitoring by the non-Federal entity. The non-Federal entity is responsible for oversight of the operations of the Federal award supported activities. The non-Federal entity must monitor its activities under Federal awards to assure compliance with applicable Federal requirements and performance expectations are being achieved. Monitoring by the non-Federal entity must cover each program, function or activity. See also §200.331 Requirements for pass-through entities. (b) Non-construction performance reports. The Federal awarding agency must use standard, OMB-approved data elements for collection of performance information (including performance progress reports, Research Performance Progress Report, or such future collections as may be approved by OMB and listed on the OMB Web site). (1) The non-Federal entity must submit performance reports at the interval required by the Federal awarding agency or pass-through entity to best inform improvements in program outcomes and productivity. Intervals must be no less frequent than annually nor more frequent than quarterly except in unusual circumstances, for example where more frequent reporting is necessary for the effective monitoring of the Federal award or could significantly affect program outcomes. Annual reports must be due 90 calendar days after the reporting period; quarterly or semiannual reports must be due 30 calendar days after the reporting period. Alternatively, the Federal awarding agency or pass-through entity may require annual reports before the anniversary dates of multiple year Federal awards. The final performance report will be due 90 calendar days after the period of performance end date. If a justified request is submitted by a non-Federal entity, the Federal agency may extend the due date for any performance report.	Y	Y	Report our agency must/may provide	
1,317	§200.329 Reporting on real property	Federal	Statute	The Federal awarding agency or pass-through entity must require a non-Federal entity to submit reports at least annually on the status of real property in which the Federal Government retains an interest, unless the Federal interest in the real property extends 15 years or longer. In those instances where the Federal interest attached is for a period of 15 years or more, the Federal awarding agency or pass-through entity, at its option, may require the non-Federal entity to report at various multi-year frequencies (e.g., every two years or every three years, not to exceed a five-year reporting period; or a Federal awarding agency or pass-through entity may require annual reporting for the first three years of a Federal award and thereafter require reporting every five years).	Y	Y	Report our agency must/may provide	
1,318	Subrecipient Monitoring and Management §200.330 Subrecipient and contractor determinations	Federal	Statute	The non-Federal entity may concurrently receive Federal awards as a recipient, a subrecipient, and a contractor, depending on the substance of its agreements with Federal awarding agencies and pass-through entities. Therefore, a pass-through entity must make case-by-case determinations whether each agreement it makes for the disbursement of Federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor. The Federal awarding agency may supply and require recipients to comply with additional guidance to support these determinations provided such guidance does not conflict with this section. (a) Subrecipients. A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. See §200.92 Subaward. Characteristics which support the classification of the non-Federal entity as a subrecipient include when the non-Federal entity: (1) Determines who is eligible to receive what Federal assistance; (2) Has its performance measured in relation to whether objectives of a Federal program were met; (3) Has responsibility for programmatic decision making; (4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and (5) In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods	Y	Y	Other service or product our agency must/may provide	Monitor subawards
1,319	§200.331 Requirements for pass-through entities	Federal	Statute	All pass-through entities must: (a) Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward and if any of these data elements change, include the changes in subsequent subaward modification. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward. Required information includes: (1) Federal Award Identification. (i) Subrecipient name (which must match the name associated with its unique entity identifier); (ii) Subrecipient's unique entity identifier; (iii) Federal Award Identification Number (FAIN); (iv) Federal Award Date (see §200.39 Federal award date); (v) Subaward Period of Performance Start and End Date; (vi) Amount of Federal Funds Obligated by this action; (vii) Total Amount of Federal Funds Obligated to the subrecipient;	Y	Y	Other service or product our agency must/may provide	Ensure all subawards are clearly identified
1,320	§200.332 Fixed amount subawards	Federal	Statute	With prior written approval from the Federal awarding agency, a pass-through entity may provide subawards based on fixed amounts up to the Simplified Acquisition Threshold, provided that the subawards meet the requirements for fixed amount awards in §200.201 Use of grant agreements (including fixed amount awards), cooperative agreements, and contracts.	Y	Y	Distribute funding to another entity	
1,321	Record Retention and Access §200.333 Retention requirements for records	Federal	Statute	Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. The only exceptions are the following: (a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. (b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period. (c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition. (d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity. (e) Records for program income transactions after the period of performance. In	Y	Y	Other service or product our agency must/may provide	Retention of records
1,322	§200.334 Requests for transfer of records	Federal	Statute	The Federal awarding agency must request transfer of certain records to its custody from the non-Federal entity when it determines that the records possess long-term retention value. However, in order to avoid duplicate recordkeeping, the Federal awarding agency may make arrangements for the non-Federal entity to retain any records that are continuously needed for joint use.	N	N		

1,323	§200.335 Methods for collection, transmission and storage of information	Federal	Statute	In accordance with the May 2013 Executive Order on Making Open and Machine Readable the New Default for Government Information, the Federal awarding agency and the non-Federal entity should, whenever practicable, collect, transmit, and store Federal award-related information in open and machine readable formats rather than in closed formats or on paper. The Federal awarding agency or pass-through entity must always provide or accept paper versions of Federal award-related information to and from the non-Federal entity upon request. If paper copies are submitted, the Federal awarding agency or pass-through entity must not require more than an original and two copies. When original records are electronic and cannot be altered, there is no need to create and retain paper copies. When original records are paper, electronic versions may be substituted through the use of duplication or other forms of electronic media provided that they are subject to periodic quality control reviews, provide reasonable safeguards against alteration, and remain readable.	N	N		
1,324	§200.336 Access to records	Federal	Statute	(a) Records of non-Federal entities. The Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents. (b) Only under extraordinary and rare circumstances would such access include review of the true name of victims of a crime. Routine monitoring cannot be considered extraordinary and rare circumstances that would necessitate access to this information. When access to the true name of victims of a crime is necessary, appropriate steps to protect this sensitive information must be taken by both the non-Federal entity and the Federal awarding agency. Any such access, other than under a court order or subpoena pursuant to a bona fide confidential investigation, must be approved by the head of the Federal awarding agency or delegate. (c) Expiration of right of access. The rights of access in this section are not limited to the required retention period but last as long as the records are retained. Federal awarding agencies and pass-through entities must not impose any other access requirements upon non-Federal entities.	N	N		
1,325	§200.337 Restrictions on public access to records	Federal	Statute	No Federal awarding agency may place restrictions on the non-Federal entity that limit public access to the records of the non-Federal entity pertinent to a Federal award, except for protected personally identifiable information (PII) or when the Federal awarding agency can demonstrate that such records will be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552) or controlled unclassified information pursuant to Executive Order 13556 if the records had belonged to the Federal awarding agency. The Freedom of Information Act (5 U.S.C. 552) (FOIA) does not apply to those records that remain under a non-Federal entity's control except as required under §200.315 Intangible property. Unless required by Federal, state, local, and tribal statute, non-Federal entities are not required to permit public access to their records. The non-Federal entity's records provided to a Federal agency generally will be subject to FOIA and applicable exemptions.	N	N		
1,326	Remedies for Noncompliance §200.338 Remedies for noncompliance	Federal	Statute	If a non-Federal entity fails to comply with Federal statutes, regulations or the terms and conditions of a Federal award, the Federal awarding agency or pass-through entity may impose additional conditions, as described in §200.207 Specific conditions. If the Federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the Federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances: (a) Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity. (b) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance. (c) Wholly or partly suspend or terminate the Federal award. (d) Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency). (e) Withhold further Federal awards for the project or program. (f) Take other remedies that may be legally available.	N	N		
1,327	§200.339 Termination	Federal	Statute	(a) The Federal award may be terminated in whole or in part as follows: (1) By the Federal awarding agency or pass-through entity, if a non-Federal entity fails to comply with the terms and conditions of a Federal award; (2) By the Federal awarding agency or pass-through entity for cause; (3) By the Federal awarding agency or pass-through entity with the consent of the non-Federal entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated; or (4) By the non-Federal entity upon sending to the Federal awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal awarding agency or pass-through entity determines in the case of partial termination that the reduced or modified portion of the Federal award or subaward will not accomplish the purposes for which the Federal award was made, the Federal awarding agency or pass-through entity may terminate the Federal award in its entirety. (b) When a Federal award is terminated or partially terminated, both the Federal awarding agency or pass-through entity and the non-Federal entity remain responsible for compliance with the requirements in §§200.343 Closeout and 200.344 Post-closeout adjustments and continuing responsibilities.	N	N		
1,328	§200.340 Notification of termination requirement	Federal	Statute	(a) The Federal agency or pass-through entity must provide to the non-Federal entity a notice of termination. (b) If the Federal award is terminated for the non-Federal entity's failure to comply with the Federal statutes, regulations, or terms and conditions of the Federal award, the notification must state that the termination decision may be considered in evaluating future applications received from the non-Federal entity. (c) Upon termination of a Federal award, the Federal awarding agency must provide the information required under FFATA to the Federal Web site established to fulfill the requirements of FFATA, and update or notify any other relevant governmentwide systems or entities of any indications of poor performance as required by 41 U.S.C. 417b and 31 U.S.C. 3321 and implementing guidance at 2 CFR part 77 (forthcoming at time of publication). See also the requirements for Suspension and Debarment at 2 CFR part 180.	N	N		
1,329	§200.341 Opportunities to object, hearings and appeals	Federal	Statute	Upon taking any remedy for non-compliance, the Federal awarding agency must provide the non-Federal entity an opportunity to object and provide information and documentation challenging the suspension or termination action, in accordance with written processes and procedures published by the Federal awarding agency. The Federal awarding agency or pass-through entity must comply with any requirements for hearings, appeals or other administrative proceedings to which the non-Federal entity is entitled under any statute or regulation applicable to the action involved.	N	N		
1,330	§200.342 Effects of suspension and termination	Federal	Statute	Costs to the non-Federal entity resulting from obligations incurred by the non-Federal entity during a suspension or after termination of a Federal award or subaward are not allowable unless the Federal awarding agency or pass-through entity expressly authorizes them in the notice of suspension or termination or subsequently. However, costs during suspension or after termination are allowable if: (a) The costs result from obligations which were properly incurred by the non-Federal entity before the effective date of suspension or termination, are not in anticipation of it; and (b) The costs would be allowable if the Federal award was not suspended or expired normally at the end of the period of performance in which the termination takes effect.	N	N		

1,331	Closeout §200.343 Closeout	Federal	Statute	The Federal awarding agency or pass-through entity will close-out the Federal award when it determines that all applicable administrative actions and all required work of the Federal award have been completed by the non-Federal entity. This section specifies the actions the non-Federal entity and Federal awarding agency or pass-through entity must take to complete this process at the end of the period of performance. (a) The non-Federal entity must submit, no later than 90 calendar days after the end date of the period of performance, all financial, performance, and other reports as required by the terms and conditions of the Federal award. The Federal awarding agency or pass-through entity may approve extensions when requested by the non-Federal entity. (b) Unless the Federal awarding agency or pass-through entity authorizes an extension, a non-Federal entity must liquidate all obligations incurred under the Federal award not later than 90 calendar days after the end date of the period of performance as specified in the terms and conditions of the Federal award. (c) The Federal awarding agency or pass-through entity must make prompt payments to the non-Federal entity for allowable reimbursable costs under the Federal award being closed out. (d) The non-Federal entity must promptly refund any balances of unobligated cash that the Federal awarding agency or pass-through entity paid in advance or paid and that are not authorized to be retained by the non-Federal entity for use in other projects. See OMB Circular A-129 and see §200.345 Collection of amounts due, for	Y	Y	Other service or product our agency must/may provide; Distribute funding to another entity	Close out Federal award when determined all requirements have been satisfied
1,332	Post-Closeout Adjustments and Continuing Responsibilities §200.344 Post-closeout adjustments and continuing responsibilities	Federal	Statute	(a) The closeout of a Federal award does not affect any of the following: (1) The right of the Federal awarding agency or pass-through entity to disallow costs and recover funds on the basis of a later audit or other review. The Federal awarding agency or pass-through entity must make any cost disallowance determination and notify the non-Federal entity within the record retention period. (2) The obligation of the non-Federal entity to return any funds due as a result of later refunds, corrections, or other transactions including final indirect cost rate adjustments. (3) Audit requirements in Subpart F—Audit Requirements of this part. (4) Property management and disposition requirements in Subpart D—Post Federal Award Requirements of this part, §§200.310 Insurance Coverage through 200.316 Property trust relationship. (5) Records retention as required in Subpart D—Post Federal Award Requirements of this part, §§200.333 Retention requirements for records through 200.337 Restrictions on public access to records. (b) After closeout of the Federal award, a relationship created under the Federal award may be modified or ended in whole or in part with the consent of the Federal awarding agency or pass-through entity and the non-Federal entity, provided the responsibilities of the non-Federal entity referred to in paragraph (a) of this section, including those for property management as applicable, are considered and	Y	Y	Other service or product our agency must/may provide; Distribute funding to another entity	Authority to disallow costs
1,333	Collection of Amounts Due §200.345 Collection of amounts due	Federal	Statute	(a) Any funds paid to the non-Federal entity in excess of the amount to which the non-Federal entity is finally determined to be entitled under the terms of the Federal award constitute a debt to the Federal Government. If not paid within 90 calendar days after demand, the Federal awarding agency may reduce the debt by: (1) Making an administrative offset against other requests for reimbursements; (2) Withholding advance payments otherwise due to the non-Federal entity; or (3) Other action permitted by Federal statute. (b) Except where otherwise provided by statutes or regulations, the Federal awarding agency will charge interest on an overdue debt in accordance with the Federal Claims Collection Standards (31 CFR parts 900 through 999). The date from which interest is computed is not extended by litigation or the filing of any form of appeal.	N	N		
1,334	Subpart E—Cost Principles General Provisions §200.400 Policy guide	Federal	Statute	The application of these cost principles is based on the fundamental premises that: (a) The non-Federal entity is responsible for the efficient and effective administration of the Federal award through the application of sound management practices. (b) The non-Federal entity assumes responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award. (c) The non-Federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award. (d) The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-Federal entity. However, the accounting practices of the non-Federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to the Federal award. (e) In reviewing, negotiating and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-Federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-Federal entity, the	Y	Y	Other service or product our agency must/may provide; Distribute funding to another entity	Assume responsibility for administering Federal funds.
1,335	§200.401 Application	Federal	Statute	(a) General. These principles must be used in determining the allowable costs of work performed by the non-Federal entity under Federal awards. These principles also must be used by the non-Federal entity as a guide in the pricing of fixed-price contracts and subcontracts where costs are used in determining the appropriate price. The principles do not apply to: (1) Arrangements under which Federal financing is in the form of loans, scholarships, fellowships, traineeships, or other fixed amounts based on such items as education allowance or published tuition rates and fees. (2) For IHEs, capitation awards, which are awards based on case counts or number of beneficiaries according to the terms and conditions of the Federal award. (3) Fixed amount awards. See also Subpart A—Acronyms and Definitions, §§200.45 Fixed amount awards and 200.201 Use of grant agreements (including fixed amount awards), cooperative agreements, and contracts. (4) Federal awards to hospitals (see Appendix IX to Part 200—Hospital Cost Principles). (5) Other awards under which the non-Federal entity is not required to account to the Federal Government for actual costs incurred. (b) Federal Contract. Where a Federal contract awarded to a non-Federal entity is subject to the Cost Accounting Standards (CAS), it incorporates the applicable CAS clauses, Standards, and CAS administration requirements per the 48 CFR Chapter 99	N	N		
1,336	Basic Considerations §200.402 Composition of costs	Federal	Statute	Total cost. The total cost of a Federal award is the sum of the allowable direct and allocable indirect costs less any applicable credits.	N	N		

1,337	§200.403 Factors affecting allowability of costs	Federal	Statute	Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under Federal awards: (a) Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles. (b) Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items. (c) Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the non-Federal entity. (d) Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost. (e) Be determined in accordance with generally accepted accounting principles (GAAP), except, for state and local governments and Indian tribes only, as otherwise provided for in this part. (f) Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period. See also §200.306 Cost sharing or matching paragraph (b). (g) Be adequately documented. See also §§200.300 Statutory and national policy requirements through 200.309 Period of performance of this part.	N	N		
1,338	§200.404 Reasonable costs	Federal	Statute	A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. The question of reasonableness is particularly important when the non-Federal entity is predominantly federally-funded. In determining reasonableness of a given cost, consideration must be given to: (a) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the non-Federal entity or the proper and efficient performance of the Federal award. (b) The restraints or requirements imposed by such factors as: sound business practices; arm's-length bargaining; Federal, state, local, tribal, and other laws and regulations; and terms and conditions of the Federal award. (c) Market prices for comparable goods or services for the geographic area. (d) Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the non-Federal entity, its employees, where applicable its students or membership, the public at large, and the Federal Government. (e) Whether the non-Federal entity significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the Federal award's cost.	N	N		
1,339	§200.405 Allocable costs	Federal	Statute	(a) A cost is allocable to a particular Federal award or other cost objective if the goods or services involved are chargeable or assignable to that Federal award or cost objective in accordance with relative benefits received. This standard is met if the cost: (1) Is incurred specifically for the Federal award; (2) Benefits both the Federal award and other work of the non-Federal entity and can be distributed in proportions that may be approximated using reasonable methods; and (3) Is necessary to the overall operation of the non-Federal entity and is assignable in part to the Federal award in accordance with the principles in this subpart. (b) All activities which benefit from the non-Federal entity's indirect (F&A) cost, including unallowable activities and donated services by the non-Federal entity or third parties, will receive an appropriate allocation of indirect costs. (c) Any cost allocable to a particular Federal award under the principles provided for in this part may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the non-Federal entity from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.	N	N		
1,340	§200.406 Applicable credits	Federal	Statute	(a) Applicable credits refer to those receipts or reduction-of-expenditure-type transactions that offset or reduce expense items allocable to the Federal award as direct or indirect (F&A) costs. Examples of such transactions are: purchase discounts, rebates or allowances, recoveries or indemnities on losses, insurance refunds or rebates, and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the non-Federal entity relate to allowable costs, they must be credited to the Federal award either as a cost reduction or cash refund, as appropriate. (b) In some instances, the amounts received from the Federal Government to finance activities or service operations of the non-Federal entity should be treated as applicable credits. Specifically, the concept of netting such credit items (including any amounts used to meet cost sharing or matching requirements) must be recognized in determining the rates or amounts to be charged to the Federal award. (See §§200.436 Depreciation and 200.468 Specialized service facilities, for areas of potential application in the matter of Federal financing of activities.)	N	N		
1,341	§200.407 Prior written approval (prior approval)	Federal	Statute	Under any given Federal award, the reasonableness and allocability of certain items of costs may be difficult to determine. In order to avoid subsequent disallowance or dispute based on unreasonableness or nonallocability, the non-Federal entity may seek the prior written approval of the cognizant agency for indirect costs or the Federal awarding agency in advance of the incurrence of special or unusual costs. Prior written approval should include the timeframe or scope of the agreement. The absence of prior written approval on any element of cost will not, in itself, affect the reasonableness or allocability of that element, unless prior approval is specifically required for allowability as described under certain circumstances in the following sections of this part: (a) §200.201 Use of grant agreements (including fixed amount awards), cooperative agreements, and contracts, paragraph (b)(5); (b) §200.306 Cost sharing or matching; (c) §200.307 Program income; (d) §200.308 Revision of budget and program plans; (e) §200.311 Real property; (f) §200.313 Equipment; (g) §200.332 Fixed amount subawards;	N	N		
1,342	§200.408 Limitation on allowance of costs	Federal	Statute	The Federal award may be subject to statutory requirements that limit the allowability of costs. When the maximum amount allowable under a limitation is less than the total amount determined in accordance with the principles in this part, the amount not recoverable under the Federal award may not be charged to the Federal award.	N	N		
1,343	§200.409 Special considerations	Federal	Statute	In addition to the basic considerations regarding the allowability of costs highlighted in this subtitle, other subtitles in this part describe special considerations and requirements applicable to states, local governments, Indian tribes, and IHEs. In addition, certain provisions among the items of cost in this subpart, are only applicable to certain types of non-Federal entities, as specified in the following sections: (a) Direct and Indirect (F&A) Costs (§§200.412 Classification of costs through 200.415 Required certifications) of this subpart; (b) Special Considerations for States, Local Governments and Indian Tribes (§§200.416 Cost allocation plans and indirect cost proposals and 200.417 Interagency service) of this subpart; and (c) Special Considerations for Institutions of Higher Education (§§200.418 Costs incurred by states and local governments and 200.419 Cost accounting standards and	N	N		

1,344	§200.410 Collection of unallowable costs	Federal	Statute	Payments made for costs determined to be unallowable by either the Federal awarding agency, cognizant agency for indirect costs, or pass-through entity, either as direct or indirect costs, must be refunded (including interest) to the Federal Government in accordance with instructions from the Federal agency that determined the costs are unallowable unless Federal statute or regulation directs otherwise. See also Subpart D—Post Federal Award Requirements of this part, §§200.300 Statutory and national policy requirements through 200.309 Period of performance.	N	N		
1,345	§200.411 Adjustment of previously negotiated indirect (F&A) cost rates containing unallowable costs	Federal	Statute	(a) Negotiated indirect (F&A) cost rates based on a proposal later found to have included costs that: (1) Are unallowable as specified by Federal statutes, regulations or the terms and conditions of a Federal award; or (2) Are unallowable because they are not allocable to the Federal award(s), must be adjusted, or a refund must be made, in accordance with the requirements of this section. These adjustments or refunds are designed to correct the proposals used to establish the rates and do not constitute a reopening of the rate negotiation. The adjustments or refunds will be made regardless of the type of rate negotiated (predetermined, final, fixed, or provisional). (b) For rates covering a future fiscal year of the non-Federal entity, the unallowable costs will be removed from the indirect (F&A) cost pools and the rates appropriately adjusted. (c) For rates covering a past period, the Federal share of the unallowable costs will be computed for each year involved and a cash refund (including interest chargeable in accordance with applicable regulations) will be made to the Federal Government. If cash refunds are made for past periods covered by provisional or fixed rates, appropriate adjustments will be made when the rates are finalized to avoid duplicate recovery of the unallowable costs by the Federal Government. (d) For rates covering the current period, either a rate adjustment or a refund, as described in paragraphs (b) and (c) of this section, must be required by the cognizant	N	N		
1,346	Direct and Indirect (F&A) Costs §200.412 Classification of costs	Federal	Statute	There is no universal rule for classifying certain costs as either direct or indirect (F&A) under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the Federal award or other final cost objective. Therefore, it is essential that each item of cost incurred for the same purpose be treated consistently in like circumstances either as a direct or an indirect (F&A) cost in order to avoid possible double-charging of Federal awards. Guidelines for determining direct and indirect (F&A) costs charged to Federal awards are provided in this subpart.	N	N		
1,347	§200.413 Direct costs	Federal	Statute	(a) General. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy. Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect (F&A) costs. See also §200.405 Allocable costs. (b) Application to Federal awards. Identification with the Federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect (F&A) costs of Federal awards. Typical costs charged directly to a Federal award are the compensation of employees who work on that award, their related fringe benefit costs, the costs of materials and other items of expense incurred for the Federal award. If directly related to a specific award, certain costs that otherwise would be treated as indirect costs may also include extraordinary utility consumption, the cost of materials supplied from stock or services rendered by specialized facilities or other institutional service operations. (c) The salaries of administrative and clerical staff should normally be treated as indirect (F&A) costs. Direct charging of these costs may be appropriate only if all of the following conditions are met: (1) Administrative or clerical services are integral to a project or activity; (2) Individuals involved can be specifically identified with the project or activity; (3) Such costs are explicitly included in the budget or have the prior written approval	N	N		
1,348	§200.414 Indirect (F&A) costs	Federal	Statute	(a) Facilities and Administration Classification. For major IHEs and major nonprofit organizations, indirect (F&A) costs must be classified within two broad categories: “Facilities” and “Administration.” “Facilities” is defined as depreciation on buildings, equipment and capital improvement, interest on debt associated with certain buildings, equipment and capital improvements, and operations and maintenance expenses. “Administration” is defined as general administration and general expenses such as the director's office, accounting, personnel and all other types of expenditures not listed specifically under one of the subcategories of “Facilities” (including cross allocations from other pools, where applicable). For nonprofit organizations, library expenses are included in the “Administration” category; for institutions of higher education, they are included in the “Facilities” category. Major IHEs are defined as those required to use the Standard Format for Submission as noted in Appendix III to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs) paragraph C. 11. Major nonprofit organizations are those which receive more than $10 million dollars in direct Federal funding. (b) Diversity of nonprofit organizations. Because of the diverse characteristics and accounting practices of nonprofit organizations, it is not possible to specify the types of cost which may be classified as indirect (F&A) cost in all situations. Identification with a Federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect (F&A) costs of Federal awards. However, typical examples of indirect (F&A) cost for many nonprofit organizations may include depreciation on buildings and equipment, the costs of operating and maintaining facilities, and general administration and general expenses, such as the salaries and expenses of executive officers, personnel	N	N		
1,349	§200.415 Required certifications	Federal	Statute	Required certifications include: (a) To assure that expenditures are proper and in accordance with the terms and conditions of the Federal award and approved project budgets, the annual and final fiscal reports or vouchers requesting payment under the agreements must include a certification, signed by an official who is authorized to legally bind the non-Federal entity, which reads as follows: “By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).” (b) Certification of cost allocation plan or indirect (F&A) cost rate proposal. Each cost allocation plan or indirect (F&A) cost rate proposal must comply with the following: (1) A proposal to establish a cost allocation plan or an indirect (F&A) cost rate, whether submitted to a Federal cognizant agency for indirect costs or maintained on file by the non-Federal entity, must be certified by the non-Federal entity using the Certificate of Cost Allocation Plan or Certificate of Indirect Costs as set forth in Appendices III through VII, and Appendix IX. The certificate must be signed on behalf of the non-Federal entity by an individual at a level no lower than vice president or chief financial officer of the non-Federal entity that submits the proposal.	N	N		
1,350	Special Considerations for States, Local Governments and Indian Tribes §200.416 Cost allocation plans and indirect cost proposals	Federal	Statute	(a) For states, local governments and Indian tribes, certain services, such as motor pools, computer centers, purchasing, accounting, etc., are provided to operating agencies on a centralized basis. Since Federal awards are performed within the individual operating agencies, there needs to be a process whereby these central service costs can be identified and assigned to benefitted activities on a reasonable and consistent basis. The central service cost allocation plan provides that process. (b) Individual operating agencies (governmental department or agency), normally charge Federal awards for indirect costs through an indirect cost rate. A separate indirect cost rate(s) proposal for each operating agency is usually necessary to claim indirect costs under Federal awards. Indirect costs include: (1) The indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and (2) The costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs. (c) The requirements for development and submission of cost allocation plans (for central service costs and public assistance programs) and indirect cost rate proposals are contained in appendices IV, V and VI to this part.	N	N		

1,351	§200.417 Interagency service	Federal	Statute	The cost of services provided by one agency to another within the governmental unit may include allowable direct costs of the service plus a pro-rated share of indirect costs. A standard indirect cost allowance equal to ten percent of the direct salary and wage cost of providing the service (excluding overtime, shift premiums, and fringe benefits) may be used in lieu of determining the actual indirect costs of the service. These services do not include centralized services included in central service cost allocation plans as described in Appendix V to Part 200—State/Local Government and Indian Tribe-Wide Central Service Cost Allocation Plans.	N	N		
1,352	Special Considerations for Institutions of Higher Education §200.418 Costs incurred by states and local governments	Federal	Statute	Costs incurred or paid by a state or local government on behalf of its IHEs for fringe benefit programs, such as pension costs and FICA and any other costs specifically incurred on behalf of, and in direct benefit to, the IHEs, are allowable costs of such IHEs whether or not these costs are recorded in the accounting records of the institutions, subject to the following: (a) The costs meet the requirements of §§200.402 Composition of costs through 200.411 Adjustment of previously negotiated indirect (F&A) cost rates containing unallowable costs, of this subpart; (b) The costs are properly supported by approved cost allocation plans in accordance with applicable Federal cost accounting principles in this part; and (c) The costs are not otherwise borne directly or indirectly by the Federal Government.	N	N		
1,353	§200.419 Cost accounting standards and disclosure statement	Federal	Statute	(a) An IHE that receives aggregate Federal awards totaling $50 million or more in Federal awards subject to this part in its most recently completed fiscal year must comply with the Cost Accounting Standards Board's cost accounting standards located at 48 CFR 9905.501, 9905.502, 9905.505, and 9905.506. CAS-covered contracts awarded to the IHEs are subject to the CAS requirements at 48 CFR 9900 through 9999 and 48 CFR part 30 (FAR Part 30). (b) Disclosure statement. An IHE that receives aggregate Federal awards totaling $50 million or more subject to this part during its most recently completed fiscal year must disclose their cost accounting practices by filing a Disclosure Statement (DS-2), which is reproduced in Appendix III to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs). With the approval of the cognizant agency for indirect costs, an IHE may meet the DS-2 submission by submitting the DS-2 for each business unit that received $50 million or more in Federal awards. (1) The DS-2 must be submitted to the cognizant agency for indirect costs with a copy to the IHE's cognizant agency for audit. (2) An IHE is responsible for maintaining an accurate DS-2 and complying with disclosed cost accounting practices. An IHE must file amendments to the DS-2 to the cognizant agency for indirect costs six months in advance of a disclosed practice being changed to comply with a new or modified standard, or when a practice is changed for other reasons. An IHE may proceed with implementing the change only if it has not been notified by the Federal cognizant agency for indirect costs that either a longer period will be needed for review or there are concerns with the potential	N	N		
1,354	General Provisions for Selected Items of Cost §200.420 Considerations for selected items of cost	Federal	Statute	This section provides principles to be applied in establishing the allowability of certain items involved in determining cost, in addition to the requirements of Subtitle II. Basic Considerations of this subpart. These principles apply whether or not a particular item of cost is properly treated as direct cost or indirect (F&A) cost. Failure to mention a particular item of cost is not intended to imply that it is either allowable or unallowable; rather, determination as to allowability in each case should be based on the treatment provided for similar or related items of cost, and based on the principles described in §§200.402 Composition of costs through 200.411 Adjustment of previously negotiated indirect (F&A) cost rates containing unallowable costs. In case of a discrepancy between the provisions of a specific Federal award and the provisions below, the Federal award governs. Criteria outlined in §200.403 Factors affecting allowability of costs must be applied in determining allowability. See also §200.102 Exceptions.	N	N		
1,355	§200.421 Advertising and public relations	Federal	Statute	(a) The term advertising costs means the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television, direct mail, exhibits, electronic or computer transmittals, and the like. (b) The only allowable advertising costs are those which are solely for: (1) The recruitment of personnel required by the non-Federal entity for performance of a Federal award (See also §200.463 Recruiting costs); (2) The procurement of goods and services for the performance of a Federal award; (3) The disposal of scrap or surplus materials acquired in the performance of a Federal award except when non-Federal entities are reimbursed for disposal costs at a predetermined amount; or (4) Program outreach and other specific purposes necessary to meet the requirements of the Federal award. (c) The term “public relations” includes community relations and means those activities dedicated to maintaining the image of the non-Federal entity or maintaining or promoting understanding and favorable relations with the community or public at large or any segment of the public. (d) The only allowable public relations costs are: (1) Costs specifically required by the Federal award;	N	N		
1,356	§200.422 Advisory councils	Federal	Statute	Costs incurred by advisory councils or committees are unallowable unless authorized by statute, the Federal awarding agency or as an indirect cost where allocable to Federal awards. See §200.444 General costs of government, applicable to states, local governments and Indian tribes.	N	N		
1,357	§200.423 Alcoholic beverages	Federal	Statute	Costs of alcoholic beverages are unallowable.	N	N		
1,358	§200.424 Alumni/ae activities	Federal	Statute	Costs incurred by IHEs for, or in support of, alumni/ae activities are unallowable.	N	N		
1,359	§200.425 Audit services	Federal	Statute	(a) A reasonably proportionate share of the costs of audits required by, and performed in accordance with, the Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507), as implemented by requirements of this part, are allowable. However, the following audit costs are unallowable: (1) Any costs when audits required by the Single Audit Act and Subpart F—Audit Requirements of this part have not been conducted or have been conducted but not in accordance therewith; and (2) Any costs of auditing a non-Federal entity that is exempted from having an audit conducted under the Single Audit Act and Subpart F—Audit Requirements of this part because its expenditures under Federal awards are less than $750,000 during the non-Federal entity's fiscal year. (b) The costs of a financial statement audit of a non-Federal entity that does not currently have a Federal award may be included in the indirect cost pool for a cost allocation plan or indirect cost proposal. (c) Pass-through entities may charge Federal awards for the cost of agreed-upon-procedures engagements to monitor subrecipients (in accordance with Subpart D—Post Federal Award Requirements of this part, §§200.330 Subrecipient and contractor determinations through 200.332 Fixed Amount Subawards) who are exempted from the requirements of the Single Audit Act and Subpart F—Audit Requirements of this part. This cost is allowable only if the agreed-upon-procedures engagements are:	N	N		
1,360	§200.426 Bad debts	Federal	Statute	Bad debts (debts which have been determined to be uncollectable), including losses (whether actual or estimated) arising from uncollectable accounts and other claims, are unallowable. Related collection costs, and related legal costs, arising from such debts after they have been determined to be uncollectable are also unallowable. See also §200.428 Collections of improper payments.	N	N		

1,361	§200.427 Bonding costs	Federal	Statute	(a) Bonding costs arise when the Federal awarding agency requires assurance against financial loss to itself or others by reason of the act or default of the non-Federal entity. They arise also in instances where the non-Federal entity requires similar assurance, including: bonds as bid, performance, payment, advance payment, infringement, and fidelity bonds for employees and officials. (b) Costs of bonding required pursuant to the terms and conditions of the Federal award are allowable. (c) Costs of bonding required by the non-Federal entity in the general conduct of its operations are allowable as an indirect cost to the extent that such bonding is in accordance with sound business practice and the rates and premiums are reasonable under the circumstances.	N	N		
1,362	§200.428 Collections of improper payments	Federal	Statute	The costs incurred by a non-Federal entity to recover improper payments are allowable as either direct or indirect costs, as appropriate. Amounts collected may be used by the non-Federal entity in accordance with cash management standards set forth in §200.305 Payment.	N	N		
1,363	§200.429 Commencement and convocation costs	Federal	Statute	For IHEs, costs incurred for commencements and convocations are unallowable, except as provided for in Appendix III to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs), paragraph (B)(9) Student Administration and Services, as student activity costs.	N	N		
1,364	§200.430 Compensation—personal services	Federal	Statute	(a) General. Compensation for personal services includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services may also include fringe benefits which are addressed in §200.431 Compensation—fringe benefits. Costs of compensation are allowable to the extent that they satisfy the specific requirements of this part, and that the total compensation for individual employees: (1) Is reasonable for the services rendered and conforms to the established written policy of the non-Federal entity consistently applied to both Federal and non-Federal activities; (2) Follows an appointment made in accordance with a non-Federal entity's laws and/or rules or written policies and meets the requirements of Federal statute, where applicable; and (3) Is determined and supported as provided in paragraph (i) of this section, Standards for Documentation of Personnel Expenses, when applicable. (b) Reasonableness. Compensation for employees engaged in work on Federal awards will be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the non-Federal entity. In cases where the kinds of employees required for Federal awards are not found in the other activities of the non-Federal entity, compensation will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor market in which the non-Federal entity competes for the kind of employees involved.	N	N		
1,365	§200.431 Compensation—fringe benefits	Federal	Statute	(a) Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits include, but are not limited to, the costs of leave (vacation, family-related, sick or military), employee insurance, pensions, and unemployment benefit plans. Except as provided elsewhere in these principles, the costs of fringe benefits are allowable provided that the benefits are reasonable and are required by law, non-Federal entity-employee agreement, or an established policy of the non-Federal entity. (b) Leave. The cost of fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, family-related leave, sick leave, holidays, court leave, military leave, administrative leave, and other similar benefits, are allowable if all of the following criteria are met: (1) They are provided under established written leave policies; (2) The costs are equitably allocated to all related activities, including Federal awards; and, (3) The accounting basis (cash or accrual) selected for costing each type of leave is consistently followed by the non-Federal entity or specified grouping of employees. (i) When a non-Federal entity uses the cash basis of accounting, the cost of leave is recognized in the period that the leave is taken and paid for. Payments for unused leave when an employee retires or terminates employment are allowable in the year of payment.	N	N		
1,366	§200.432 Conferences	Federal	Statute	A conference is defined as a meeting, retreat, seminar, symposium, workshop or event whose primary purpose is the dissemination of technical information beyond the non-Federal entity and is necessary and reasonable for successful performance under the Federal award. Allowable conference costs paid by the non-Federal entity as a sponsor or host of the conference may include rental of facilities, speakers' fees, costs of meals and refreshments, local transportation, and other items incidental to such conferences unless further restricted by the terms and conditions of the Federal award. As needed, the costs of identifying, but not providing, locally available dependent-care resources are allowable. Conference hosts/sponsors must exercise discretion and judgment in ensuring that conference costs are appropriate, necessary and managed in a manner that minimizes costs to the Federal award. The Federal awarding agency may authorize exceptions where appropriate for programs including Indian tribes, children, and the elderly. See also §§200.438 Entertainment costs, 200.456 Participant support costs, 200.474 Travel costs, and 200.475 Trustees.	Y	Y	Other service or product our agency must/may provide	Perform conferences to provide for allowable and unallowable costs
1,367	§200.433 Contingency provisions	Federal	Statute	(a) Contingency is that part of a budget estimate of future costs (typically of large construction projects, IT systems, or other items as approved by the Federal awarding agency) which is associated with possible events or conditions arising from causes the precise outcome of which is indeterminable at the time of estimate, and that experience shows will likely result, in aggregate, in additional costs for the approved activity or project. Amounts for major project scope changes, unforeseen risks, or extraordinary events may not be included. (b) It is permissible for contingency amounts other than those excluded in paragraph (a) of this section to be explicitly included in budget estimates, to the extent they are necessary to improve the precision of those estimates. Amounts must be estimated using broadly-accepted cost estimating methodologies, specified in the budget documentation of the Federal award, and accepted by the Federal awarding agency. As such, contingency amounts are to be included in the Federal award. In order for actual costs incurred to be allowable, they must comply with the cost principles and other requirements in this part (see also §§200.300 Statutory and national policy requirements through 200.309 Period of performance of Subpart D of this part and 200.403 Factors affecting allowability of costs); be necessary and reasonable for proper and efficient accomplishment of project or program objectives, and be verifiable from the non-Federal entity's records. (c) Payments made by the Federal awarding agency to the non-Federal entity's "contingency reserve" or any similar payment made for events the occurrence of which cannot be foretold with certainty as to the time or intensity, or with an assurance of their happening, are unallowable, except as noted in §§200.431 Compensation—fringe benefits regarding self-insurance, pensions, severance and	N	N		

1,368	§200.434 Contributions and donations	Federal	Statute	(a) Costs of contributions and donations, including cash, property, and services, from the non-Federal entity to other entities, are unallowable. (b) The value of services and property donated to the non-Federal entity may not be charged to the Federal award either as a direct or indirect (F&A) cost. The value of donated services and property may be used to meet cost sharing or matching requirements (see §200.306 Cost sharing or matching). Depreciation on donated assets is permitted in accordance with §200.436 Depreciation, as long as the donated property is not counted towards cost sharing or matching requirements. (c) Services donated or volunteered to the non-Federal entity may be furnished to a non-Federal entity by professional and technical personnel, consultants, and other skilled and unskilled labor. The value of these services may not be charged to the Federal award either as a direct or indirect cost. However, the value of donated services may be used to meet cost sharing or matching requirements in accordance with the provisions of §200.306 Cost sharing or matching. (d) To the extent feasible, services donated to the non-Federal entity will be supported by the same methods used to support the allocability of regular personnel services. (e) The following provisions apply to nonprofit organizations. The value of services donated to the nonprofit organization utilized in the performance of a direct cost activity must be considered in the determination of the non-Federal entity's indirect cost rate(s) and, accordingly, must be allocated a proportionate share of applicable indirect costs when the following circumstances exist:	N	N		
1,369	§200.435 Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	Federal	Statute	(a) Definitions for the purposes of this section. (1) Conviction means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon verdict or a plea, including a conviction due to a plea of nolo contendere. (2) Costs include the services of in-house or private counsel, accountants, consultants, or others engaged to assist the non-Federal entity before, during, and after commencement of a judicial or administrative proceeding, that bear a direct relationship to the proceeding. (3) Fraud means: (i) Acts of fraud or corruption or attempts to defraud the Federal Government or to corrupt its agents, (ii) Acts that constitute a cause for debarment or suspension (as specified in agency regulations), and (iii) Acts which violate the False Claims Act (31 U.S.C. 3729-3732) or the Anti-kickback Act (41 U.S.C. 1320a-7b(b)). (4) Penalty does not include restitution, reimbursement, or compensatory damages. (5) Proceeding includes an investigation.	N	N		
1,370	§200.436 Depreciation	Federal	Statute	(a) Depreciation is the method for allocating the cost of fixed assets to periods benefitting from asset use. The non-Federal entity may be compensated for the use of its buildings, capital improvements, equipment, and software projects capitalized in accordance with GAAP, provided that they are used, needed in the non-Federal entity's activities, and properly allocated to Federal awards. Such compensation must be made by computing depreciation. (b) The allocation for depreciation must be made in accordance with Appendices III through IX. (c) Depreciation is computed applying the following rules. The computation of depreciation must be based on the acquisition cost of the assets involved. For an asset donated to the non-Federal entity by a third party, its fair market value at the time of the donation must be considered as the acquisition cost. Such assets may be depreciated or claimed as matching but not both. For the purpose of computing depreciation, the acquisition cost will exclude: (1) The cost of land; (2) Any portion of the cost of buildings and equipment borne by or donated by the Federal Government, irrespective of where title was originally vested or where it is presently located; (3) Any portion of the cost of buildings and equipment contributed by or for the non-Federal entity where law or agreement prohibits recovery; and	N	N		
1,371	§200.437 Employee health and welfare costs	Federal	Statute	a) Costs incurred in accordance with the non-Federal entity's documented policies for the improvement of working conditions, employer-employee relations, employee health, and employee performance are allowable. (b) Such costs will be equitably apportioned to all activities of the non-Federal entity. Income generated from any of these activities will be credited to the cost thereof unless such income has been irrevocably sent to employee welfare organizations. (c) Losses resulting from operating food services are allowable only if the non-Federal entity's objective is to operate such services on a break-even basis. Losses sustained because of operating objectives other than the above are allowable only: (1) Where the non-Federal entity can demonstrate unusual circumstances; and (2) With the approval of the cognizant agency for indirect costs.	N	N		
1,372	§200.438 Entertainment costs	Federal	Statute	Costs of entertainment, including amusement, diversion, and social activities and any associated costs are unallowable, except where specific costs that might otherwise be considered entertainment have a programmatic purpose and are authorized either in the approved budget for the Federal award or with prior written approval of the Federal awarding agency.	N	N		
1,373	§200.439 Equipment and other capital expenditures	Federal	Statute	(a) See §§200.13 Capital expenditures, 200.33 Equipment, 200.89 Special purpose equipment, 200.48 General purpose equipment, 200.2 Acquisition cost, and 200.12 Capital assets. (b) The following rules of allowability must apply to equipment and other capital expenditures: (1) Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except with the prior written approval of the Federal awarding agency or pass-through entity. (2) Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of $5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity. (3) Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior written approval of the Federal awarding agency, or pass-through entity. See §200.436 Depreciation, for rules on the allowability of depreciation on buildings, capital improvements, and equipment. See also §200.465 Rental costs of real property and equipment. (4) When approved as a direct charge pursuant to paragraphs (b)(1) through (3) of this section, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal awarding agency.	N	N		
1,374	§200.440 Exchange rates	Federal	Statute	(a) Cost increases for fluctuations in exchange rates are allowable costs subject to the availability of funding. Prior approval of exchange rate fluctuations is required only when the change results in the need for additional Federal funding, or the increased costs result in the need to significantly reduce the scope of the project. The Federal awarding agency must however ensure that adequate funds are available to cover currency fluctuations in order to avoid a violation of the Anti-Deficiency Act. (b) The non-Federal entity is required to make reviews of local currency gains to determine the need for additional federal funding before the expiration date of the Federal award. Subsequent adjustments for currency increases may be allowable only when the non-Federal entity provides the Federal awarding agency with adequate source documentation from a commonly used source in effect at the time the expense was made, and to the extent that sufficient Federal funds are available.	N	N		

1,375	§200.441 Fines, penalties, damages and other settlements	Federal	Statute	Costs resulting from non-Federal entity violations of, alleged violations of, or failure to comply with, Federal, state, tribal, local or foreign laws and regulations are unallowable, except when incurred as a result of compliance with specific provisions of the Federal award, or with prior written approval of the Federal awarding agency. See also §200.435 Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements.	N	N		
1,376	§200.442 Fund raising and investment management costs	Federal	Statute	(a) Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred to raise capital or obtain contributions are unallowable. Fund raising costs for the purposes of meeting the Federal program objectives are allowable with prior written approval from the Federal awarding agency. Proposal costs are covered in §200.460 Proposal costs. (b) Costs of investment counsel and staff and similar expenses incurred to enhance income from investments are unallowable except when associated with investments covering pension, self-insurance, or other funds which include Federal participation allowed by this part. (c) Costs related to the physical custody and control of monies and securities are allowable. (d) Both allowable and unallowable fund raising and investment activities must be allocated as an appropriate share of indirect costs under the conditions described in §200.413 Direct costs.	N	N		
1,377	§200.443 Gains and losses on disposition of depreciable assets	Federal	Statute	(a) Gains and losses on the sale, retirement, or other disposition of depreciable property must be included in the year in which they occur as credits or charges to the asset cost grouping(s) in which the property was included. The amount of the gain or loss to be included as a credit or charge to the appropriate asset cost grouping(s) is the difference between the amount realized on the property and the undepreciated basis of the property. (b) Gains and losses from the disposition of depreciable property must not be recognized as a separate credit or charge under the following conditions: (1) The gain or loss is processed through a depreciation account and is reflected in the depreciation allowable under §§200.436 Depreciation and 200.439 Equipment and other capital expenditures. (2) The property is given in exchange as part of the purchase price of a similar item and the gain or loss is taken into account in determining the depreciation cost basis of the new item. (3) A loss results from the failure to maintain permissible insurance, except as otherwise provided in §200.447 Insurance and indemnification. (4) Compensation for the use of the property was provided through use allowances in lieu of depreciation. (5) Gains and losses arising from mass or extraordinary sales, retirements, or other dispositions must be considered on a case-by-case basis.	N	N		
1,378	§200.444 General costs of government	Federal	Statute	(a) For states, local governments, and Indian Tribes, the general costs of government are unallowable (except as provided in §200.474 Travel costs). Unallowable costs include: (1) Salaries and expenses of the Office of the Governor of a state or the chief executive of a local government or the chief executive of an Indian tribe; (2) Salaries and other expenses of a state legislature, tribal council, or similar local governmental body, such as a county supervisor, city council, school board, etc., whether incurred for purposes of legislation or executive direction; (3) Costs of the judicial branch of a government; (4) Costs of prosecutorial activities unless treated as a direct cost to a specific program if authorized by statute or regulation (however, this does not preclude the allowability of other legal activities of the Attorney General as described in §200.435 Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements); and (5) Costs of other general types of government services normally provided to the general public, such as fire and police, unless provided for as a direct cost under a program statute or regulation. (b) For Indian tribes and Councils of Governments (COGs) (see §200.64 Local government), up to 50% of salaries and expenses directly attributable to managing and operating Federal programs by the chief executive and his or her staff can be	N	N		
1,379	§200.445 Goods or services for personal use	Federal	Statute	(a) Costs of goods or services for personal use of the non-Federal entity's employees are unallowable regardless of whether the cost is reported as taxable income to the employees. (b) Costs of housing (e.g., depreciation, maintenance, utilities, furnishings, rent), housing allowances and personal living expenses are only allowable as direct costs regardless of whether reported as taxable income to the employees. In addition, to be allowable direct costs must be approved in advance by a Federal awarding agency.	N	N		
1,380	§200.446 Idle facilities and idle capacity	Federal	Statute	(a) As used in this section the following terms have the meanings set forth in this section: (1) Facilities means land and buildings or any portion thereof, equipment individually or collectively, or any other tangible capital asset, wherever located, and whether owned or leased by the non-Federal entity. (2) Idle facilities means completely unused facilities that are excess to the non-Federal entity's current needs. (3) Idle capacity means the unused capacity of partially used facilities. It is the difference between: (i) That which a facility could achieve under 100 percent operating time on a one-shift basis less operating interruptions resulting from time lost for repairs, setups, unsatisfactory materials, and other normal delays and; (ii) The extent to which the facility was actually used to meet demands during the accounting period. A multi-shift basis should be used if it can be shown that this amount of usage would normally be expected for the type of facility involved. (4) Cost of idle facilities or idle capacity means costs such as maintenance, repair, housing, rent, and other related costs, e.g., insurance, interest, and depreciation. These costs could include the costs of idle public safety emergency facilities, telecommunications, or information technology system capacity that is built to withstand major fluctuations in load, e.g., consolidated data centers.	N	N		
1,381	§200.447 Insurance and indemnification	Federal	Statute	(a) Costs of insurance required or approved and maintained, pursuant to the Federal award, are allowable. (b) Costs of other insurance in connection with the general conduct of activities are allowable subject to the following limitations: (1) Types and extent and cost of coverage are in accordance with the non-Federal entity's policy and sound business practice. (2) Costs of insurance or of contributions to any reserve covering the risk of loss of, or damage to, Federal Government property are unallowable except to the extent that the Federal awarding agency has specifically required or approved such costs. (3) Costs allowed for business interruption or other similar insurance must exclude coverage of management fees. (4) Costs of insurance on the lives of trustees, officers, or other employees holding positions of similar responsibilities are allowable only to the extent that the insurance represents additional compensation (see §200.431 Compensation—fringe benefits). The cost of such insurance when the non-Federal entity is identified as the beneficiary is unallowable. (5) Insurance against defects. Costs of insurance with respect to any costs incurred to correct defects in the non-Federal entity's materials or workmanship are unallowable. (6) Medical liability (malpractice) insurance. Medical liability insurance is an allowable	N	N		

1,382	§200.448 Intellectual property	Federal	Statute	(a) Patent costs. (1) The following costs related to securing patents and copyrights are allowable: (i) Costs of preparing disclosures, reports, and other documents required by the Federal award, and of searching the art to the extent necessary to make such disclosures; (ii) Costs of preparing documents and any other patent costs in connection with the filing and prosecution of a United States patent application where title or royalty-free license is required by the Federal Government to be conveyed to the Federal Government; and (iii) General counseling services relating to patent and copyright matters, such as advice on patent and copyright laws, regulations, clauses, and employee intellectual property agreements (See also §200.459 Professional service costs). (2) The following costs related to securing patents and copyrights are unallowable: (i) Costs of preparing disclosures, reports, and other documents, and of searching the art to make disclosures not required by the Federal award; (ii) Costs in connection with filing and prosecuting any foreign patent application, or any United States patent application, where the Federal award does not require conveying title or a royalty-free license to the Federal Government. (b) Royalties and other costs for use of patents and copyrights. (1) Royalties on a	N	N		
1,383	§200.449 Interest	Federal	Statute	(a) General. Costs incurred for interest on borrowed capital, temporary use of endowment funds, or the use of the non-Federal entity's own funds, however represented, are unallowable. Financing costs (including interest) to acquire, construct, or replace capital assets are allowable, subject to the conditions in this section. (b)(1) Capital assets is defined as noted in §200.12 Capital assets. An asset cost includes (as applicable) acquisition costs, construction costs, and other costs capitalized in accordance with GAAP. (2) For non-Federal entity fiscal years beginning on or after January 1, 2016, intangible assets include patents and computer software. For software development projects, only interest attributable to the portion of the project costs capitalized in accordance with GAAP is allowable. (c) Conditions for all non-Federal entities. (1) The non-Federal entity uses the capital assets in support of Federal awards; (2) The allowable asset costs to acquire facilities and equipment are limited to a fair market value available to the non-Federal entity from an unrelated (arm's length) third party. (3) The non-Federal entity obtains the financing via an arm's-length transaction (that is, a transaction with an unrelated third party); or claims reimbursement of actual interest cost at a rate available via such a transaction.	N	N		
1,384	§200.450 Lobbying	Federal	Statute	(a) The cost of certain influencing activities associated with obtaining grants, contracts, cooperative agreements, or loans is an unallowable cost. Lobbying with respect to certain grants, contracts, cooperative agreements, and loans is governed by relevant statutes, including among others, the provisions of 31 U.S.C. 1352, as well as the common rule, “New Restrictions on Lobbying” published at 55 FR 6736 (February 26, 1990), including definitions, and the Office of Management and Budget “Governmentwide Guidance for New Restrictions on Lobbying” and notices published at 54 FR 52306 (December 20, 1989), 55 FR 24540 (June 15, 1990), 57 FR 1772 (January 15, 1992), and 61 FR 1412 (January 19, 1996). (b) Executive lobbying costs. Costs incurred in attempting to improperly influence either directly or indirectly, an employee or officer of the executive branch of the Federal Government to give consideration or to act regarding a Federal award or a regulatory matter are unallowable. Improper influence means any influence that induces or tends to induce a Federal employee or officer to give consideration or to act regarding a Federal award or regulatory matter on any basis other than the merits of the matter. (c) In addition to the above, the following restrictions are applicable to nonprofit organizations and IHEs: (1) Costs associated with the following activities are unallowable: (i) Attempts to influence the outcomes of any Federal, state, or local election, referendum, initiative, or similar procedure, through in-kind or cash contributions, endorsements, publicity, or similar activity;	N	N		
1,385	§200.451 Losses on other awards or contracts	Federal	Statute	Any excess of costs over income under any other award or contract of any nature is unallowable. This includes, but is not limited to, the non-Federal entity's contributed portion by reason of cost-sharing agreements or any under-recoveries through negotiation of flat amounts for indirect (F&A) costs. Also, any excess of costs over authorized funding levels transferred from any award or contract to another award or contract is unallowable. All losses are not allowable indirect (F&A) costs and are required to be included in the appropriate indirect cost rate base for allocation of indirect costs.	N	N		
1,386	§200.452 Maintenance and repair costs	Federal	Statute	Costs incurred for utilities, insurance, security, necessary maintenance, janitorial services, repair, or upkeep of buildings and equipment (including Federal property unless otherwise provided for) which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are allowable. Costs incurred for improvements which add to the permanent value of the buildings and equipment or appreciably prolong their intended life must be treated as capital expenditures (see §200.439 Equipment and other capital expenditures). These costs are only allowable to the extent not paid through rental or other agreements.	N	N		
1,387	§200.453 Materials and supplies costs, including costs of computing devices	Federal	Statute	(a) Costs incurred for materials, supplies, and fabricated parts necessary to carry out a Federal award are allowable. (b) Purchased materials and supplies must be charged at their actual prices, net of applicable credits. Withdrawals from general stores or stockrooms must be charged at their actual net cost under any recognized method of pricing inventory withdrawals, consistently applied. Incoming transportation charges are a proper part of materials and supplies costs. (c) Materials and supplies used for the performance of a Federal award may be charged as direct costs. In the specific case of computing devices, charging as direct costs is allowable for devices that are essential and allocable, but not solely dedicated, to the performance of a Federal award. (d) Where federally-donated or furnished materials are used in performing the Federal award, such materials will be used without charge.	N	N		
1,388	§200.454 Memberships, subscriptions, and professional activity costs	Federal	Statute	(a) Costs of the non-Federal entity's membership in business, technical, and professional organizations are allowable. (b) Costs of the non-Federal entity's subscriptions to business, professional, and technical periodicals are allowable. (c) Costs of membership in any civic or community organization are allowable with prior approval by the Federal awarding agency or pass-through entity. (d) Costs of membership in any country club or social or dining club or organization are unallowable. (e) Costs of membership in organizations whose primary purpose is lobbying are unallowable. See also §200.450 Lobbying.	N	N		
1,389	§200.455 Organization costs	Federal	Statute	Costs such as incorporation fees, brokers' fees, fees to promoters, organizers or management consultants, attorneys, accountants, or investment counselor, whether or not employees of the non-Federal entity in connection with establishment or reorganization of an organization, are unallowable except with prior approval of the Federal awarding agency.	N	N		
1,390	§200.456 Participant support costs	Federal	Statute	Participant support costs as defined in §200.75 Participant support costs are allowable with the prior approval of the Federal awarding agency.	N	N		
1,391	§200.457 Plant and security costs	Federal	Statute	Necessary and reasonable expenses incurred for protection and security of facilities, personnel, and work products are allowable. Such costs include, but are not limited to, wages and uniforms of personnel engaged in security activities; equipment; barriers; protective (non-military) gear, devices, and equipment; contractual security services; and consultants. Capital expenditures for plant security purposes are subject to §200.439 Equipment and other capital expenditures.	N	N		

1,392	§200.458 Pre-award costs	Federal	Statute	Pre-award costs are those incurred prior to the effective date of the Federal award directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award and only with the written approval of the Federal awarding agency.	N	N		
1,393	§200.459 Professional service costs	Federal	Statute	(a) Costs of professional and consultant services rendered by persons who are members of a particular profession or possess a special skill, and who are not officers or employees of the non-Federal entity, are allowable, subject to paragraphs (b) and (c) when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Federal Government. In addition, legal and related services are limited under §200.435 Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements. (b) In determining the allowability of costs in a particular case, no single factor or any special combination of factors is necessarily determinative. However, the following factors are relevant: (1) The nature and scope of the service rendered in relation to the service required. (2) The necessity of contracting for the service, considering the non-Federal entity's capability in the particular area. (3) The past pattern of such costs, particularly in the years prior to Federal awards. (4) The impact of Federal awards on the non-Federal entity's business (i.e., what new problems have arisen). (5) Whether the proportion of Federal work to the non-Federal entity's total business is such as to influence the non-Federal entity in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Federal awards.	N	N		
1,394	§200.460 Proposal costs	Federal	Statute	Proposal costs are the costs of preparing bids, proposals, or applications on potential Federal and non-Federal awards or projects, including the development of data necessary to support the non-Federal entity's bids or proposals. Proposal costs of the current accounting period of both successful and unsuccessful bids and proposals normally should be treated as indirect (F&A) costs and allocated currently to all activities of the non-Federal entity. No proposal costs of past accounting periods will be allocable to the current period.	N	N		
1,395	§200.461 Publication and printing costs	Federal	Statute	(a) Publication costs for electronic and print media, including distribution, promotion, and general handling are allowable. If these costs are not identifiable with a particular cost objective, they should be allocated as indirect costs to all benefiting activities of the non-Federal entity. (b) Page charges for professional journal publications are allowable where: (1) The publications report work supported by the Federal Government; and (2) The charges are levied impartially on all items published by the journal, whether or not under a Federal award. (3) The non-Federal entity may charge the Federal award before closeout for the costs of publication or sharing of research results if the costs are not incurred during the period of performance of the Federal award.	N	N		
1,396	§200.462 Rearrangement and reconversion costs	Federal	Statute	(a) Costs incurred for ordinary and normal rearrangement and alteration of facilities are allowable as indirect costs. Special arrangements and alterations costs incurred specifically for a Federal award are allowable as a direct cost with the prior approval of the Federal awarding agency or pass-through entity. (b) Costs incurred in the restoration or rehabilitation of the non-Federal entity's facilities to approximately the same condition existing immediately prior to commencement of Federal awards, less costs related to normal wear and tear, are allowable.	N	N		
1,397	§200.463 Recruiting costs	Federal	Statute	(a) Subject to paragraphs (b) and (c) of this section, and provided that the size of the staff recruited and maintained is in keeping with workload requirements, costs of "help wanted" advertising, operating costs of an employment office necessary to secure and maintain an adequate staff, costs of operating an aptitude and educational testing program, travel costs of employees while engaged in recruiting personnel, travel costs of applicants for interviews for prospective employment, and relocation costs incurred incident to recruitment of new employees, are allowable to the extent that such costs are incurred pursuant to the non-Federal entity's standard recruitment program. Where the non-Federal entity uses employment agencies, costs not in excess of standard commercial rates for such services are allowable. (b) Special emoluments, fringe benefits, and salary allowances incurred to attract professional personnel that do not meet the test of reasonableness or do not conform with the established practices of the non-Federal entity, are unallowable. (c) Where relocation costs incurred incident to recruitment of a new employee have been funded in whole or in part to a Federal award, and the newly hired employee resigns for reasons within the employee's control within 12 months after hire, the non-Federal entity will be required to refund or credit the Federal share of such relocation costs to the Federal Government. See also §200.464 Relocation costs of employees. (d) Short-term, travel visa costs (as opposed to longer-term, immigration visas) are generally allowable expenses that may be proposed as a direct cost. Since short-term visas are issued for a specific period and purpose, they can be clearly identified as directly connected to work performed on a Federal award. For these costs to be	Y	Y	Distribute funding to another entity	
1,398	§200.464 Relocation costs of employees	Federal	Statute	(a) Relocation costs are costs incident to the permanent change of duty assignment (for an indefinite period or for a stated period of not less than 12 months) of an existing employee or upon recruitment of a new employee. Relocation costs are allowable, subject to the limitations described in paragraphs (b), (c), and (d) of this section, provided that: (1) The move is for the benefit of the employer. (2) Reimbursement to the employee is in accordance with an established written policy consistently followed by the employer. (3) The reimbursement does not exceed the employee's actual (or reasonably estimated) expenses. (b) Allowable relocation costs for current employees are limited to the following: (1) The costs of transportation of the employee, members of his or her immediate family and his household, and personal effects to the new location. (2) The costs of finding a new home, such as advance trips by employees and spouses to locate living quarters and temporary lodging during the transition period, up to maximum period of 30 calendar days. (3) Closing costs, such as brokerage, legal, and appraisal fees, incident to the disposition of the employee's former home. These costs, together with those described in (4), are limited to 8 per cent of the sales price of the employee's former	N	N		
1,399	§200.465 Rental costs of real property and equipment	Federal	Statute	(a) Subject to the limitations described in paragraphs (b) through (d) of this section, rental costs are allowable to the extent that the rates are reasonable in light of such factors as: rental costs of comparable property, if any; market conditions in the area; alternatives available; and the type, life expectancy, condition, and value of the property leased. Rental arrangements should be reviewed periodically to determine if circumstances have changed and other options are available. (b) Rental costs under "sale and lease back" arrangements are allowable only up to the amount that would be allowed had the non-Federal entity continued to own the property. This amount would include expenses such as depreciation, maintenance, taxes, and insurance. (c) Rental costs under "less-than-arm's-length" leases are allowable only up to the amount (as explained in paragraph (b) of this section). For this purpose, a less-than-arm's-length lease is one under which one party to the lease agreement is able to control or substantially influence the actions of the other. Such leases include, but are not limited to those between: (1) Divisions of the non-Federal entity; (2) The non-Federal entity under common control through common officers, directors, or members; and (3) The non-Federal entity and a director, trustee, officer, or key employee of the non-Federal entity or an immediate family member, either directly or through corporations, trusts, or similar arrangements in which they hold a controlling interest.	N	N		

1,400	§200.466 Scholarships and student aid costs	Federal	Statute	(a) Costs of scholarships, fellowships, and other programs of student aid at IHEs are allowable only when the purpose of the Federal award is to provide training to selected participants and the charge is approved by the Federal awarding agency. However, tuition remission and other forms of compensation paid as, or in lieu of, wages to students performing necessary work are allowable provided that: (1) The individual is conducting activities necessary to the Federal award; (2) Tuition remission and other support are provided in accordance with established policy of the IHE and consistently provided in a like manner to students in return for similar activities conducted under Federal awards as well as other activities; and (3) During the academic period, the student is enrolled in an advanced degree program at a non-Federal entity or affiliated institution and the activities of the student in relation to the Federal award are related to the degree program; (4) The tuition or other payments are reasonable compensation for the work performed and are conditioned explicitly upon the performance of necessary work; and (5) It is the IHE's practice to similarly compensate students under Federal awards as well as other activities. (b) Charges for tuition remission and other forms of compensation paid to students as, or in lieu of, salaries and wages must be subject to the reporting requirements in §200.430 Compensation—personal services, and must be treated as direct or indirect	N	N		
1,401	§200.467 Selling and marketing costs	Federal	Statute	Costs of selling and marketing any products or services of the non-Federal entity (unless allowed under §200.421 Advertising and public relations.) are unallowable, except as direct costs, with prior approval by the Federal awarding agency when necessary for the performance of the Federal award.	N	N		
1,402	§200.468 Specialized service facilities	Federal	Statute	(a) The costs of services provided by highly complex or specialized facilities operated by the non-Federal entity, such as computing facilities, wind tunnels, and reactors are allowable, provided the charges for the services meet the conditions of either paragraphs (b) or (c) of this section, and, in addition, take into account any items of income or Federal financing that qualify as applicable credits under §200.406 Applicable credits. (b) The costs of such services, when material, must be charged directly to applicable awards based on actual usage of the services on the basis of a schedule of rates or established methodology that: (1) Does not discriminate between activities under Federal awards and other activities of the non-Federal entity, including usage by the non-Federal entity for internal purposes, and (2) Is designed to recover only the aggregate costs of the services. The costs of each service must consist normally of both its direct costs and its allocable share of all indirect (F&A) costs. Rates must be adjusted at least biennially, and must take into consideration over/under applied costs of the previous period(s). (c) Where the costs incurred for a service are not material, they may be allocated as indirect (F&A) costs. (d) Under some extraordinary circumstances, where it is in the best interest of the Federal Government and the non-Federal entity to establish alternative costing arrangements, such arrangements may be worked out with the Federal cognizant	N	N		
1,403	§200.469 Student activity costs	Federal	Statute	Costs incurred for intramural activities, student publications, student clubs, and other student activities, are unallowable, unless specifically provided for in the Federal award.	N	N		
1,404	§200.470 Taxes (including Value Added Tax).	Federal	Statute	(a) For states, local governments and Indian tribes: (1) Taxes that a governmental unit is legally required to pay are allowable, except for self-assessed taxes that disproportionately affect Federal programs or changes in tax policies that disproportionately affect Federal programs. (2) Gasoline taxes, motor vehicle fees, and other taxes that are in effect user fees for benefits provided to the Federal Government are allowable. (3) This provision does not restrict the authority of the Federal awarding agency to identify taxes where Federal participation is inappropriate. Where the identification of the amount of unallowable taxes would require an inordinate amount of effort, the cognizant agency for indirect costs may accept a reasonable approximation thereof. (b) For nonprofit organizations and IHEs: (1) In general, taxes which the non-Federal entity is required to pay and which are paid or accrued in accordance with GAAP, and payments made to local governments in lieu of taxes which are commensurate with the local government services received are allowable, except for: (i) Taxes from which exemptions are available to the non-Federal entity directly or which are available to the non-Federal entity based on an exemption afforded the Federal Government and, in the latter case, when the Federal awarding agency makes available the necessary exemption certificates,	N	N		
1,405	§200.471 Termination costs	Federal	Statute	Termination of a Federal award generally gives rise to the incurrence of costs, or the need for special treatment of costs, which would not have arisen had the Federal award not been terminated. Cost principles covering these items are set forth in this section. They are to be used in conjunction with the other provisions of this part in termination situations. (a) The cost of items reasonably usable on the non-Federal entity's other work must not be allowable unless the non-Federal entity submits evidence that it would not retain such items at cost without sustaining a loss. In deciding whether such items are reasonably usable on other work of the non-Federal entity, the Federal awarding agency should consider the non-Federal entity's plans and orders for current and scheduled activity. Contemporaneous purchases of common items by the non-Federal entity must be regarded as evidence that such items are reasonably usable on the non-Federal entity's other work. Any acceptance of common items as allocable to the terminated portion of the Federal award must be limited to the extent that the quantities of such items on hand, in transit, and on order are in excess of the reasonable quantitative requirements of other work. (b) If in a particular case, despite all reasonable efforts by the non-Federal entity, certain costs cannot be discontinued immediately after the effective date of termination, such costs are generally allowable within the limitations set forth in this part, except that any such costs continuing after termination due to the negligent or willful failure of the non-Federal entity to discontinue such costs must be unallowable. (c) Loss of useful value of special tooling, machinery, and equipment is generally	N	N		
1,406	§200.472 Training and education costs	Federal	Statute	The cost of training and education provided for employee development is allowable.	N	N		
1,407	§200.473 Transportation costs	Federal	Statute	Costs incurred for freight, express, cartage, postage, and other transportation services relating either to goods purchased, in process, or delivered, are allowable. When such costs can readily be identified with the items involved, they may be charged directly as transportation costs or added to the cost of such items. Where identification with the materials received cannot readily be made, inbound transportation cost may be charged to the appropriate indirect (F&A) cost accounts if the non-Federal entity follows a consistent, equitable procedure in this respect. Outbound freight, if reimbursable under the terms and conditions of the Federal award, should be treated as a direct cost.	N	N		

1,408	§200.474 Travel costs	Federal	Statute	(a) General. Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the non-Federal entity. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the non-Federal entity's non-federally-funded activities and in accordance with non-Federal entity's written travel reimbursement policies. Notwithstanding the provisions of §200.444 General costs of government, travel costs of officials covered by that section are allowable with the prior written approval of the Federal awarding agency or pass-through entity when they are specifically related to the Federal award. (b) Lodging and subsistence. Costs incurred by employees and officers for travel, including costs of lodging, other subsistence, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the non-Federal entity in its regular operations as the result of the non-Federal entity's written travel policy. In addition, if these costs are charged directly to the Federal award documentation must justify that: (1) Participation of the individual is necessary to the Federal award; and (2) The costs are reasonable and consistent with non-Federal entity's established travel policy. (c)(1) Temporary dependent care costs (as dependent is defined in 26 U.S.C. 152)	N	N		
1,409	§200.475 Trustees	Federal	Statute	Travel and subsistence costs of trustees (or directors) at IHEs and nonprofit organizations are allowable. See also §200.474 Travel costs.	N	N		
1,410	Subpart F—Audit Requirements General §200.500 Purpose	Federal	Statute	This part sets forth standards for obtaining consistency and uniformity among Federal agencies for the audit of non-Federal entities expending Federal awards.	N	N		
1,411	Audits §200.501 Audit requirements	Federal	Statute	(a) Audit required. A non-Federal entity that expends $750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part. (b) Single audit. A non-Federal entity that expends $750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section. (c) Program-specific audit election. When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit. (d) Exemption when Federal awards expended are less than $750,000. A non-Federal entity that expends less than $750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).	N	N		
1,412	§200.502 Basis for determining Federal awards expended	Federal	Statute	(a) Determining Federal awards expended. The determination of when a Federal award is expended must be based on when the activity related to the Federal award occurs. Generally, the activity pertains to events that require the non-Federal entity to comply with Federal statutes, regulations, and the terms and conditions of Federal awards, such as: expenditure/expense transactions associated with awards including grants, cost-reimbursement contracts under the FAR, compacts with Indian Tribes, cooperative agreements, and direct appropriations; the disbursement of funds to subrecipients; the use of loan proceeds under loan and loan guarantee programs; the receipt of property; the receipt of surplus property; the receipt or use of program income; the distribution or use of food commodities; the disbursement of amounts entitling the non-Federal entity to an interest subsidy; and the period when insurance is in force. (b) Loan and loan guarantees (loans). Since the Federal Government is at risk for loans until the debt is repaid, the following guidelines must be used to calculate the value of Federal awards expended under loan programs, except as noted in paragraphs (c) and (d) of this section: (1) Value of new loans made or received during the audit period; plus (2) Beginning of the audit period balance of loans from previous years for which the Federal Government imposes continuing compliance requirements; plus (3) Any interest subsidy, cash, or administrative cost allowance received. (c) Loan and loan guarantees (loans) at IHEs. When loans are made to students of an	N	N		
1,413	§200.503 Relation to other audit requirements	Federal	Statute	(a) An audit conducted in accordance with this part must be in lieu of any financial audit of Federal awards which a non-Federal entity is required to undergo under any other Federal statute or regulation. To the extent that such audit provides a Federal agency with the information it requires to carry out its responsibilities under Federal statute or regulation, a Federal agency must rely upon and use that information. (b) Notwithstanding subsection (a), a Federal agency, Inspectors General, or GAO may conduct or arrange for additional audits which are necessary to carry out its responsibilities under Federal statute or regulation. The provisions of this part do not authorize any non-Federal entity to constrain, in any manner, such Federal agency from carrying out or arranging for such additional audits, except that the Federal agency must plan such audits to not be duplicative of other audits of Federal awards. Prior to commencing such an audit, the Federal agency or pass-through entity must review the FAC for recent audits submitted by the non-Federal entity, and to the extent such audits meet a Federal agency or pass-through entity's needs, the Federal agency or pass-through entity must rely upon and use such audits. Any additional audits must be planned and performed in such a way as to build upon work performed, including the audit documentation, sampling, and testing already performed, by other auditors. (c) The provisions of this part do not limit the authority of Federal agencies to conduct, or arrange for the conduct of, audits and evaluations of Federal awards, nor limit the authority of any Federal agency Inspector General or other Federal official. For example, requirements that may be applicable under the FAR or CAS and the terms and conditions of a cost-reimbursement contract may include additional applicable audits to be conducted or arranged for by Federal agencies.	N	N		
1,414	§200.504 Frequency of audits	Federal	Statute	Except for the provisions for biennial audits provided in paragraphs (a) and (b) of this section, audits required by this part must be performed annually. Any biennial audit must cover both years within the biennial period. (a) A state, local government, or Indian tribe that is required by constitution or statute, in effect on January 1, 1987, to undergo its audits less frequently than annually, is permitted to undergo its audits pursuant to this part biennially. This requirement must still be in effect for the biennial period. (b) Any nonprofit organization that had biennial audits for all biennial periods ending between July 1, 1992, and January 1, 1995, is permitted to undergo its audits pursuant to this part biennially.	N	N		
1,415	§200.505 Sanctions	Federal	Statute	In cases of continued inability or unwillingness to have an audit conducted in accordance with this part, Federal agencies and pass-through entities must take appropriate action as provided in §200.338 Remedies for noncompliance.	N	N		
1,416	§200.506 Audit costs	Federal	Statute	See §200.425 Audit services.				

1,417	§200.507 Program-specific audits	Federal	Statute	(a) Program-specific audit guide available. In many cases, a program-specific audit guide will be available to provide specific guidance to the auditor with respect to internal controls, compliance requirements, suggested audit procedures, and audit reporting requirements. A listing of current program-specific audit guides can be found in the compliance supplement beginning with the 2014 supplement including Federal awarding agency contact information and a Web site where a copy of the guide can be obtained. When a current program-specific audit guide is available, the auditor must follow GAGAS and the guide when performing a program-specific audit. (b) Program-specific audit guide not available. (1) When a current program-specific audit guide is not available, the auditee and auditor must have basically the same responsibilities for the Federal program as they would have for an audit of a major program in a single audit. (2) The auditee must prepare the financial statement(s) for the Federal program that includes, at a minimum, a schedule of expenditures of Federal awards for the program and notes that describe the significant accounting policies used in preparing the schedule, a summary schedule of prior audit findings consistent with the requirements of §200.511 Audit findings follow-up, paragraph (b), and a corrective action plan consistent with the requirements of §200.511 Audit findings follow-up, paragraph (c). (3) The auditor must: (i) Perform an audit of the financial statement(s) for the Federal program in accordance with GAGAS;	N	N		
1,418	Auditees §200.508 Auditee responsibilities	Federal	Statute	The auditee must: (a) Procure or otherwise arrange for the audit required by this part in accordance with §200.509 Auditor selection, and ensure it is properly performed and submitted when due in accordance with §200.512 Report submission. (b) Prepare appropriate financial statements, including the schedule of expenditures of Federal awards in accordance with §200.510 Financial statements. (c) Promptly follow up and take corrective action on audit findings, including preparation of a summary schedule of prior audit findings and a corrective action plan in accordance with §200.511 Audit findings follow-up, paragraph (b) and §200.511 Audit findings follow-up, paragraph (c), respectively. (d) Provide the auditor with access to personnel, accounts, books, records, supporting documentation, and other information as needed for the auditor to perform the audit required by this part.	N	N		
1,419	§200.509 Auditor selection	Federal	Statute	(a) Auditor procurement. In procuring audit services, the auditee must follow the procurement standards prescribed by the Procurement Standards in §§200.317 Procurement by states through 20.326 Contract provisions of Subpart D- Post Federal Award Requirements of this part or the FAR (48 CFR part 42), as applicable. When procuring audit services, the objective is to obtain high-quality audits. In requesting proposals for audit services, the objectives and scope of the audit must be made clear and the non-Federal entity must request a copy of the audit organization's peer review report which the auditor is required to provide under GAGAS. Factors to be considered in evaluating each proposal for audit services include the responsiveness to the request for proposal, relevant experience, availability of staff with professional qualifications and technical abilities, the results of peer and external quality control reviews, and price. Whenever possible, the auditee must make positive efforts to utilize small businesses, minority-owned firms, and women's business enterprises, in procuring audit services as stated in §200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms, or the FAR (48 CFR part 42), as applicable. (b) Restriction on auditor preparing indirect cost proposals. An auditor who prepares the indirect cost proposal or cost allocation plan may not also be selected to perform the audit required by this part when the indirect costs recovered by the auditee during the prior year exceeded $1 million. This restriction applies to the base year used in the preparation of the indirect cost proposal or cost allocation plan and any subsequent years in which the resulting indirect cost agreement or cost allocation plan is used to recover costs. (c) Use of Federal auditors. Federal auditors may perform all or part of the work	N	N		
1,420	§200.510 Financial statements	Federal	Statute	(a) Financial statements. The auditee must prepare financial statements that reflect its financial position, results of operations or changes in net assets, and, where appropriate, cash flows for the fiscal year audited. The financial statements must be for the same organizational unit and fiscal year that is chosen to meet the requirements of this part. However, non-Federal entity-wide financial statements may also include departments, agencies, and other organizational units that have separate audits in accordance with §200.514 Scope of audit, paragraph (a) and prepare separate financial statements. (b) Schedule of expenditures of Federal awards. The auditee must also prepare a schedule of expenditures of Federal awards for the period covered by the auditee's financial statements which must include the total Federal awards expended as determined in accordance with §200.502 Basis for determining Federal awards expended. While not required, the auditee may choose to provide information requested by Federal awarding agencies and pass-through entities to make the schedule easier to use. For example, when a Federal program has multiple Federal award years, the auditee may list the amount of Federal awards expended for each Federal award year separately. At a minimum, the schedule must: (1) List individual Federal programs by Federal agency. For a cluster of programs, provide the cluster name, list individual Federal programs within the cluster of programs, and provide the applicable Federal agency name. For R&D, total Federal awards expended must be shown either by individual Federal award or by Federal agency and major subdivision within the Federal agency. For example, the National Institutes of Health is a major subdivision in the Department of Health and Human Services.	Y	Y	Other service or product our agency must/may provide	Perform audit
1,421	§200.511 Audit findings follow-up	Federal	Statute	(a) General. The auditee is responsible for follow-up and corrective action on all audit findings. As part of this responsibility, the auditee must prepare a summary schedule of prior audit findings. The auditee must also prepare a corrective action plan for current year audit findings. The summary schedule of prior audit findings and the corrective action plan must include the reference numbers the auditor assigns to audit findings under §200.516 Audit findings, paragraph (c). Since the summary schedule may include audit findings from multiple years, it must include the fiscal year in which the finding initially occurred. The corrective action plan and summary schedule of prior audit findings must include findings relating to the financial statements which are required to be reported in accordance with GAGAS. (b) Summary schedule of prior audit findings. The summary schedule of prior audit findings must report the status of all audit findings included in the prior audit's schedule of findings and questioned costs. The summary schedule must also include audit findings reported in the prior audit's summary schedule of prior audit findings except audit findings listed as corrected in accordance with paragraph (b)(1) of this section, or no longer valid or not warranting further action in accordance with paragraph (b)(3) of this section. (1) When audit findings were fully corrected, the summary schedule need only list the audit findings and state that corrective action was taken. (2) When audit findings were not corrected or were only partially corrected, the summary schedule must describe the reasons for the finding's recurrence and planned corrective action, and any partial corrective action taken. When corrective action taken is significantly different from corrective action previously reported in a	Y	Y	Other service or product our agency must/may provide	Follow up on audit findings

1,422	§200.512 Report submission	Federal	Statute	(a) General. (1) The audit must be completed and the data collection form described in paragraph (b) of this section and reporting package described in paragraph (c) of this section must be submitted within the earlier of 30 calendar days after receipt of the auditor's report(s), or nine months after the end of the audit period. If the due date falls on a Saturday, Sunday, or Federal holiday, the reporting package is due the next business day. (2) Unless restricted by Federal statutes or regulations, the auditee must make copies available for public inspection. Auditees and auditors must ensure that their respective parts of the reporting package do not include protected personally identifiable information. (b) Data Collection. The FAC is the repository of record for Subpart F—Audit Requirements of this part reporting packages and the data collection form. All Federal agencies, pass-through entities and others interested in a reporting package and data collection form must obtain it by accessing the FAC. (1) The auditee must submit required data elements described in Appendix X to Part 200—Data Collection Form (Form SF-SAC), which state whether the audit was completed in accordance with this part and provides information about the auditee, its Federal programs, and the results of the audit. The data must include information available from the audit required by this part that is necessary for Federal agencies to use the audit to ensure integrity for Federal programs. The data elements and format must be approved by OMB, available from the FAC, and include collections of information from the reporting package described in paragraph (c) of this section. A senior level representative of the auditee (e.g., state controller, director of finance,	Y	Y	Report our agency must/may provide	
1,423	Federal Agencies §200.513 Responsibilities	Federal	Statute	(a)(1) Cognizant agency for audit responsibilities. A non-Federal entity expending more than $50 million a year in Federal awards must have a cognizant agency for audit. The designated cognizant agency for audit must be the Federal awarding agency that provides the predominant amount of direct funding to a non-Federal entity unless OMB designates a specific cognizant agency for audit. (2) To provide for continuity of cognizance, the determination of the predominant amount of direct funding must be based upon direct Federal awards expended in the non-Federal entity's fiscal years ending in 2009, 2014, 2019 and every fifth year thereafter. For example, audit cognizance for periods ending in 2011 through 2015 will be determined based on Federal awards expended in 2009. (3) Notwithstanding the manner in which audit cognizance is determined, a Federal awarding agency with cognizance for an auditee may reassign cognizance to another Federal awarding agency that provides substantial funding and agrees to be the cognizant agency for audit. Within 30 calendar days after any reassignment, both the old and the new cognizant agency for audit must provide notice of the change to the FAC, the auditee, and, if known, the auditor. The cognizant agency for audit must: (i) Provide technical audit advice and liaison assistance to auditees and auditors. (ii) Obtain or conduct quality control reviews on selected audits made by non-Federal auditors, and provide the results to other interested organizations. Cooperate and provide support to the Federal agency designated by OMB to lead a governmentwide project to determine the quality of single audits by providing a statistically reliable estimate of the extent that single audits conform to applicable requirements,	N	N		
1,424	Auditors §200.514 Scope of audit	Federal	Statute	(a) General. The audit must be conducted in accordance with GAGAS. The audit must cover the entire operations of the auditee, or, at the option of the auditee, such audit must include a series of audits that cover departments, agencies, and other organizational units that expended or otherwise administered Federal awards during such audit period, provided that each such audit must encompass the financial statements and schedule of expenditures of Federal awards for each such department, agency, and other organizational unit, which must be considered to be a non-Federal entity. The financial statements and schedule of expenditures of Federal awards must be for the same audit period. (b) Financial statements. The auditor must determine whether the financial statements of the auditee are presented fairly in all material respects in accordance with generally accepted accounting principles. The auditor must also determine whether the schedule of expenditures of Federal awards is stated fairly in all material respects in relation to the auditee's financial statements as a whole. (c) Internal control. (1) The compliance supplement provides guidance on internal controls over Federal programs based upon the guidance in Standards for Internal Control in the Federal Government issued by the Comptroller General of the United States and the Internal Control—Integrated Framework, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO). (2) In addition to the requirements of GAGAS, the auditor must perform procedures to obtain an understanding of internal control over Federal programs sufficient to plan the audit to support a low assessed level of control risk of noncompliance for major programs.	Y	Y	Other service or product our agency must/may provide	Conduct audit in accordance with GAGAS
1,425	§200.515 Audit reporting	Federal	Statute	The auditor's report(s) may be in the form of either combined or separate reports and may be organized differently from the manner presented in this section. The auditor's report(s) must state that the audit was conducted in accordance with this part and include the following: (a) An opinion (or disclaimer of opinion) as to whether the financial statements are presented fairly in all material respects in accordance with generally accepted accounting principles and an opinion (or disclaimer of opinion) as to whether the schedule of expenditures of Federal awards is fairly stated in all material respects in relation to the financial statements as a whole. (b) A report on internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements. This report must describe the scope of testing of internal control and compliance and the results of the tests, and, where applicable, it will refer to the separate schedule of findings and questioned costs described in paragraph (d) of this section. (c) A report on compliance for each major program and a report on internal control over compliance. This report must describe the scope of testing of internal control over compliance, include an opinion or disclaimer of opinion as to whether the auditee complied with Federal statutes, regulations, and the terms and conditions of Federal awards which could have a direct and material effect on each major program and refer to the separate schedule of findings and questioned costs described in paragraph (d) of this section.	Y	Y	Report our agency must/may provide	
1,426	§200.516 Audit findings	Federal	Statute	(a) Audit findings reported. The auditor must report the following as audit findings in a schedule of findings and questioned costs: (1) Significant deficiencies and material weaknesses in internal control over major programs and significant instances of abuse relating to major programs. The auditor's determination of whether a deficiency in internal control is a significant deficiency or material weakness for the purpose of reporting an audit finding is in relation to a type of compliance requirement for a major program identified in the Compliance Supplement. (2) Material noncompliance with the provisions of Federal statutes, regulations, or the terms and conditions of Federal awards related to a major program. The auditor's determination of whether a noncompliance with the provisions of Federal statutes, regulations, or the terms and conditions of Federal awards is material for the purpose of reporting an audit finding is in relation to a type of compliance requirement for a major program identified in the compliance supplement. (3) Known questioned costs that are greater than $25,000 for a type of compliance requirement for a major program. Known questioned costs are those specifically identified by the auditor. In evaluating the effect of questioned costs on the opinion on compliance, the auditor considers the best estimate of total costs questioned (likely questioned costs), not just the questioned costs specifically identified (known questioned costs). The auditor must also report known questioned costs when likely questioned costs are greater than $25,000 for a type of compliance requirement for a major program. In reporting questioned costs, the auditor must include information to provide proper perspective for judging the prevalence and consequences of the	Y	Y	Other service or product our agency must/may provide	Complete audit; report audit findings
1,427	§200.517 Audit documentation	Federal	Statute	(a) Retention of audit documentation. The auditor must retain audit documentation and reports for a minimum of three years after the date of issuance of the auditor's report(s) to the auditee, unless the auditor is notified in writing by the cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period. When the auditor is aware that the Federal agency, pass-through entity, or auditee is contesting an audit finding, the auditor must contact the parties contesting the audit finding for guidance prior to destruction of the audit documentation and reports. (b) Access to audit documentation. Audit documentation must be made available upon request to the cognizant or oversight agency for audit or its designee, cognizant agency for indirect cost, a Federal agency, or GAO at the completion of the audit, as part of a quality review, to resolve audit findings, or to carry out oversight responsibilities consistent with the purposes of this part. Access to audit documentation includes the right of Federal agencies to obtain copies of audit documentation, as is reasonable and necessary.	N	N		

1,428	§200.518 Major program determination	Federal	Statute	(a) General. The auditor must use a risk-based approach to determine which Federal programs are major programs. This risk-based approach must include consideration of: current and prior audit experience, oversight by Federal agencies and pass-through entities, and the inherent risk of the Federal program. The process in paragraphs (b) through (h) of this section must be followed. (b) Step one.(1) The auditor must identify the larger Federal programs, which must be labeled Type A programs. Type A programs are defined as Federal programs with Federal awards expended during the audit period exceeding the levels outlined in the table in this paragraph (b)(1): Total Federal awards expended Type A/B threshold Equal to or exceed $750,000 but less than or equal to $25 million $750,000. Exceed $25 million but less than or equal to $100 million Total Federal awards expended times .03. Exceed $100 million but less than or equal to $1 billion $3 million. Exceed $1 billion but less than or equal to $10 billion Total Federal awards expended times .003. Exceed $10 billion but less than or equal to $20 billion $30 million. Exceed $20 billion Total Federal awards expended times .0015. (2) Federal programs not labeled Type A under paragraph (b)(1) of this section must be labeled Type B programs. (3) The inclusion of large loan and loan guarantees (loans) must not result in the exclusion of other programs as Type A programs. When a Federal program providing	N	N		
1,429	§200.519 Criteria for Federal program risk	Federal	Statute	(a) General. The auditor's determination should be based on an overall evaluation of the risk of noncompliance occurring that could be material to the Federal program. The auditor must consider criteria, such as described in paragraphs (b), (c), and (d) of this section, to identify risk in Federal programs. Also, as part of the risk analysis, the auditor may wish to discuss a particular Federal program with auditee management and the Federal agency or pass-through entity. (b) Current and prior audit experience. (1) Weaknesses in internal control over Federal programs would indicate higher risk. Consideration should be given to the control environment over Federal programs and such factors as the expectation of management's adherence to Federal statutes, regulations, and the terms and conditions of Federal awards and the competence and experience of personnel who administer the Federal programs. (i) A Federal program administered under multiple internal control structures may have higher risk. When assessing risk in a large single audit, the auditor must consider whether weaknesses are isolated in a single operating unit (e.g., one college campus) or pervasive throughout the entity. (ii) When significant parts of a Federal program are passed through to subrecipients, a weak system for monitoring subrecipients would indicate higher risk. (2) Prior audit findings would indicate higher risk, particularly when the situations identified in the audit findings could have a significant impact on a Federal program or have not been corrected.	N	N		
1,430	§200.520 Criteria for a low-risk auditee	Federal	Statute	An auditee that meets all of the following conditions for each of the preceding two audit periods must qualify as a low-risk auditee and be eligible for reduced audit coverage in accordance with §200.518 Major program determination. (a) Single audits were performed on an annual basis in accordance with the provisions of this Subpart, including submitting the data collection form and the reporting package to the FAC within the timeframe specified in §200.512 Report submission. A non-Federal entity that has biennial audits does not qualify as a low-risk auditee. (b) The auditor's opinion on whether the financial statements were prepared in accordance with GAAP, or a basis of accounting required by state law, and the auditor's in relation to opinion on the schedule of expenditures of Federal awards were unmodified. (c) There were no deficiencies in internal control which were identified as material weaknesses under the requirements of GAGAS. (d) The auditor did not report a substantial doubt about the auditee's ability to continue as a going concern. (e) None of the Federal programs had audit findings from any of the following in either of the preceding two audit periods in which they were classified as Type A programs: (1) Internal control deficiencies that were identified as material weaknesses in the	N	N		
1,431	Management Decisions §200.521 Management decision	Federal	Statute	(a) General. The management decision must clearly state whether or not the audit finding is sustained, the reasons for the decision, and the expected auditee action to repay disallowed costs, make financial adjustments, or take other action. If the auditee has not completed corrective action, a timetable for follow-up should be given. Prior to issuing the management decision, the Federal agency or pass-through entity may request additional information or documentation from the auditee, including a request for auditor assurance related to the documentation, as a way of mitigating disallowed costs. The management decision should describe any appeal process available to the auditee. While not required, the Federal agency or pass-through entity may also issue a management decision on findings relating to the financial statements which are required to be reported in accordance with GAGAS. (b) Federal agency. As provided in §200.513 Responsibilities, paragraph (a)(7), the cognizant agency for audit must be responsible for coordinating a management decision for audit findings that affect the programs of more than one Federal agency. As provided in §200.513 Responsibilities, paragraph (c)(3), a Federal awarding agency is responsible for issuing a management decision for findings that relate to Federal awards it makes to non-Federal entities. (c) Pass-through entity. As provided in §200.331 Requirements for pass-through entities, paragraph (d), the pass-through entity must be responsible for issuing a management decision for audit findings that relate to Federal awards it makes to subrecipients. (d) Time requirements. The Federal awarding agency or pass-through entity responsible for issuing a management decision must do so within six months of	Y	Y	Other service or product our agency must/may provide	Issue management decision if necessary
1,432	Appendix I to Part 200—Full Text of Notice of Funding Opportunity	Federal	Statute	The full text of the notice of funding opportunity is organized in sections. The required format outlined in this appendix indicates immediately following the title of each section whether that section is required in every announcement or is a Federal awarding agency option. The format is designed so that similar types of information will appear in the same sections in announcements of different Federal funding opportunities. Toward that end, there is text in each of the following sections to describe the types of information that a Federal awarding agency would include in that section of an actual announcement. A Federal awarding agency that wishes to include information that the format does not specifically discuss may address that subject in whatever section(s) is most appropriate. For example, if a Federal awarding agency chooses to address performance goals in the announcement, it might do so in the funding opportunity description, the application content, or the reporting requirements. Similarly, when this format calls for a type of information to be in a particular section, a Federal awarding agency wishing to address that subject in other sections may elect to repeat the information in those sections or use cross references between the sections (there should be hyperlinks for cross-references in any electronic versions of the announcement). For example, a Federal awarding agency may want to include Section A information about the types of non-Federal entities who are eligible to apply. The format specifies a standard location for that information in Section C.1 but does not preclude repeating the information in Section A or creating a cross reference between Section A and C.1, as long as a potential applicant can find the information quickly and easily from the standard location.	N	N		

1,433	Appendix I to Part 200—Full Text of Notice of Funding Opportunity continued...	Federal	Statute	D. Application and Submission Information 1. Address to Request Application Package—Required. Potential applicants must be told how to get application forms, kits, or other materials needed to apply (if this announcement contains everything needed, this section need only say so). An Internet address where the materials can be accessed is acceptable. However, since high-speed Internet access is not yet universally available for downloading documents, and applicants may have additional accessibility requirements, there also should be a way for potential applicants to request paper copies of materials, such as a U.S. Postal Service mailing address, telephone or FAX number, Telephone Device for the Deaf (TDD), Text Telephone (TTY) number, and/or Federal Information Relay Service (FIRS) number. 2. Content and Form of Application Submission—Required. This section must identify the required content of an application and the forms or formats that an applicant must use to submit it. If any requirements are stated elsewhere because they are general requirements that apply to multiple programs or funding opportunities, this section should refer to where those requirements may be found. This section also should include required forms or formats as part of the announcement or state where the applicant may obtain them. This section should specifically address content and form or format requirements for: i. Pre-applications, letters of intent, or white papers required or encouraged (see Section D.4), including any limitations on the number of pages or other formatting requirements similar to those for full applications.	N	N		
1,434	Appendix I to Part 200—Full Text of Notice of Funding Opportunity continued...	Federal	Statute	E. Application Review Information 1. Criteria—Required. This section must address the criteria that the Federal awarding agency will use to evaluate applications. This includes the merit and other review criteria that evaluators will use to judge applications, including any statutory, regulatory, or other preferences (e.g., minority status or Native American tribal preferences) that will be applied in the review process. These criteria are distinct from eligibility criteria that are addressed before an application is accepted for review and any program policy or other factors that are applied during the selection process, after the review process is completed. The intent is to make the application process transparent so applicants can make informed decisions when preparing their applications to maximize fairness of the process. The announcement should clearly describe all criteria, including any sub-criteria. If criteria vary in importance, the announcement should specify the relative percentages, weights, or other means used to distinguish among them. For statutory, regulatory, or other preferences, the announcement should provide a detailed explanation of those preferences with an explicit indication of their effect (e.g., whether they result in additional points being assigned). If an applicant's proposed cost sharing will be considered in the review process (as opposed to being an eligibility criterion described in Section C.2), the announcement must specifically address how it will be considered (e.g., to assign a certain number of additional points to applicants who offer cost sharing, or to break ties among applications with equivalent scores after evaluation against all other factors). If cost sharing will not be considered in the evaluation, the announcement should say so, so that there is no ambiguity for potential applicants. Vague statements that cost sharing is encouraged, without clarification as to what that means, are unhelpful to	N	N		
1,435	Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards	Federal	Statute	In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable. (A) Contracts for more than the simplified acquisition threshold currently set at $150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate. (B) All contracts in excess of $10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement. (C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.” (D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal	N	N		
1,436	Appendix III to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs)	Federal	Statute	A. General This appendix provides criteria for identifying and computing indirect (or indirect (F&A)) rates at IHEs (institutions). Indirect (F&A) costs are those that are incurred for common or joint objectives and therefore cannot be identified readily and specifically with a particular sponsored project, an instructional activity, or any other institutional activity. See subsection B.1, Definition of Facilities and Administration, for a discussion of the components of indirect (F&A) costs. 1. Major Functions of an Institution Refers to instruction, organized research, other sponsored activities and other institutional activities as defined in this section: a. Instruction means the teaching and training activities of an institution. Except for research training as provided in subsection b, this term includes all teaching and training activities, whether they are offered for credits toward a degree or certificate or on a non-credit basis, and whether they are offered through regular academic departments or separate divisions, such as a summer school division or an extension division. Also considered part of this major function are departmental research, and, where agreed to, university research. (1) Sponsored instruction and training means specific instructional or training activity established by grant, contract, or cooperative agreement. For purposes of the cost principles, this activity may be considered a major function even though an institution's accounting treatment may include it in the instruction function. (2) Departmental research means research, development and scholarly activities that	N	N		
1,437	Appendix III to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs) continued...	Federal	Statute	B. Identification and Assignment of Indirect (F&A) Costs 1. Definition of Facilities and Administration See §200.414 Indirect (F&A) costs which provides the basis for these indirect cost requirements. 2. Depreciation a. The expenses under this heading are the portion of the costs of the institution's buildings, capital improvements to land and buildings, and equipment which are computed in accordance with §200.436 Depreciation. b. In the absence of the alternatives provided for in Section A.2.d, Selection of distribution method, the expenses included in this category must be allocated in the following manner: (1) Depreciation on buildings used exclusively in the conduct of a single function, and on capital improvements and equipment used in such buildings, must be assigned to that function. (2) Depreciation on buildings used for more than one function, and on capital improvements and equipment used in such buildings, must be allocated to the individual functions performed in each building on the basis of usable square feet of space, excluding common areas such as hallways, stairwells, and rest rooms. (3) Depreciation on buildings, capital improvements and equipment related to space (e.g., individual rooms, laboratories) used jointly by more than one function (as determined by the users of the space) must be treated as follows. The cost of each	N	N		

1,438	Appendix III to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs) continued...	Federal	Statute	7. Sponsored Projects Administration a. The expenses under this heading are limited to those incurred by a separate organization(s) established primarily to administer sponsored projects, including such functions as grant and contract administration (Federal and non-Federal), special security, purchasing, personnel, administration, and editing and publishing of research and other reports. They include the salaries and expenses of the head of such organization, assistants, and immediate staff, together with the salaries and expenses of personnel engaged in supporting activities maintained by the organization, such as stock rooms, print shops, and the like. This category also includes an allocable share of fringe benefit costs, general administration and general expenses, operation and maintenance expenses, and depreciation. Appropriate adjustments will be made for services provided to other functions or organizations. b. In the absence of the alternatives provided for in Section A.2.d, the expenses included in this category must be allocated to the major functions of the institution under which the sponsored projects are conducted on the basis of the modified total cost of sponsored projects. c. An appropriate adjustment must be made to eliminate any duplicate charges to Federal awards when this category includes similar or identical activities as those included in the general administration and general expense category or other indirect (F&A) cost items, such as accounting, procurement, or personnel administration. 8. Library Expenses a. The expenses under this heading are those that have been incurred for the operation of the library, including the cost of books and library materials purchased	N	N		
1,439	Appendix III to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs) continued...	Federal	Statute	6. Provisional and Final Rates for Indirect (F&A) Costs Where the cognizant agency for indirect costs determines that cost experience and other pertinent facts do not justify the use of predetermined rates, or a fixed rate with a carry-forward, or if the parties cannot agree on an equitable rate, a provisional rate must be established. To prevent substantial overpayment or underpayment, the provisional rate may be adjusted by the cognizant agency for indirect costs during the institution's fiscal year. Predetermined or fixed rates may replace provisional rates at any time prior to the close of the institution's fiscal year. If a provisional rate is not replaced by a predetermined or fixed rate prior to the end of the institution's fiscal year, a final rate will be established and upward or downward adjustments will be made based on the actual allowable costs incurred for the period involved. 7. Fixed Rates for the Life of the Sponsored Agreement Except as provided in paragraph (c)(1) of §200.414 Indirect (F&A) costs, Federal agencies must use the negotiated rates, must paragraph (b)(1) for indirect (F&A) costs in effect at the time of the initial award throughout the life of the Federal award. Award levels for Federal awards may not be adjusted in future years as a result of changes in negotiated rates. “Negotiated rates” per the rate agreement include final, fixed, and predetermined rates and exclude provisional rates. “Life” for the purpose of this subsection means each competitive segment of a project. A competitive segment is a period of years approved by the Federal awarding agency at the time of the Federal award. If negotiated rate agreements do not extend through the life of the Federal award at the time of the initial award, then the negotiated rate for the last year of the Federal award must be extended through the end of the life of the Federal award.	N	N		
1,440	Appendix III to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs) continued...	Federal	Statute	E. Documentation Requirements The standard format for documentation requirements for indirect (indirect (F&A)) rate proposals for claiming costs under the regular method is available on the OMB Web site here: http://www.whitehouse.gov/omb/grants_forms. F. Certification 1. Certification of Charges To assure that expenditures for Federal awards are proper and in accordance with the agreement documents and approved project budgets, the annual and/or final fiscal reports or vouchers requesting payment under the agreements will include a certification, signed by an authorized official of the university, which reads “By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and intent set forth in the award documents. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code, Title 18, Section 1001 and Title 31, Sections 3729-3733 and 3801-3812)”. 2. Certification of Indirect (F&A) Costs a. Policy. Cognizant agencies must not accept a proposed indirect cost rate unless such costs have been certified by the educational institution using the Certificate of indirect (F&A) Costs set forth in subsection F.2.c b. The certificate must be signed on behalf of the institution by the chief financial officer or an individual designated by an individual at a level no lower than vice	N	N		
1,441	Appendix IV to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations	Federal	Statute	A. General 1. Indirect costs are those that have been incurred for common or joint objectives and cannot be readily identified with a particular final cost objective. Direct cost of minor amounts may be treated as indirect costs under the conditions described in §200.413 Direct costs paragraph (d) of this Part. After direct costs have been determined and assigned directly to awards or other work as appropriate, indirect costs are those remaining to be allocated to benefitting cost objectives. A cost may not be allocated to a Federal award as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been assigned to a Federal award as a direct cost. “Major nonprofit organizations” are defined in §200.414 Indirect (F&A) costs. See indirect cost rate reporting requirements in sections B.2.e and B.3.g of this Appendix. B. Allocation of Indirect Costs and Determination of Indirect Cost Rates 1. General a. If a nonprofit organization has only one major function, or where all its major functions benefit from its indirect costs to approximately the same degree, the allocation of indirect costs and the computation of an indirect cost rate may be accomplished through simplified allocation procedures, as described in section B.2 of this Appendix. b. If an organization has several major functions which benefit from its indirect costs in varying degrees, allocation of indirect costs may require the accumulation of such costs into separate cost groupings which then are allocated individually to benefitting functions by means of a base which best measures the relative degree of benefit. The	Y	Y	Distribute funding to another entity	
1,442	Appendix IV to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations Continued...	Federal	Statute	3. Multiple Allocation Base Method a. General. Where an organization's indirect costs benefit its major functions in varying degrees, indirect costs must be accumulated into separate cost groupings, as described in subparagraph b. Each grouping must then be allocated individually to benefitting functions by means of a base which best measures the relative benefits. The default allocation bases by cost pool are described in section B.3.c of this Appendix. b. Identification of indirect costs. Cost groupings must be established so as to permit the allocation of each grouping on the basis of benefits provided to the major functions. Each grouping must constitute a pool of expenses that are of like character in terms of functions they benefit and in terms of the allocation base which best measures the relative benefits provided to each function. The groupings are classified within the two broad categories: “Facilities” and “Administration,” as described in section A.3 of this Appendix. The indirect cost pools are defined as follows: (1) Depreciation. The expenses under this heading are the portion of the costs of the organization's buildings, capital improvements to land and buildings, and equipment which are computed in accordance with §200.436 Depreciation. (2) Interest. Interest on debt associated with certain buildings, equipment and capital improvements are computed in accordance with §200.449 Interest. (3) Operation and maintenance expenses. The expenses under this heading are those that have been incurred for the administration, operation, maintenance, preservation, and protection of the organization's physical plant. They include	Y	Y	Distribute funding to another entity	

1,443	Appendix IV to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations Continued...	Federal	Statute	5. Special Indirect Cost Rates In some instances, a single indirect cost rate for all activities of an organization or for each major function of the organization may not be appropriate, since it would not take into account those different factors which may substantially affect the indirect costs applicable to a particular segment of work. For this purpose, a particular segment of work may be that performed under a single Federal award or it may consist of work under a group of Federal awards performed in a common environment. These factors may include the physical location of the work, the level of administrative support required, the nature of the facilities or other resources employed, the scientific disciplines or technical skills involved, the organizational arrangements used, or any combination thereof. When a particular segment of work is performed in an environment which appears to generate a significantly different level of indirect costs, provisions should be made for a separate indirect cost pool applicable to such work. The separate indirect cost pool should be developed during the course of the regular allocation process, and the separate indirect cost rate resulting therefrom should be used, provided it is determined that (i) the rate differs significantly from that which would have been obtained under sections B.2, B.3, and B.4 of this Appendix, and (ii) the volume of work to which the rate would apply is material. C. Negotiation and Approval of Indirect Cost Rates 1. Definitions As used in this section, the following terms have the meanings set forth in this section: a. Cognizant agency for indirect costs means the Federal agency responsible for	Y	Y	Distribute funding to another entity	
1,444	Appendix V to Part 200—State/Local Governmentwide Central Service Cost Allocation Plans	Federal	Statute	A. General 1. Most governmental units provide certain services, such as motor pools, computer centers, purchasing, accounting, etc., to operating agencies on a centralized basis. Since federally-supported awards are performed within the individual operating agencies, there needs to be a process whereby these central service costs can be identified and assigned to benefitted activities on a reasonable and consistent basis. The central service cost allocation plan provides that process. All costs and other data used to distribute the costs included in the plan should be supported by formal accounting and other records that will support the propriety of the costs assigned to Federal awards. 2. Guidelines and illustrations of central service cost allocation plans are provided in a brochure published by the Department of Health and Human Services entitled “A Guide for State, Local and Indian Tribal Governments: Cost Principles and Procedures for Developing Cost Allocation Plans and Indirect Cost Rates for Agreements with the Federal Government.” A copy of this brochure may be obtained from the HHS Cost Allocation Services or at their Web site at https://rates.psc.gov. B. Definitions 1. Agency or operating agency means an organizational unit or sub-division within a governmental unit that is responsible for the performance or administration of Federal awards or activities of the governmental unit. 2. Allocated central services means central services that benefit operating agencies but are not billed to the agencies on a fee-for-service or similar basis. These costs are allocated to benefitted agencies on some reasonable basis. Examples of such services	N	N	Distribute funding to another entity	
1,445	Appendix V to Part 200—State/Local Governmentwide Central Service Cost Allocation Plans Continued...	Federal	Statute	F. Negotiation and Approval of Central Service Plans 1. Federal Cognizant Agency for Indirect Costs Assignments for Cost Negotiation In general, unless different arrangements are agreed to by the concerned Federal agencies, for central service cost allocation plans, the cognizant agency responsible for review and approval is the Federal agency with the largest dollar value of total Federal awards with a governmental unit. For indirect cost rates and departmental indirect cost allocation plans, the cognizant agency is the Federal agency with the largest dollar value of direct Federal awards with a governmental unit or component, as appropriate. Once designated as the cognizant agency for indirect costs, the Federal agency must remain so for a period of five years. In addition, the following Federal agencies continue to be responsible for the indicated governmental entities: Department of Health and Human Services—Public assistance and state-wide cost allocation plans for all states (including the District of Columbia and Puerto Rico), state and local hospitals, libraries and health districts. Department of the Interior—Indian tribal governments, territorial governments, and state and local park and recreational districts. Department of Labor—State and local labor departments. Department of Education—School districts and state and local education agencies. Department of Agriculture—State and local agriculture departments. Department of Transportation—State and local airport and port authorities and	Y	Y	Distribute funding to another entity	
1,446	Appendix VI to Part 200—Public Assistance Cost Allocation Plans	Federal	Statute	A. General Federally-financed programs administered by state public assistance agencies are funded predominately by the Department of Health and Human Services (HHS). In support of its stewardship requirements, HHS has published requirements for the development, documentation, submission, negotiation, and approval of public assistance cost allocation plans in Subpart E of 45 CFR Part 95. All administrative costs (direct and indirect) are normally charged to Federal awards by implementing the public assistance cost allocation plan. This Appendix extends these requirements to all Federal awarding agencies whose programs are administered by a state public assistance agency. Major federally-financed programs typically administered by state public assistance agencies include: Temporary Aid to Needy Families (TANF), Medicaid, Food Stamps, Child Support Enforcement, Adoption Assistance and Foster Care, and Social Services Block Grant. B. Definitions 1. State public assistance agency means a state agency administering or supervising the administration of one or more public assistance programs operated by the state as identified in Subpart E of 45 CFR Part 95. For the purpose of this Appendix, these programs include all programs administered by the state public assistance agency. 2. State public assistance agency costs means all costs incurred by, or allocable to, the state public assistance agency, except expenditures for financial assistance, medical contractor payments, food stamps, and payments for services and goods provided directly to program recipients. C. Policy	Y	Y	Distribute funding to another entity	
1,447	Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals	Federal	Statute	A. General 1. Indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. After direct costs have been determined and assigned directly to Federal awards and other activities as appropriate, indirect costs are those remaining to be allocated to benefitted cost objectives. A cost may not be allocated to a Federal award as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been assigned to a Federal award as a direct cost. 2. Indirect costs include (a) the indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and (b) the costs of central governmental services distributed through the central service cost allocation plan (as described in Appendix V to Part 200—State/Local Government and Indian Tribe-Wide Central Service Cost Allocation Plans) and not otherwise treated as direct costs. 3. Indirect costs are normally charged to Federal awards by the use of an indirect cost rate. A separate indirect cost rate(s) is usually necessary for each department or agency of the governmental unit claiming indirect costs under Federal awards. Guidelines and illustrations of indirect cost proposals are provided in a brochure published by the Department of Health and Human Services entitled “A Guide for States and Local Government Agencies: Cost Principles and Procedures for Establishing Cost Allocation Plans and Indirect Cost Rates for Grants and Contracts with the Federal Government.” A copy of this brochure may be obtained from the HHS Cost Allocation Services or at their Web site at https://rates.psc.gov.	Y	Y	Distribute funding to another entity	

1,448	Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals Continued...	Federal	Statute	4. Special Indirect Cost Rates a. In some instances, a single indirect cost rate for all activities of a non-Federal entity or for each major function of the agency may not be appropriate. It may not take into account those different factors which may substantially affect the indirect costs applicable to a particular program or group of programs. The factors may include the physical location of the work, the level of administrative support required, the nature of the facilities or other resources employed, the organizational arrangements used, or any combination thereof. When a particular Federal award is carried out in an environment which appears to generate a significantly different level of indirect costs, provisions should be made for a separate indirect cost pool applicable to that Federal award. The separate indirect cost pool should be developed during the course of the regular allocation process, and the separate indirect cost rate resulting therefrom should be used, provided that: (1) The rate differs significantly from the rate which would have been developed under paragraphs (C)(2) and (C)(3) of this Appendix, and (2) the Federal award to which the rate would apply is material in amount. b. Where Federal statutes restrict the reimbursement of certain indirect costs, it may be necessary to develop a special rate for the affected Federal award. Where a "restricted rate" is required, the same procedure for developing a non-restricted rate will be used except for the additional step of the elimination from the indirect cost pool those costs for which the law prohibits reimbursement. D. Submission and Documentation of Proposals 1. Submission of Indirect Cost Rate Proposals a. All departments or agencies of the governmental unit desiring to claim indirect	Y	Y	Distribute funding to another entity	
1,449	Appendix VIII to Part 200—Nonprofit Organizations Exempted From Subpart E—Cost Principles of Part 200	Federal	Statute	1. Advance Technology Institute (ATI), Charleston, South Carolina 2. Aerospace Corporation, El Segundo, California 3. American Institutes of Research (AIR), Washington, DC 4. Argonne National Laboratory, Chicago, Illinois 5. Atomic Casualty Commission, Washington, DC 6. Battelle Memorial Institute, Headquartered in Columbus, Ohio 7. Brookhaven National Laboratory, Upton, New York 8. Charles Stark Draper Laboratory, Incorporated, Cambridge, Massachusetts 9. CNA Corporation (CNAC), Alexandria, Virginia 10. Environmental Institute of Michigan, Ann Arbor, Michigan 11. Georgia Institute of Technology/Georgia Tech Applied Research Corporation/Georgia Tech Research Institute, Atlanta, Georgia 12. Hanford Environmental Health Foundation, Richland, Washington 13. IIT Research Institute, Chicago, Illinois	N	N		
1,450	Appendix IX to Part 200—Hospital Cost Principles	Federal	Statute	Based on initial feedback, OMB proposes to establish a review process to consider existing hospital cost determine how best to update and align them with this Part. Until such time as revised guidance is proposed and implemented for hospitals, the existing principles located at 45 CFR Part 75 Appendix E, entitled "Principles for Determining Cost Applicable to Research and Development Under Grants and Contracts with Hospitals," remain in effect.	N	N		
1,451	Form (Form SF-SAC)	Federal	Statute	The Data Collection Form SF-SAC is available on the FAC Web site.	N	N		
1,452	Appendix XI to Part 200—Compliance Supplement	Federal	Statute	The compliance supplement is available on the OMB Web site: (e.g. for 2013 here http://www.whitehouse.gov/omb/circulars/)	N	N		
1,453	Subpart A—Improving Basic Programs Operated by Local Educational Agencies Standards and Assessments §200.1 State responsibilities for developing challenging academic standards.	Federal	Statute	(a) Academic standards in general. A State must develop challenging academic content and student academic achievement standards that will be used by the State, its local educational agencies (LEAs), and its schools to carry out subpart A of this part. These academic standards must— (1) Be the same academic content and academic achievement standards that the State applies to all public schools and public school students in the State, including the public schools and public school students served under subpart A of this part, except as provided in paragraphs (d) and (e) of this section, which apply only to the State's academic achievement standards; (2) Include the same knowledge and skills expected of all students and the same levels of achievement expected of all students, except as provided in paragraphs (d) and (e) of this section; and (3) Include at least mathematics, reading/language arts, and, beginning in the 2005-2006 school year, science, and may include other subjects determined by the State. (b) Academic content standards. (1) The challenging academic content standards required under paragraph (a) of this section must— (i) Specify what all students are expected to know and be able to do; (ii) Contain coherent and rigorous content; and (iii) Encourage the teaching of advanced skills.	Y	Y	Other service or product our agency must/may provide	nic content and student academic achievement stanc
1,454	§200.2 State responsibilities for assessment	Federal	Statute	(a)(1) Each State, in consultation with its LEAs, must implement a system of high-quality, yearly student academic assessments that includes, at a minimum, academic assessments in mathematics, reading/language arts and, beginning in the 2007-08 school year, science. (2)(i) The State may also measure the achievement of students in other academic subjects in which the State has adopted challenging academic content and student academic achievement standards. (ii) If a State has developed assessments in other subjects for all students, the State must include students participating under subpart A of this part in those assessments. (b) The assessment system required under this section must meet the following requirements: (1) Be the same assessment system used to measure the achievement of all students in accordance with §200.3 or §200.4. (2) Be designed to be valid and accessible for use by the widest possible range of students, including students with disabilities and students with limited English proficiency. (3)(i) Be aligned with the State's challenging academic content and student academic achievement standards; and	Y	Y	Other service or product our agency must/may provide	Implement system of student academic assessments annually
1,455	§200.3 Designing State Academic Assessment Systems	Federal	Statute	(a)(1) For each grade and subject assessed, a State's academic assessment system must— (i) Address the depth and breadth of the State's academic content standards under §200.1(b); (ii) Be valid, reliable, and of high technical quality; (iii) Express student results in terms of the State's student academic achievement standards; and (iv) Be designed to provide a coherent system across grades and subjects. (2) A State may include in its academic assessment system under §200.2 either or both— (i) Criterion-referenced assessments; and (ii) Assessments that yield national norms, provided that, if the State uses only assessments referenced against national norms at a particular grade, those assessments— (A) Are augmented with additional items as necessary to measure accurately the depth and breadth of the State's academic content standards; and (B) Express student results in terms of the State's student academic achievement	Y	Y	Other service or product our agency must/may provide	Design state's academic assessment system

1,456	§200.4 State law exception	Federal	Statute	(a) If a State provides satisfactory evidence to the Secretary that neither the State educational agency (SEA) nor any other State government official, agency, or entity has sufficient authority under State law to adopt academic content standards, student academic achievement standards, and academic assessments applicable to all students enrolled in the State's public schools, the State may meet the requirements under §§200.1 and 200.2 by— (1) Adopting academic standards and academic assessments that meet the requirements of §§200.1 and 200.2 on a Statewide basis and limiting their applicability to students served under subpart A of this part; or (2) Adopting and implementing policies that ensure that each LEA in the State that receives funds under subpart A of this part will adopt academic standards and academic assessments aligned with those standards that— (i) Meet the requirements in §§200.1 and 200.2; and (ii) Are applicable to all students served by the LEA. (b) A State that qualifies under paragraph (a) of this section must— (1) Establish technical criteria for evaluating whether each LEA's— (i) Academic content and student academic achievement standards meet the requirements in §200.1; and	Y	Y	Other service or product our agency must/may provide	Adopt and implement policies and assessments
1,457	§200.5 Timeline for assessments	Federal	Statute	(a) Reading/language arts and mathematics. (1) Through the 2004-2005 school year, a State must administer the assessments required under §200.2 at least once during— (i) Grades 3 through 5; (ii) Grades 6 through 9; and (iii) Grades 10 through 12. (2) Except as provided in paragraph (a)(3) of this section, beginning no later than the 2005-2006 school year, a State must administer both the reading/language arts and mathematics assessments required under §200.2— (i) In each of grades 3 through 8; and (ii) At least once in grades 10 through 12. (3) The Secretary may extend, for one additional year, the timeline in paragraph (a)(2) of this section if a State demonstrates that— (i) Full implementation is not possible due to exceptional or uncontrollable circumstances such as— (A) A natural disaster; or (B) A precipitous and unforeseen decline in the financial resources of the State; and	Y	Y	Other service or product our agency must/may provide	State must administer assessments required at least once in grades 3-5, 6-9, and 10-12.
1,458	§200.6 Inclusion of all students	Federal	Statute	A State's academic assessment system required under §200.2 must provide for the participation of all students in the grades assessed in accordance with this section. (a) Students eligible under IDEA and Section 504—(1) Appropriate accommodations. (i) A State's academic assessment system must provide— (A) For each student with a disability, as defined under section 602(3) of the IDEA, appropriate accommodations that the student's IEP team determines are necessary to measure the academic achievement of the student relative to the State's academic content and academic achievement standards for the grade in which the student is enrolled, consistent with §200.1(b)(2), (b)(3), and (c); and (B) For each student covered under section 504 of the Rehabilitation Act of 1973, as amended (Section 504), appropriate accommodations that the student's placement team determines are necessary to measure the academic achievement of the student relative to the State's academic content and academic achievement standards for the grade in which the student is enrolled, consistent with §200.1(b)(2), (b)(3), and (c). (ii) A State must— (A) Develop, disseminate information on, and promote the use of appropriate accommodations to increase the number of students with disabilities who are tested against academic achievement standards for the grade in which a student is enrolled; and (B) Ensure that regular and special education teachers and other appropriate staff	Y	Y	Other service or product our agency must/may provide	Academic assessment must provide for participation of all students in grades assessed.
1,459	§200.7 Disaggregation of data	Federal	Statute	(a) Statistically reliable information. (1) A State may not use disaggregated data for one or more subgroups under §200.2(b)(10) to report achievement results under section 1111(h) of the Act or to identify schools in need of improvement, corrective action, or restructuring under section 1116 of the Act if the number of students in those subgroups is insufficient to yield statistically reliable information. (2)(i) Based on sound statistical methodology, each State must determine the minimum number of students sufficient to— (A) Yield statistically reliable information for each purpose for which disaggregated data are used; and (B) Ensure that, to the maximum extent practicable, all student subgroups in §200.13(b)(7)(ii) (economically disadvantaged students; students from major racial and ethnic groups; students with disabilities as defined in section 9101(5) of the Act; and students with limited English proficiency as defined in section 9101(25) of the Act) are included, particularly at the school level, for purposes of making accountability determinations. (ii) Each State must revise its Consolidated State Application Accountability Workbook under section 1111 of the Act to include— (A) An explanation of how the State's minimum group size meets the requirements of paragraph (a)(2)(i) of this section; (B) An explanation of how other components of the State's definition of adequate	Y	Y	Other service or product our agency must/may provide	Revise Consolidated State Application Accountability Workbook
1,460	§200.8 Assessment reports	Federal	Statute	(a) Student reports. A State's academic assessment system must produce individual student interpretive, descriptive, and diagnostic reports that— (1)(i) Include information regarding achievement on the academic assessments under §200.2 measured against the State's student academic achievement standards; and (ii) Help parents, teachers, and principals to understand and address the specific academic needs of students; and (2) Are provided to parents, teachers, and principals— (i) As soon as is practicable after the assessment is given; (ii) In an understandable and uniform format, including an alternative format (e.g., Braille or large print) upon request; and (iii) To the extent practicable, in a language that parents can understand. (b) Itemized score analyses for LEAs and schools. (1) A State's academic assessment system must produce and report to LEAs and schools itemized score analyses, consistent with §200.2(b)(4), so that parents, teachers, principals, and administrators can interpret and address the specific academic needs of students. (2) The requirement to report itemized score analyses in paragraph (b)(1) of this section does not require the release of test items.	Y	Y	Other service or product our agency must/may provide	Produce individual student interpretive, descriptive, and diagnostic reports
1,461	§200.9 Deferral of assessments	Federal	Statute	(a) A State may defer the start or suspend the administration of the assessments required under §200.2 that were not required prior to January 8, 2002 for one year for each year for which the amount appropriated for State assessment grants under section 6113(a)(2) of the Act is less than the trigger amount in section 1111(b)(3)(D) of the Act. (b) A State may not cease the development of the assessments referred to in paragraph (a) of this section even if sufficient funds are not appropriated under section 6113(a)(2) of the Act.	N	N		

1,462	§200.10 Applicability of a State's academic assessments to private schools and private school students.	Federal	Statute	(a) Nothing in §200.1 or §200.2 requires a private school, including a private school whose students receive services under subpart A of this part, to participate in a State's academic assessment system. (b)(1) If an LEA provides services to eligible private school students under subpart A of this part, the LEA must, through timely consultation with appropriate private school officials, determine how services to eligible private school students will be academically assessed and how the results of that assessment will be used to improve those services. (2) The assessments referred to in paragraph (b)(1) of this section may be the State's academic assessments under §200.2 or other appropriate academic assessments.	N	N		
1,463	Participation in National Assessment of Educational Progress (NAEP) §200.11 Participation in NAEP	Federal	Statute	(a) State participation. Beginning in the 2002-2003 school year, each State that receives funds under subpart A of this part must participate in biennial State academic assessments of fourth and eighth grade reading and mathematics under the State National Assessment of Educational Progress (NAEP), if the Department pays the costs of administering those assessments. (b) Local participation. In accordance with section 1112(b)(1)(F) of the Elementary and Secondary Education Act of 1965 (ESEA), and notwithstanding section 411(d)(1) of the National Education Statistics Act of 1994, an LEA that receives funds under subpart A of this part must participate, if selected, in the State-NAEP assessments referred to in paragraph (a) of this section. (c) Report cards. Each State and LEA must report on its annual State and LEA report card, respectively, the most recent available academic achievement results in grades four and eight on the State's NAEP reading and mathematics assessments under paragraph (a) of this section. The report cards must include— (1) The percentage of students at each achievement level reported on the NAEP in the aggregate and, for State report cards, disaggregated for each subgroup described in §200.13(b)(7)(ii); and (2) The participation rates for students with disabilities and for limited English proficient students.	Y	Y	Other service or product our agency must/may provide	Participate in State academic assessment of 4th and 5th grade reading and math
1,464	State Accountability System §200.12 Single State accountability system	Federal	Statute	(a)(1) Each State must demonstrate in its State plan that the State has developed and is implementing, beginning with the 2002-2003 school year, a single, statewide accountability system. (2) The State's accountability system must be effective in ensuring that all public elementary and secondary schools and LEAs in the State make AYP as defined in §§200.13 through 200.20. (b) The State's accountability system must— (1) Be based on the State's academic standards under §200.1, academic assessments under §200.2, and other academic indicators under §200.19; (2) Take into account the achievement of all public elementary and secondary school students; (3) Be the same accountability system the State uses for all public elementary and secondary schools and all LEAs in the State; and (4) Include sanctions and rewards that the State will use to hold public elementary and secondary schools and LEAs accountable for student achievement and for making AYP, except that the State is not required to subject schools and LEAs not participating under subpart A of this part to the requirements of section 1116 of the ESEA.	Y	Y	Other service or product our agency must/may provide	Develop a sinlge, statewide acountability system
1,465	Adequate Yearly Progress (AYP) §200.13 Adequate yearly progress in general	Federal	Statute	(a) Each State must demonstrate in its State plan what constitutes AYP of the State and of all public schools and LEAs in the State— (1) Toward enabling all public school students to meet the State's student academic achievement standards; while (2) Working toward the goal of narrowing the achievement gaps in the State, its LEAs, and its public schools. (b) A State must define adequate yearly progress, in accordance with §§200.14 through 200.20, in a manner that— (1) Applies the same high standards of academic achievement to all public school students in the State, except as provided in paragraph (c) of this section; (2) Is statistically valid and reliable; (3) Results in continuous and substantial academic improvement for all students; (4) Measures the progress of all public schools, LEAs, and the State based primarily on the State's academic assessment system under §200.2; (5) Measures progress separately for reading/language arts and for mathematics; (6) Is the same for all public schools and LEAs in the State; and	Y	Y	Other service or product our agency must/may provide	Define yearly adequate progress; demonstrate AYP through state plan
1,466	Appendix to §200.13—When May a State or LEA Exceed the 1% and 2% Caps?	Federal	Statute	The following table provides a summary of the circumstances in which a State or LEA may exceed the 1% and 2% caps described in §200.13. When May a State or LEA Exceed the 1% and 2% Caps? Alternate academic achievement standards—1% cap Modified academic achievement standards—2% cap Alternate and modified academic achievement standards—3% State Not permitted Only if State is below 1% cap, but cannot exceed 3% Not permitted. LEA Only if granted an exception by the SEA Only if LEA is below 1% cap, but cannot exceed 3% Only if granted an exception to the 1% cap by the SEA, and only by the amount of the exception.	N	N		
1,467	§200.14 Components of Adequate Yearly Progress	Federal	Statute	A State's definition of AYP must include all of the following: (a) A timeline in accordance with §200.15. (b) Starting points in accordance with §200.16. (c) Intermediate goals in accordance with §200.17. (d) Annual measurable objectives in accordance with §200.18. (e) Other academic indicators in accordance with §200.19.	Y	Y	Other service or product our agency must/may provide	Establish timeline
1,468	§200.15 Timeline	Federal	Statute	(a) Each State must establish a timeline for making AYP that ensures that, not later than the 2013-2014 school year, all students in each group described in §200.13(b)(7) will meet or exceed the State's proficient level of academic achievement. (b) Notwithstanding subsequent changes a State may make to its academic assessment system or its definition of AYP under §§200.13 through 200.20, the State may not extend its timeline for all students to reach proficiency beyond the 2013-2014 school year.	Y	Y	Other service or product our agency must/may provide	Establish timeline

1,469	§200.16 Starting points	Federal	Statute	(a) Using data from the 2001-2002 school year, each State must establish starting points in reading/language arts and in mathematics for measuring the percentage of students meeting or exceeding the State's proficient level of academic achievement. (b) Each starting point must be based, at a minimum, on the higher of the following percentages of students at the proficient level: (1) The percentage in the State of proficient students in the lowest-achieving subgroup of students under §200.13(b)(7)(ii). (2) The percentage of proficient students in the school that represents 20 percent of the State's total enrollment among all schools ranked by the percentage of students at the proficient level. The State must determine this percentage as follows: (i) Rank each school in the State according to the percentage of proficient students in the school. (ii) Determine 20 percent of the total enrollment in all schools in the State. (iii) Beginning with the lowest-ranked school, add the number of students enrolled in each school until reaching the school that represents 20 percent of the State's total enrollment among all schools. (iv) Identify the percentage of proficient students in the school identified in paragraph (iii).	Y	Y	Other service or product our agency must/may provide	Establish starting points in reading and math for measuring percentage of students meeting or exceeding the State's proficient level of academic acheivement
1,470	§200.17 Intermediate goals	Federal	Statute	Each State must establish intermediate goals that increase in equal increments over the period covered by the timeline under §200.15 as follows: (a) The first incremental increase must take effect not later than the 2004-2005 school year. (b) Each following incremental increase must occur in not more than three years.	Y	Y	Other service or product our agency must/may provide	Establish intermediate goals that oncrease over a timelined period.
1,471	§200.18 Annual measurable objectives	Federal	Statute	(a) Each State must establish annual measurable objectives that— (1) Identify for each year a minimum percentage of students that must meet or exceed the proficient level of academic achievement on the State's academic assessments; and (2) Ensure that all students meet or exceed the State's proficient level of academic achievement within the timeline under §200.15. (b) The State's annual measurable objectives— (1) Must be the same throughout the State for each school, each LEA, and each group of students under §200.13(b)(7); and (2) May be the same for more than one year, consistent with the State's intermediate goals under §200.17.	Y	Y	Other service or product our agency must/may provide	Establish measureable objectives to be reviewed annually
1,472	§200.19 Other academic indicators	Federal	Statute	(a) Elementary and middle schools—(1) Choice of indicator. To determine AYP, consistent with §200.14(e), each State must use at least one other academic indicator for public elementary schools and at least one other academic indicator for public middle schools, such as those in paragraph (c) of this section. (2) Goals. A State may, but is not required to, increase the goals of its other academic indicators over the course of the timeline under §200.15. (3) Reporting. A State and its LEAs must report under section 1111(h) of the Act (annual report cards) performance on the academic indicators for elementary and middle schools at the school, LEA, and State levels in the aggregate and disaggregated by each subgroup described in §200.13(b)(7)(ii). (4) Determining AYP. A State— (i) Must disaggregate its other academic indicators for elementary and middle schools by each subgroup described in §200.13(b)(7)(ii) for purposes of determining AYP under §200.20(b)(2) (“safe harbor”) and as required under section 1111(b)(2)(C)(vii) of the Act (additional academic indicators under paragraph (c) of this section); but (ii) Need not disaggregate those indicators for determining AYP under §200.20(a)(1)(ii) (meeting the State's annual measurable objectives). (b) High schools—(1) Graduation rate. Consistent with paragraphs (b)(4) and (b)(5) of this section regarding reporting and determining AYP, respectively, each State must calculate a graduation rate, defined as follows, for all public high schools in the State:	Y	N		
1,473	§200.21 Adequate yearly progress of a State	Federal	Statute	For each State that receives funds under subpart A of this part and under subpart 1 of part A of Title III of the ESEA, the Secretary must, beginning with the 2004-2005 school year, annually review whether the State has— (a)(1) Made AYP as defined by the State in accordance with §§200.13 through 200.20 for each group of students in §200.13(b)(7); and (2) Met its annual measurable achievement objectives under section 3122(a) of the ESEA relating to the development and attainment of English proficiency by limited English proficient students. (b) A State must include all students who were enrolled in schools in the State for a full academic year in reporting on the yearly progress of the State.	Y	Y	Other service or product our agency must/may provide	Complete annual review to ensure annual measurement is achieved
1,474	§200.22 National Technical Advisory Council	Federal	Statute	(a) To provide advice to the Department on technical issues related to the design and implementation of standards, assessments, and accountability systems, the Secretary shall establish a National Technical Advisory Council (hereafter referred to as the “National TAC”), which shall be governed by the provisions of the Federal Advisory Committee Act (FACA) (Pub. L. 92-463, as amended; 5 U.S.C. App.). (b)(1) The members of the National TAC must include persons who have knowledge of and expertise in the design and implementation of educational standards, assessments, and accountability systems for all students, including students with disabilities and limited English proficient students, and experts with technical knowledge related to statistics and psychometrics. (2) The National TAC shall be composed of 10 to 20 members who may meet as a whole or in committees, as the Secretary may determine. (3) The Secretary shall, through a notice published in the Federal Register— (i) Solicit nominations from the public for members of the National TAC; and (ii) Publish the list of members, once selected. (4) The Secretary shall screen nominees for membership on the National TAC for potential conflicts of interest to prevent, to the extent possible, such conflicts, or the appearance thereof, in the National TAC's performance of its responsibilities under this section.	N	N		
1,475	Schoolwide Programs §200.25 Schoolwide programs in general	Federal	Statute	(a) Purpose. (1) The purpose of a schoolwide program is to improve academic achievement throughout a school so that all students, particularly the lowest-achieving students, demonstrate proficiency related to the State's academic standards under §200.1. (2) The improved achievement is to result from improving the entire educational program of the school. (b) Eligibility. (1) A school may operate a schoolwide program if— (i) The school's LEA determines that the school serves an eligible attendance area or is a participating school under section 1113 of the ESEA; and (ii) For the initial year of the schoolwide program— (A) The school serves a school attendance area in which not less than 40 percent of the children are from low-income families; or (B) Not less than 40 percent of the children enrolled in the school are from low-income families. (2) In determining the percentage of children from low-income families under paragraph (b)(1)(ii) of this section, the LEA may use a measure of poverty that is different from the measure or measures of poverty used by the LEA to identify and rank school attendance areas for eligibility and participation under subpart A of this part.	Y	N		

1,476	§200.26 Core elements of a schoolwide program	Federal	Statute	(a) Comprehensive needs assessment. (1) A school operating a schoolwide program must conduct a comprehensive needs assessment of the entire school that— (i) Is based on academic achievement information about all students in the school, including all groups under §200.13(b)(7) and migratory children as defined in section 1309(2) of the ESEA, relative to the State's academic standards under §200.1 to— (A) Help the school understand the subjects and skills for which teaching and learning need to be improved; and (B) Identify the specific academic needs of students and groups of students who are not yet achieving the State's academic standards; and (ii) Assesses the needs of the school relative to each of the components of the schoolwide program under §200.28. (2) The comprehensive needs assessment must be developed with the participation of individuals who will carry out the schoolwide program plan. (3) The school must document how it conducted the needs assessment, the results it obtained, and the conclusions it drew from those results. (b) Comprehensive plan. Using data from the comprehensive needs assessment under paragraph (a) of this section, a school that wishes to operate a schoolwide program must develop a comprehensive plan, in accordance with §200.27, that describes how the school will improve academic achievement throughout the school,	N	N		
1,477	§200.27 Development of a schoolwide program plan	Federal	Statute	(a)(1) A school operating a schoolwide program must develop a comprehensive plan to improve teaching and learning throughout the school. (2) The school must develop the comprehensive plan in consultation with the LEA and its school support team or other technical assistance provider under section 1117 of the ESEA. (3) The comprehensive plan must— (i) Describe how the school will carry out each of the components under §200.28; (ii) Describe how the school will use resources under subpart A of this part and from other sources to carry out the components under §200.28; and (iii) Include a list of State and local programs and other Federal programs under §200.29 that the school will consolidate in the schoolwide program. (b)(1) The school must develop the comprehensive plan, including the comprehensive needs assessment, over a one-year period unless— (i) The LEA, after considering the recommendations of its technical assistance providers under section 1117 of the ESEA, determines that less time is needed to develop and implement the schoolwide program; or (ii) The school was operating a schoolwide program on or before January 7, 2002, in which case the school may continue to operate its program, but must amend its	Y	N		
1,478	§200.28 Schoolwide program components	Federal	Statute	A schoolwide program must include the following components: (a) Schoolwide reform strategies. The schoolwide program must incorporate reform strategies in the overall instructional program. Those strategies must— (1) Provide opportunities for all students to meet the State's proficient and advanced levels of student academic achievement; (2)(i) Address the needs of all students in the school, particularly the needs of low-achieving students and those at risk of not meeting the State's student academic achievement standards who are members of the target population of any program included in the schoolwide program; and (ii) Address how the school will determine if those needs have been met; (3) Use effective methods and instructional practices that are based on scientifically based research, as defined in section 9101 of the ESEA, and that— (i) Strengthen the core academic program; (ii) Provide an enriched and accelerated curriculum; (iii) Increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs and opportunities; (iv) Include strategies for meeting the educational needs of historically underserved	N	N		
1,479	§200.29 Consolidation of funds in a schoolwide program	Federal	Statute	(a)(1) In addition to funds under subpart A of this part, a school may consolidate and use in its schoolwide program Federal funds from any program administered by the Secretary that is included in the most recent notice published for this purpose in the Federal Register. (2) For purposes of §§200.25 through 200.29, the authority to consolidate funds from other Federal programs also applies to services provided to the school with those funds. (b)(1) Except as provided in paragraphs (b)(2) and (c) of this section, a school that consolidates and uses in a schoolwide program funds from any other Federal program administered by the Secretary— (i) Is not required to meet the statutory or regulatory requirements of that program applicable at the school level; but (ii) Must meet the intent and purposes of that program to ensure that the needs of the intended beneficiaries of that program are addressed. (2) A school that chooses to consolidate funds from other Federal programs must meet the requirements of those programs relating to— (i) Health; (ii) Safety;	N	N		
1,480	LEA and School Improvement §200.30 Local review	Federal	Statute	(a) Each LEA receiving funds under subpart A of this part must use the results of the State assessment system described in §200.2 to review annually the progress of each school served under subpart A of this part to determine whether the school is making AYP in accordance with §200.20. (b)(1) In reviewing the progress of an elementary or secondary school operating a targeted assistance program, an LEA may choose to review the progress of only the students in the school who are served, or are eligible for services, under subpart A of this part. (2) The LEA may exercise the option under paragraph (b)(1) of this section so long as the students selected for services under the targeted assistance program are those with the greatest need for special assistance, consistent with the requirements of section 1115 of the ESEA. (c)(1) To determine whether schools served under subpart A of this part are making AYP, an LEA also may use any additional academic assessments or any other academic indicators described in the LEA's plan. (2)(i) The LEA may use these assessments and indicators— (A) To identify additional schools for school improvement or in need of corrective action or restructuring; and (B) To permit a school to make AYP if, in accordance with §200.20(b), the school also reduces the percentage of a student group not meeting the State's proficient level of	N	N		

1,481	§200.31 Opportunity to review school-level data	Federal	Statute	(a) Before identifying a school for school improvement, corrective action, or restructuring, an LEA must provide the school with an opportunity to review the school-level data, including academic assessment data, on which the proposed identification is based. (b)(1) If the principal of a school that an LEA proposes to identify for school improvement, corrective action, or restructuring believes, or a majority of the parents of the students enrolled in the school believe, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the LEA. (2) The LEA must consider the evidence referred to in paragraph (b)(1) of this section before making a final determination. (c) The LEA must make public a final determination of the status of the school with respect to identification not later than 30 days after it provides the school with the opportunity to review the data on which the proposed identification is based.	Y	N		
1,482	§200.32 Identification for school improvement	Federal	Statute	(a)(1)(i) An LEA must identify for school improvement any elementary or secondary school served under subpart A of this part that fails, for two consecutive years, to make AYP as defined under §§200.13 through 200.20. (ii) In identifying schools for improvement, an LEA— (A) May base identification on whether a school did not make AYP because it did not meet the annual measurable objectives for the same subject or meet the same other academic indicator for two consecutive years; but (B) May not limit identification to those schools that did not make AYP only because they did not meet the annual measurable objectives for the same subject or meet the same other academic indicator for the same subgroup under §200.13(b)(7)(ii) for two consecutive years. (2) The LEA must make the identification described in paragraph (a)(1) of this section before the beginning of the school year following the year in which the LEA administered the assessments that resulted in the school's failure to make AYP for a second consecutive year. (b)(1) An LEA must treat any school that was in the first year of school improvement status on January 7, 2002 as a school that is in the first year of school improvement under §200.39 for the 2002-2003 school year. (2) Not later than the first day of the 2002-2003 school year, the LEA must, in accordance with §200.44, provide public school choice to all students in the school.	N	N		
1,483	§200.33 Identification for corrective action	Federal	Statute	(a) If a school served by an LEA under subpart A of this part fails to make AYP by the end of the second full school year after the LEA has identified the school for improvement under §200.32(a) or (b), or by the end of the first full school year after the LEA has identified the school for improvement under §200.32(c), the LEA must identify the school for corrective action under §200.42. (b) If a school was subject to corrective action on January 7, 2002, the LEA must— (1) Treat the school as a school identified for corrective action under §200.42 for the 2002-2003 school year; and (2) Not later than the first day of the 2002-2003 school year— (i) In accordance with §200.44, provide public school choice to all students in the school; (ii) In accordance with §200.45, make available supplemental educational services to eligible students who remain in the school; and (iii) Take corrective action under §200.42. (c) An LEA may remove from corrective action a school otherwise subject to the requirements of paragraphs (a) or (b) of this section if, on the basis of assessments administered by the LEA during the 2001-2002 school year, the school makes AYP for a second consecutive year.	Y	N		
1,484	§200.34 Identification for restructuring	Federal	Statute	(a) If a school continues to fail to make AYP after one full school year of corrective action under §200.42, the LEA must prepare a restructuring plan for the school and make arrangements to implement the plan. (b) If the school continues to fail to make AYP, the LEA must implement the restructuring plan no later than the beginning of the school year following the year in which the LEA developed the restructuring plan under paragraph (a) of this section.	N	N		
1,485	§200.35 Delay and removal	Federal	Statute	(a) Delay. (1) An LEA may delay, for a period not to exceed one year, implementation of requirements under the second year of school improvement, under corrective action, or under restructuring if— (i) The school makes AYP for one year; or (ii) The school's failure to make AYP is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the LEA or school. (2) The LEA may not take into account a period of delay under paragraph (a) of this section in determining the number of consecutive years of the school's failure to make AYP. (3) Except as provided in paragraph (b) of this section, the LEA must subject the school to further actions as if the delay never occurred. (b) Removal. If any school identified for school improvement, corrective action, or restructuring makes AYP for two consecutive school years, the LEA may not, for the succeeding school year— (1) Subject the school to the requirements of school improvement, corrective action, or restructuring; or (2) Identify the school for improvement.	Y	N		
1,486	§200.36 Communication with parents	Federal	Statute	(a) Throughout the school improvement process, the State, LEA, or school must communicate with the parents of each child attending the school. (b) The State, LEA, or school must ensure that, regardless of the method or media used, it provides the information required by §§200.37 and 200.38 to parents— (1) In an understandable and uniform format, including alternative formats upon request; and (2) To the extent practicable, in a language that parents can understand. (c) The State, LEA, or school must provide information to parents— (1) Directly, through such means as regular mail or e-mail, except that if a State does not have access to individual student addresses, it may provide information to the LEA or school for distribution to parents; and (2) Through broader means of dissemination such as the Internet, the media, and public agencies serving the student population and their families. (d) All communications must respect the privacy of students and their families.	Y	Y	Other service or product our agency must/may provide	Communicate with parents and provide information to parents

1,487	§200.37 Notice of identification for improvement, corrective action, or restructuring	Federal	Statute	(a) If an LEA identifies a school for improvement or subjects the school to corrective action or restructuring, the LEA must, consistent with the requirements of §200.36, promptly notify the parent or parents of each child enrolled in the school of this identification. (b) The notice referred to in paragraph (a) of this section must include the following: (1) An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary and secondary schools served by the LEA and the SEA involved. (2) The reasons for the identification. (3) An explanation of how parents can become involved in addressing the academic issues that led to identification. (4)(i) An explanation of the parents' option to transfer their child to another public school, including the provision of transportation to the new school, in accordance with §200.44. (ii) The explanation of the parents' option to transfer must include, at a minimum, information on the academic achievement of the school or schools to which the child may transfer. (iii) The explanation may include other information on the school or schools to which the child may transfer, such as—	N	N		
1,488	§200.38 Information about action taken	Federal	Statute	(a) An LEA must publish and disseminate to the parents of each student enrolled in the school, consistent with the requirements of §200.36, and to the public information regarding any action taken by a school and the LEA to address the problems that led to the LEA's identification of the school for improvement, corrective action, or restructuring. (b) The information referred to in paragraph (a) of this section must include the following: (1) An explanation of what the school is doing to address the problem of low achievement. (2) An explanation of what the LEA or SEA is doing to help the school address the problem of low achievement. (3) If applicable, a description of specific corrective actions or restructuring plans.	N	N		
1,489	§200.39 Responsibilities resulting from identification for school improvement	Federal	Statute	(a) If an LEA identifies a school for school improvement under §200.32— (1) The LEA must— (i) Not later than the first day of the school year following identification, with the exception described in §200.32(f), provide all students enrolled in the school with the option to transfer, in accordance with §200.44, to another public school served by the LEA; and (ii) Ensure that the school receives technical assistance in accordance with §200.40; and (2) The school must develop or revise a school improvement plan in accordance with §200.41. (b) If a school fails to make AYP by the end of the first full school year after the LEA has identified it for improvement under §200.32, the LEA must— (1) Continue to provide all students enrolled in the school with the option to transfer, in accordance with §200.44, to another public school served by the LEA; (2) Continue to ensure that the school receives technical assistance in accordance with §200.40; and (3) Make available supplemental educational services in accordance with §200.45.	N	N		
1,490	§200.40 Technical assistance	Federal	Statute	(a) An LEA that identifies a school for improvement under §200.32 must ensure that the school receives technical assistance as the school develops and implements its improvement plan under §200.41 and throughout the plan's duration. (b) The LEA may arrange for the technical assistance to be provided by one or more of the following: (1) The LEA through the statewide system of school support and recognition described under section 1117 of the ESEA. (2) The SEA. (3) An institution of higher education that is in full compliance with all of the reporting provisions of Title II of the Higher Education Act of 1965. (4) A private not-for-profit organization, a private for-profit organization, an educational service agency, or another entity with experience in helping schools improve academic achievement. (c) The technical assistance must include the following: (1) Assistance in analyzing data from the State assessment system, and other examples of student work, to identify and develop solutions to problems in— (i) Instruction;	N	N		
1,491	§200.41 School improvement plan	Federal	Statute	(a)(1) Not later than three months after an LEA has identified a school for improvement under §200.32, the school must develop or revise a school improvement plan for approval by the LEA. (2) The school must consult with parents, school staff, the LEA, and outside experts in developing or revising its school improvement plan. (b) The school improvement plan must cover a 2-year period. (c) The school improvement plan must— (1) Specify the responsibilities of the school, the LEA, and the SEA serving the school under the plan, including the technical assistance to be provided by the LEA under §200.40; (2)(i) Incorporate strategies, grounded in scientifically based research, that will strengthen instruction in the core academic subjects at the school and address the specific academic issues that caused the LEA to identify the school for improvement; and (ii) May include a strategy for implementing a comprehensive school reform model described in section 1606 of the ESEA; (3) With regard to the school's core academic subjects, adopt policies and practices most likely to ensure that all groups of students described in §200.13(b)(7) and enrolled in the school will meet the State's proficient level of achievement, as	N	N		

1,492	§200.41 School improvement plan	Federal	Statute	(a) Definition. “Corrective action” means action by an LEA that— (1) Substantially and directly responds to— (i) The consistent academic failure of a school that led the LEA to identify the school for corrective action; and (ii) Any underlying staffing, curriculum, or other problems in the school; (2) Is designed to increase substantially the likelihood that each group of students described in §200.13(b)(7) and enrolled in the school will meet or exceed the State's proficient levels of achievement as measured by the State assessment system; and (3) Is consistent with State law. (b) Requirements. If an LEA identifies a school for corrective action, in accordance with §200.33, the LEA must do the following: (1) Continue to provide all students enrolled in the school with the option to transfer to another public school in accordance with §200.44. (2) Continue to ensure that the school receives technical assistance consistent with the requirements of §200.40. (3) Make available supplemental educational services in accordance with §200.45.	N	N		
1,493	§200.42 Corrective action	Federal	Statute	(a) Definition. “Restructuring” means a major reorganization of a school's governance arrangement by an LEA that— (1) Makes fundamental reforms to improve student academic achievement in the school; (2) Has substantial promise of enabling the school to make AYP as defined under §§200.13 through 200.20; (3) Is consistent with State law; (4) Is significantly more rigorous and comprehensive than the corrective action that the LEA implemented in the school under §200.42, unless the school has begun to implement one of the options in paragraph (b)(3) of this section as a corrective action; and (5) Addresses the reasons why the school was identified for restructuring in order to enable the school to exit restructuring as soon as possible. (b) Requirements. If the LEA identifies a school for restructuring in accordance with §200.34, the LEA must do the following: (1) Continue to provide all students enrolled in the school with the option to transfer to another public school in accordance with §200.44. (2) Make available supplemental educational services in accordance with §200.45.	N	N		
1,494	§200.43 Restructuring	Federal	Statute	(a) Requirements. (1) In the case of a school identified for school improvement under §200.32, for corrective action under §200.33, or for restructuring under §200.34, the LEA must provide all students enrolled in the school with the option to transfer to another public school served by the LEA. (2) The LEA must offer this option, through the notice required in §200.37, so that students may transfer in the school year following the school year in which the LEA administered the assessments that resulted in its identification of the school for improvement, corrective action, or restructuring. (3) The schools to which students may transfer under paragraph (a)(1) of this section— (i) May not include schools that— (A) The LEA has identified for improvement under §200.32, corrective action under §200.33, or restructuring under §200.34; or (B) Are persistently dangerous as determined by the State; and (ii) May include one or more public charter schools. (4) If more than one school meets the requirements of paragraph (a)(3) of this section, the LEA must— (i) Provide to parents of students eligible to transfer under paragraph (a)(1) of this	N	N		
1,495	§200.44 Public school choice	Federal	Statute	(a) Definition. “Supplemental educational services” means tutoring and other supplemental academic enrichment services that are— (1) In addition to instruction provided during the school day; (2) Specifically designed to— (i) Increase the academic achievement of eligible students as measured by the State's assessment system; and (ii) Enable these children to attain proficiency in meeting State academic achievement standards; and (3) Of high quality and research-based. (b) Eligibility. (1) Only students from low-income families are eligible for supplemental educational services. (2) The LEA must determine family income on the same basis that the LEA uses to make allocations to schools under subpart A of this part. (c) Requirement. (1) If an LEA identifies a school for a second year of improvement under §200.32, corrective action under §200.33, or restructuring under §200.34, the LEA must arrange, consistent with paragraph (d) of this section, for each eligible student in the school to receive supplemental educational services from a State-approved provider selected by the student's parents.	N	N		
1,496	§200.45 Supplemental educational services	Federal	Statute	(a) If an LEA is required to make available supplemental educational services under §200.39(b)(3), §200.42(b)(3), or §200.43(b)(2), the LEA must do the following: (1) Provide the annual notice to parents described in §200.37(b)(5). (2) If requested, assist parents in choosing a provider from the list of approved providers maintained by the SEA. (3) Apply fair and equitable procedures for serving students if the number of spaces at approved providers is not sufficient to serve all eligible students whose parents request services consistent with §200.45. (4) Ensure that eligible students with disabilities under IDEA and students covered under Section 504 receive appropriate supplemental educational services and accommodations in the provision of those services. (5) Ensure that eligible students who have limited English proficiency receive appropriate supplemental educational services and language assistance in the provision of those services. (6) Not disclose to the public, without the written permission of the student's parents, the identity of any student who is eligible for, or receiving, supplemental educational services. (b)(1) In addition to meeting the requirements in paragraph (a) of this section, the LEA must enter into an agreement with each provider selected by a parent or	Y	N		

1,497	§200.46 LEA responsibilities for supplemental educational services	Federal	Statute	(a) If one or more LEAs in a State are required to make available supplemental educational services under §200.39(b)(3), §200.42(b)(3), or §200.43(b)(2), the SEA for that State must do the following: (1)(i) In consultation with affected LEAs, parents, teachers, and other interested members of the public, promote participation by as many providers as possible. (ii) This promotion must include— (A) Annual notice to potential providers of— (1) The opportunity to provide supplemental educational services; and (2) Procedures for obtaining the SEA's approval to be a provider of those services; and (B) Posting on the SEA's Web site, for each LEA— (1) The amount equal to 20 percent of the LEA's Title I, Part A allocation available for choice-related transportation and supplemental educational services, as required in §200.48(a)(2); and (2) The per-child amount for supplemental educational services calculated under §200.48(c)(1). (2) Consistent with paragraph (b) of this section, develop and apply to potential	N	N		
1,498	§200.47 SEA responsibilities for supplemental educational services	Federal	Statute	(a) Amounts required. (1) To pay for choice-related transportation and supplemental educational services required under section 1116 of the ESEA, an LEA may use— (i) Funds allocated under subpart A of this part; (ii) Funds, where allowable, from other Federal education programs; and (iii) State, local, or private resources. (2) Unless a lesser amount is needed, the LEA must spend an amount equal to 20 percent of its allocation under subpart A of this part ("20 percent obligation") to— (i) Provide, or pay for, transportation of students exercising a choice option under §200.44; (ii) Satisfy all requests for supplemental educational services under §200.45; or (iii) Pay for both paragraph (a)(2)(i) and (ii) of this section, except that— (A) The LEA must spend a minimum of an amount equal to 5 percent of its allocation under subpart A of this part on transportation under paragraph (a)(2)(i) of this section and an amount equal to 5 percent of its allocation under subpart A of this part for supplemental educational services under paragraph (a)(2)(ii) of this section, unless lesser amounts are needed to meet the requirements of §§200.44 and 200.45; (B) Except as provided in paragraph (a)(2)(iii)(C) of this section, the LEA may not	Y	Y	Distribute funding to another entity	
1,499	§200.48 Funding for choice-related transportation and supplemental educational services	Federal	Statute	(a) Transition requirements for public school choice and supplemental educational services. (1) Except as described in §§200.32(d) and 200.33(c), if a school was in school improvement or subject to corrective action on January 7, 2002, the SEA must ensure that the LEA for that school provides public school choice in accordance with §200.44 not later than the first day of the 2002-2003 school year. (2) Except as described in §§200.32(d) and 200.33(c), if a school was in school improvement status for two or more consecutive school years or subject to corrective action on January 7, 2002, the SEA must ensure that the LEA for that school makes available supplemental educational services in accordance with §200.45 not later than the first day of the 2002-2003 school year. (b) State reservation of funds for school improvement. (1) In accordance with §200.100(a), an SEA must reserve 2 percent of the amount it receives under this part for fiscal years 2002 and 2003, and 4 percent of the amount it receives under this part for fiscal years 2004 through 2007, to— (i) Support local school improvement activities; (ii) Provide technical assistance to schools identified for improvement, corrective action, or restructuring; and (iii) Provide technical assistance to LEAs that the SEA has identified for improvement or corrective action in accordance with §200.50. (2) Of the amount it reserves under paragraph (b)(1) of this section, the SEA must—	Y	Y	Other service or product our agency must/may provide	Reserve funds
1,500	§200.49 SEA responsibilities for school improvement, corrective action, and restructuring	Federal	Statute	(a) State review. (1) An SEA must annually review the progress of each LEA in its State that receives funds under subpart A of this part to determine whether— (i) The LEA's schools served under this part are making AYP, as defined under §§200.13 through 200.20, toward meeting the State's student academic achievement standards; and (ii) The LEA is carrying out its responsibilities under this part with respect to school improvement, technical assistance, parental involvement, and professional development. (2) In reviewing the progress of an LEA, the SEA may, in the case of targeted assistance schools served by the LEA, consider the progress only of the students served or eligible for services under this subpart, provided the students selected for services in such schools are those with the greatest need for special assistance, consistent with the requirements of section 1115 of the ESEA. (b) Rewards. If an LEA has exceeded AYP as defined under §§200.13 through 200.20 for two consecutive years, the SEA may— (1) Reserve funds in accordance with §200.100(c); and (2) Make rewards of the kinds described under section 1117 of the ESEA. (c) Opportunity for review of LEA-level data. (1) Before identifying an LEA for improvement or corrective action, the SEA must provide the LEA with an opportunity	Y	Y	Other service or product our agency must/may provide	Annually review progress of each LEA
1,501	§200.50 SEA review of LEA progress	Federal	Statute	(a) In general. (1) An SEA must— (i) Communicate with parents throughout the review of an LEA under §200.50; and (ii) Ensure that, regardless of the method or media used, it provides information to parents— (A) In an understandable and uniform format, including alternative formats upon request; and (B) To the extent practicable, in a language that parents can understand. (2) The SEA must provide information to the parents of each student enrolled in a school served by the LEA— (i) Directly, through such means as regular mail or e-mail, except that if an SEA does not have access to individual student addresses, it may provide information to the LEA or school for distribution to parents; and (ii) Through broader means of dissemination such as the Internet, the media, and public agencies serving the student population and their families. (3) All communications must respect the privacy of students and their families. (b) Results of review. The SEA must promptly publicize and disseminate to the LEAs, teachers and other staff, the parents of each student enrolled in a school served by	Y	Y	Other service or product our agency must/may provide	Review LEAs; communicate results of review

1,502	§200.51 Notice of SEA action	Federal	Statute	(a) Improvement plan. (1) Not later than 3 months after an SEA has identified an LEA for improvement under §200.50(d), the LEA must develop or revise an LEA improvement plan. (2) The LEA must consult with parents, school staff, and others in developing or revising its improvement plan. (3) The LEA improvement plan must— (i) Incorporate strategies, grounded in scientifically based research, that will strengthen instruction in core academic subjects in schools served by the LEA; (ii) Identify actions that have the greatest likelihood of improving the achievement of participating children in meeting the State's student academic achievement standards; (iii) Address the professional development needs of the instructional staff serving the LEA by committing to spend for professional development not less than 10 percent of the funds received by the LEA under subpart A of this part for each fiscal year in which the SEA identifies the LEA for improvement. These funds— (A) May include funds reserved by schools for professional development under §200.41(c)(5); but (B) May not include funds reserved for professional development under section 1119 of the ESEA;	Y	Y	Other service or product our agency must/may provide	Identify LEAs for improvement
1,503	§200.52 LEA improvement	Federal	Statute	(a) Definition. For the purposes of this section, the term “corrective action” means action by an SEA that— (1) Substantially and directly responds to— (i) The consistent academic failure that caused the SEA to identify an LEA for corrective action; and (ii) Any underlying staffing, curriculum, or other problems in the LEA; (2) Is designed to meet the goal that each group of students described in §200.13(b)(7) and enrolled in the LEA's schools will meet or exceed the State's proficient levels of achievement as measured by the State assessment system; and (3) Is consistent with State law. (b) Notice and hearing. Before implementing any corrective action under paragraph (c) of this section, the SEA must provide notice and a hearing to the affected LEA—if State law provides for this notice and hearing—not later than 45 days following the decision to take corrective action. (c) Requirements. If the SEA identifies an LEA for corrective action, the SEA must do the following: (1) Continue to make available technical assistance to the LEA.	Y	Y	Other service or product our agency must/may provide	ovide criteria for corrective action measures
1,504	Qualifications Of Teachers And Paraprofessionals §200.55 Qualifications of teachers	Federal	Statute	A teacher described in §200.55(a) and (b)(1) is a “highly qualified teacher” if the teacher meets the requirements in paragraph (a) and paragraph (b), (c), or (d) of this section. (a) In general. (1) Except as provided in paragraph (a)(3) of this section, a teacher covered under §200.55 must— (i) Have obtained full State certification as a teacher, which may include certification obtained through alternative routes to certification; or (ii)(A) Have passed the State teacher licensing examination; and (B) Hold a license to teach in the State. (2) A teacher meets the requirement in paragraph (a)(1) of this section if the teacher— (i) Has fulfilled the State's certification and licensure requirements applicable to the years of experience the teacher possesses; or (ii) Is participating in an alternative route to certification program under which— (A) The teacher— (1) Receives high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom	N	N		
1,505	§200.56 Definition of “highly qualified teacher	Federal	Statute	(a) State plan. (1) A State that receives funds under subpart A of this part must develop, as part of its State plan under section 1111 of the ESEA, a plan to ensure that all public elementary and secondary school teachers in the State who teach core academic subjects are highly qualified not later than the end of the 2005-2006 school year. (2) The State's plan must— (i) Establish annual measurable objectives for each LEA and school that include, at a minimum, an annual increase in the percentage of— (A) Highly qualified teachers at each LEA and school; and (B) Teachers who are receiving high-quality professional development to enable them to become highly qualified and effective classroom teachers; (ii) Describe the strategies the State will use to— (A) Help LEAs and schools meet the requirements in paragraph (a)(1) of this section; and (B) Monitor the progress of LEAs and schools in meeting these requirements; and (iii) Until the SEA fully complies with paragraph (a)(1) of this section, describe the specific steps the SEA will take to—	Y	Y	Report our agency must/may provide	
1,506	§200.57 Plans to increase teacher quality	Federal	Statute	(a) Applicability. (1) An LEA must ensure that each paraprofessional who is hired by the LEA and who works in a program supported with funds under subpart A of this part meets the requirements in paragraph (b) of this section and, except as provided in paragraph (e) of this section, the requirements in either paragraph (c) or (d) of this section. (2) For the purpose of this section, the term “paraprofessional”— (i) Means an individual who provides instructional support consistent with §200.59; and (ii) Does not include individuals who have only non-instructional duties (such as providing technical support for computers, providing personal care services, or performing clerical duties). (3) For the purpose of paragraph (a) of this section, a paraprofessional working in “a program supported with funds under subpart A of this part” is— (i) A paraprofessional in a targeted assisted school who is paid with funds under subpart A of this part; (ii) A paraprofessional in a schoolwide program school; or (iii) A paraprofessional employed by an LEA with funds under subpart A of this part to provide instructional support to a public school teacher covered under §200.55 who provides equitable services to eligible private school students under §200.62.	N	N		

1,507	§200.58 Qualifications of paraprofessionals	Federal	Statute	(a) A paraprofessional covered under §200.58 may not be assigned a duty inconsistent with paragraph (b) of this section. (b) A paraprofessional covered under §200.58 may perform the following instructional support duties: (1) One-on-one tutoring for eligible students if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher. (2) Assisting in classroom management. (3) Assisting in computer instruction. (4) Conducting parent involvement activities. (5) Providing instructional support in a library or media center. (6) Acting as a translator. (7) Providing instructional support services. (c)(1) A paraprofessional may not provide instructional support to a student unless the paraprofessional is working under the direct supervision of a teacher who meets the requirements in §200.56. (2) A paraprofessional works under the direct supervision of a teacher if—	N	N			
1,508	§200.59 Duties of paraprofessionals	Federal	Statute	(a)(1) Except as provided in paragraph (a)(2) of this section, an LEA must use funds it receives under subpart A of this part as follows for professional development activities to ensure that teachers and paraprofessionals meet the requirements of §§200.56 and 200.58: (i) For each of fiscal years 2002 and 2003, the LEA must use not less than 5 percent or more than 10 percent of the funds it receives under subpart A of this part. (ii) For each fiscal year after 2003, the LEA must use not less than 5 percent of the funds it receives under subpart A of this part. (2) An LEA is not required to spend the amount required in paragraph (a)(1) of this section for a given fiscal year if a lesser amount is sufficient to ensure that the LEA's teachers and paraprofessionals meet the requirements in §§200.56 and 200.58, respectively. (b) The LEA may use additional funds under subpart A of this part to support ongoing training and professional development, as defined in section 9101(34) of the ESEA, to assist teachers and paraprofessionals in carrying out activities under subpart A of this part.	N	N			
1,509	§200.60 Expenditures for professional development	Federal	Statute	(a) At the beginning of each school year, an LEA that receives funds under subpart A of this part must notify the parents of each student attending a Title I school that the parents may request, and the LEA will provide the parents on request, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following: (1) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction. (2) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived. (3) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree. (4) Whether the child is provided services by paraprofessionals and, if so, their qualifications. (b) A school that participates under subpart A of this part must provide to each parent— (1) Information on the level of achievement of the parent's child in each of the State academic assessments required under §200.2; (2) Timely notice that the parent's child has been assigned, or has been taught for	Y	Y	Distribute funding to another entity		N
1,510	§200.61 Parents' right to know	Federal	Statute	(a) After timely and meaningful consultation with appropriate officials of private schools, an LEA must— (1) In accordance with §§200.62 through 200.67 and section 1120 of the ESEA, provide special educational services or other benefits under subpart A of this part, on an equitable basis and in a timely manner, to eligible children who are enrolled in private elementary and secondary schools; and (2) Ensure that teachers and families of participating private school children participate on a basis equitable to the participation of teachers and families of public school children receiving these services in accordance with §200.65. (b)(1) Eligible private school children are children who— (i) Reside in participating public school attendance areas of the LEA, regardless of whether the private school they attend is located in the LEA; and (ii) Meet the criteria in section 1115(b) of the ESEA. (2) Among the eligible private school children, the LEA must select children to participate, consistent with §200.64. (c) The services and other benefits an LEA provides under this section must be secular, neutral and nonideological.	N	N			
1,511	Participation of Eligible Children in Private Schools §200.62 Responsibilities for providing services to private school children	Federal	Statute	(a) In order to have timely and meaningful consultation, an LEA must consult with appropriate officials of private schools during the design and development of the LEA's program for eligible private school children. (b) At a minimum, the LEA must consult on the following: (1) How the LEA will identify the needs of eligible private school children. (2) What services the LEA will offer to eligible private school children. (3) How and when the LEA will make decisions about the delivery of services. (4) How, where, and by whom the LEA will provide services to eligible private school children. (5) How the LEA will assess academically the services to eligible private school children in accordance with §200.10, and how the LEA will use the results of that assessment to improve Title I services. (6) The size and scope of the equitable services that the LEA will provide to eligible private school children, and, consistent with §200.64, the proportion of funds that the LEA will allocate for these services. (7) The method or sources of data that the LEA will use under §200.78 to determine the number of private school children from low-income families residing in participating public school attendance areas, including whether the LEA will	N	N			

1,512	§200.63 Consultation	Federal	Statute	(a) Equal expenditures. (1) Funds expended by an LEA under subpart A of this part for services for eligible private school children in the aggregate must be equal to the amount of funds generated by private school children from low-income families under paragraph (a)(2) of this section. (2) An LEA must meet this requirement as follows: (i)(A) If the LEA reserves funds under §200.77 to provide instructional and related activities for public elementary or secondary school students at the district level, the LEA must also provide from those funds, as applicable, equitable services to eligible private school children. (B) The amount of funds available to provide equitable services from the applicable reserved funds must be proportionate to the number of private school children from low-income families residing in participating public school attendance areas. (ii) The LEA must reserve the funds generated by private school children under §200.78 and, in consultation with appropriate officials of the private schools, may— (A) Combine those amounts, along with funds under paragraph (a)(2)(i) of this section, if appropriate, to create a pool of funds from which the LEA provides equitable services to eligible private school children, in the aggregate, in greatest need of those services; or (B) Provide equitable services to eligible children in each private school with the funds generated by children from low-income families under §200.78 who attend	Y	Y	Distribute funding to another entity	
1,513	§200.64 Factors for determining equitable participation of private school children	Federal	Statute	(a)(1) From applicable funds reserved for parent involvement and professional development under §200.77, an LEA shall ensure that teachers and families of participating private school children participate on an equitable basis in professional development and parent involvement activities, respectively. (2) The amount of funds available to provide equitable services from the applicable reserved funds must be proportionate to the number of private school children from low-income families residing in participating public school attendance areas. (b) After consultation with appropriate officials of the private schools, the LEA must conduct professional development and parent involvement activities for the teachers and families of participating private school children either— (1) In conjunction with the LEA's professional development and parent involvement activities; or (2) Independently. (c) Private school teachers are not covered by the requirements in §200.56.	Y	Y	Distribute funding to another entity	
1,514	§200.65 Determining equitable participation of teachers and families of participating private school children	Federal	Statute	(a) An LEA must use funds under subpart A of this part to provide services that supplement, and in no case supplant, the services that would, in the absence of Title I services, be available to participating private school children. (b)(1) The LEA must use funds under subpart A of this part to meet the special educational needs of participating private school children. (2) The LEA may not use funds under subpart A of this part for— (i) The needs of the private school; or (ii) The general needs of children in the private school.	Y	Y	Distribute funding to another entity	
1,515	§200.66 Requirements to ensure that funds do not benefit a private school	Federal	Statute	(a) The LEA must keep title to and exercise continuing administrative control of all property, equipment, and supplies that the LEA acquires with funds under subpart A of this part for the benefit of eligible private school children. (b) The LEA may place equipment and supplies in a private school for the period of time needed for the program. (c) The LEA must ensure that the equipment and supplies placed in a private school— (1) Are used only for Title I purposes; and (2) Can be removed from the private school without remodeling the private school facility. (d) The LEA must remove equipment and supplies from a private school if— (1) The LEA no longer needs the equipment and supplies to provide Title I services; or (2) Removal is necessary to avoid unauthorized use of the equipment or supplies for other than Title I purposes. (e) The LEA may not use funds under subpart A of this part for repairs, minor remodeling, or construction of private school facilities.	Y	Y	Distribute funding to another entity	
1,516	§§200.68-200.69 [Reserved]	Federal	Statute	(a) The Secretary allocates basic grants, concentration grants, targeted grants, and education finance incentive grants, through SEAs, to each eligible LEA for which the Bureau of the Census has provided data on the number of children from low-income families residing in the school attendance areas of the LEA (hereinafter referred to as the “Census list”). (b) In establishing eligibility and allocating funds under paragraph (a) of this section, the Secretary counts children ages 5 to 17, inclusive (hereinafter referred to as “formula children”)— (1) From families below the poverty level based on the most recent satisfactory data available from the Bureau of the Census; (2) From families above the poverty level receiving assistance under the Temporary Assistance for Needy Families program under Title IV of the Social Security Act; (3) Being supported in foster homes with public funds; and (4) Residing in local institutions for neglected children. (c) Except as provided in §§200.72, 200.75, and 200.100, an SEA may not change the Secretary's allocation to any LEA that serves an area with a total census population of at least 20,000 persons. (d) In accordance with §200.74, an SEA may use an alternative method, approved by the Secretary, to distribute the State's share of basic grants, concentration grants,				
1,517	Allocations to LEAS §200.70 Allocation of funds to LEAs in general	Federal	Statute	(a) Basic grants. An LEA is eligible for a basic grant if the number of formula children is— (1) At least 10; and (2) Greater than two percent of the LEA's total population ages 5 to 17 years, inclusive. (b) Concentration grants. An LEA is eligible for a concentration grant if— (1) The LEA is eligible for a basic grant under paragraph (a) of this section; and (2) The number of formula children exceeds— (i) 6,500; or (ii) 15 percent of the LEA's total population ages 5 to 17 years, inclusive. (c) Targeted grants. An LEA is eligible for a targeted grant if the number of formula children is— (1) At least 10; and (2) At least five percent of the LEA's total population ages 5 to 17 years, inclusive. (d) Education finance incentive grants. An LEA is eligible for an education finance	Y	Y	Distribute funding to another entity	

1,518	§200.71 LEA eligibility	Federal	Statute	(a) General. For each LEA not on the Census list (hereinafter referred to as a "new" LEA), an SEA must determine the number of formula children and the number of children ages 5 to 17, inclusive, in that LEA. (b) Determining LEA eligibility. An SEA must determine basic grant, concentration grant, targeted grant, and education finance incentive grant eligibility for each new LEA and re-determine eligibility for the LEAs on the Census list, as appropriate, based on the number of formula children and children ages 5 to 17, inclusive, determined in paragraph (a) of this section. (c) Adjusting LEA allocations. An SEA must adjust the LEA allocations calculated by the Secretary to determine allocations for eligible new LEAs based on the number of formula children determined in paragraph (a) of this section.	Y	N		
1,519	§200.72 Procedures for adjusting allocations determined by the Secretary to account for eligible LEAs not on the Census list	Federal	Statute	(a) General. (1) Except as authorized under paragraph (c) of this section and §200.100(d)(2), an SEA may not reduce the allocation of an eligible LEA below the hold-harmless amounts established under paragraph (a)(4) of this section. (2) The hold-harmless protection limits the maximum reduction of an LEA's allocation compared to the LEA's allocation for the preceding year. (3) Except as provided in §200.100(d), an SEA must apply the hold-harmless requirement separately for basic grants, concentration grants, targeted grants, and education finance incentive grants as described in paragraph (a)(4) of this section. (4) Under section 1122(c) of the ESEA, the hold-harmless percentage varies based on the LEA's proportion of formula children, as shown in the following table: LEA's number of formula children ages 5 to 17, inclusive, as a percentage of its total population of children ages 5 to 17, inclusive Hold-harmless percentage Applicable grant formulas (i) 30% or more (ii) 15% or more but less than 30% (iii) Less than 15% 95 90 85 Basic Grants, Concentration Grants, Targeted Grants, and Education Finance Incentive Grants. (b) Targeted grants and education finance incentive grants. The number of formula children used to determine the hold-harmless percentage is the number before	N	N		
1,520	§200.73 Applicable hold-harmless provisions	Federal	Statute	(a) For eligible LEAs serving an area with a total census population of less than 20,000 persons (hereinafter referred to as "small LEAs"), an SEA may apply to the Secretary to use an alternative method to distribute basic grant, concentration grant, targeted grant, and education finance incentive grant funds. (b) In its application, the SEA must— (1) Identify the alternative data it proposes to use; and (2) Assure that it has established a procedure through which a small LEA that is dissatisfied with the determination of its grant may appeal directly to the Secretary. (c) The SEA must base its alternative method on population data that best reflect the current distribution of children from low-income families among the State's small LEAs and use the same poverty measure consistently for small LEAs across the State for all Title I, part A programs. (d) Based on the alternative poverty data selected, the SEA must— (1) Re-determine eligibility of its small LEAs for basic grants, concentration grants, targeted grants, and education finance incentive grants in accordance with §200.71; (2) Calculate allocations for small LEAs in accordance with the provisions of sections 1124, 1124A, 1125, and 1125A of the ESEA, as applicable; and (3) Ensure that each LEA receives the hold-harmless amount to which it is entitled	Y	Y		Determine eligibility of LEAs
1,521	§200.74 Use of an alternative method to distribute grants to LEAs with fewer than 20,000 total residents	Federal	Statute	(a) In a State in which the number of formula children is less than 0.25 percent of the national total on January 8, 2002 (hereinafter referred to as a "small State"), an SEA may either— (1) Allocate concentration grants among eligible LEAs in the State in accordance with §§200.72 through 200.74, as applicable; or (2) Without regard to the allocations determined by the Secretary— (i) Identify those LEAs in which the number or percentage of formula children exceeds the statewide average number or percentage of those children; and (ii) Allocate concentration grant funds, consistent with §200.73, among the LEAs identified in paragraph (a)(2)(i) of this section based on the number of formula children in each of those LEAs. (b) If the SEA in a small State uses an alternative method under §200.74, the SEA must use the poverty data approved under the alternative method to identify those LEAs with numbers or percentages of formula children that exceed the statewide average number or percentage of those children for the State as a whole.	Y	Y	Distribute funding to another entity	
1,522	§200.76 [Reserved]	Federal	Statute	Before allocating funds in accordance with §200.78, an LEA must reserve funds as are reasonable and necessary to— (a) Provide services comparable to those provided to children in participating school attendance areas and schools to serve— (1) Homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where homeless children may live; (2) Children in local institutions for neglected children; and (3) If appropriate— (i) Children in local institutions for delinquent children; and (ii) Neglected and delinquent children in community-day school programs; (b) Provide, where appropriate under section 1113(c)(4) of the ESEA, financial incentives and rewards to teachers who serve students in Title I schools identified for school improvement, corrective action, and restructuring for the purpose of attracting and retaining qualified and effective teachers; (c) Meet the requirements for choice-related transportation and supplemental educational services in §200.48, unless the LEA meets these requirements with non-Title I funds;	N	N		
1,523	Procedures for the Within-District Allocation of LEA Program Funds §200.77 Reservation of funds by an LEA	Federal	Statute	(a)(1) An LEA must allocate funds under subpart A of this part to school attendance areas and schools, identified as eligible and selected to participate under section 1113(a) or (b) of the ESEA, in rank order on the basis of the total number of children from low-income families in each area or school. (2)(i) In calculating the total number of children from low-income families, the LEA must include children from low-income families who attend private schools. (ii) To obtain a count of private school children, the LEA may— (A) Use the same poverty data the LEA uses to count public school children; (B)(1) Use comparable poverty data from a survey of families of private school students that, to the extent possible, protects the families' identity; and (2) Extrapolate data from the survey based on a representative sample if complete actual data are unavailable; (C) Use comparable poverty data from a different source, such as scholarship applications; (D) Apply the low-income percentage of each participating public school attendance area to the number of private school children who reside in that school attendance area; or (E) Use an equated measure of low income correlated with the measure of low	N	N		

1,524	§200.78 Allocation of funds to school attendance areas and schools	Federal	Statute	(a) For the purpose of determining compliance with the supplement not supplant requirement in section 1120A(b) and the comparability requirement in section 1120A(c) of the ESEA, a grantee or subgrantee under subpart A of this part may exclude supplemental State and local funds spent in any school attendance area or school for programs that meet the intent and purposes of Title I. (b) A program meets the intent and purposes of Title I if the program either— (1)(i) Is implemented in a school in which the percentage of children from low-income families is at least 40 percent; (ii) Is designed to promote schoolwide reform and upgrade the entire educational operation of the school to support students in their achievement toward meeting the State's challenging academic achievement standards that all students are expected to meet; (iii) Is designed to meet the educational needs of all students in the school, particularly the needs of students who are failing, or most at risk of failing, to meet the State's challenging student academic achievement standards; and (iv) Uses the State's assessment system under §200.2 to review the effectiveness of the program; or (2)(i) Serves only students who are failing, or most at risk of failing, to meet the State's challenging student academic achievement standards;	N	N		
1,525	Fiscal Requirements §200.79 Exclusion of supplemental State and local funds from supplement, not supplant and comparability determinations	Federal	Statute	Eligible participants under the Migrant Education Even Start Program (MEES) must meet the definitions of a migratory child, a migratory agricultural worker, or a migratory fisher in §200.81.	N	N		
1,526	Subpart B—Even Start Family Literacy Program §200.80 Migrant Education Even Start Program definition	Federal	Statute	The following definitions apply to programs and projects operated under subpart C of this part: (a) Agricultural work means the production or initial processing of crops, dairy products, poultry, or livestock, as well as the cultivation or harvesting of trees. It consists of work performed for wages or personal subsistence. (b) Fishing work means the catching or initial processing of fish or shellfish or the raising or harvesting of fish or shellfish at fish farms. It consists of work performed for wages or personal subsistence. (c) In order to obtain, when used to describe why a worker moved, means that one of the purposes of the move is to seek or obtain qualifying work. (1) If a worker states that a purpose of the move was to seek any type of employment, i.e., the worker moved with no specific intent to find work in a particular job, the worker is deemed to have moved with a purpose of obtaining qualifying work if the worker obtains qualifying work soon after the move. (2) Notwithstanding the introductory text of this paragraph (c), a worker who did not obtain qualifying work soon after a move may be considered to have moved in order to obtain qualifying work only if the worker states that at least one purpose of the move was specifically to seek the qualifying work, and— (i) The worker is found to have a prior history of moves to obtain qualifying work; or	N	N		
1,527	Subpart C—Migrant Education Program §200.81 Program definitions	Federal	Statute	An SEA may use the funds available from its State Migrant Education Program (MEP) to carry out other administrative activities, beyond those allowable under §200.100(b)(4), that are unique to the MEP, including those that are the same or similar to administrative activities performed by LEAs in the State under subpart A of this part. These activities include but are not limited to— (a) Statewide identification and recruitment of eligible migratory children; (b) Interstate and intrastate coordination of the State MEP and its local projects with other relevant programs and local projects in the State and in other States; (c) Procedures for providing for educational continuity for migratory children through the timely transfer of educational and health records, beyond that required generally by State and local agencies; (d) Collecting and using information for accurate distribution of subgrant funds; (e) Development of a statewide needs assessment and a comprehensive State plan for MEP service delivery; (f) Supervision of instructional and support staff; (g) Establishment and implementation of a State parent advisory council; and (h) Conducting an evaluation of the effectiveness of the State MEP.	Y	Y	Distribute funding to another entity	
1,528	§200.82 Use of program funds for unique program function costs	Federal	Statute	(a) An SEA that receives a grant of MEP funds must develop and update a written comprehensive State plan (based on a current statewide needs assessment that, at a minimum, has the following components: (1) Performance targets. The plan must specify— (i) Performance targets that the State has adopted for all children in reading and mathematics achievement, high school graduation, and the number of school dropouts, as well as the State's performance targets, if any, for school readiness; and (ii) Any other performance targets that the State has identified for migratory children. (2) Needs assessment. The plan must include an identification and assessment of— (i) The unique educational needs of migratory children that result from the children's migratory lifestyle; and (ii) Other needs of migratory students that must be met in order for migratory children to participate effectively in school. (3) Measurable program outcomes. The plan must include the measurable program outcomes (i.e., objectives) that a State's migrant education program will produce to meet the identified unique needs of migratory children and help migratory children achieve the State's performance targets identified in paragraph (a)(1) of this section. (4) Service delivery. The plan must describe the strategies that the SEA will pursue on	Y	Y	Distribute funding to another entity	
1,529	§200.83 Responsibilities of SEAs to implement projects through a comprehensive needs assessment and a comprehensive State plan for service delivery	Federal	Statute	Each SEA must determine the effectiveness of its program through a written evaluation that measures the implementation and results achieved by the program against the State's performance targets in §200.83(a)(1), particularly for those students who have priority for service as defined in section 1304(d) of the ESEA.	Y	Y		
1,530	§200.84 Responsibilities of SEAs for evaluating the effectiveness of the MEP	Federal	Statute	While the specific school improvement requirements of section 1116 of the ESEA do not apply to the MEP, SEAs and local operating agencies receiving MEP funds must use the results of the evaluation carried out under §200.84 to improve the services provided to migratory children.	N	N		
1,531	§200.85 Responsibilities of SEAs and operating agencies for improving services to migratory children	Federal	Statute	Funds available under part C of Title I of the ESEA may be used in a schoolwide program subject to the requirements of §200.29(c)(1).	N	N		
1,532	§200.86 Use of MEP funds in schoolwide projects	Federal	Statute	An SEA and its operating agencies must conduct programs and projects under subpart C of this part in a manner consistent with the basic requirements of section 9501 of the ESEA.	N	N		

1,533	§200.87 Responsibilities for participation of children in private schools	Federal	Statute	(a) For purposes of determining compliance with the comparability requirement in section 1120A(c) and the supplement, not supplant requirement in section 1120A(b) of the ESEA, a grantee or subgrantee under part C of Title I may exclude supplemental State and local funds expended in any school attendance area or school for carrying out special programs that meet the intent and purposes of part C of Title I. (b) Before funds for a State and local program may be excluded for purposes of these requirements, the SEA must make an advance written determination that the program meets the intent and purposes of part C of Title I. (c) A program meets the intent and purposes of part C of Title I if it meets the following requirements: (1) The program is specifically designed to meet the unique educational needs of migratory children, as defined in section 1309 of the ESEA. (2) The program is based on performance targets related to educational achievement that are similar to those used in programs funded under part C of Title I of the ESEA, and is evaluated in a manner consistent with those program targets. (3) The grantee or subgrantee keeps, and provides access to, records that ensure the correctness and verification of these requirements. (4) The grantee monitors program performance to ensure that these requirements are met	N	N		
1,534	§200.88 Exclusion of supplemental State and local funds from supplement, not supplant and comparability determinations	Federal	Statute	(a) Allocation of funds under the MEP for fiscal year (FY) 2006 and subsequent years. (1) For purposes of calculating the size of MEP allocations for each SEA for FY 2006 and subsequent years (as well as for supplemental MEP allocations for FY 2005), the Secretary determines each SEA's FY 2002 base allocation amount under section 1303(a)(2) and (b) of the Act by applying, to the counts of eligible migratory children that the SEA submitted for 2000-2001, the defect rate that the SEA reports to the Secretary and that the Secretary accepts based on a statewide retrospective re-interviewing process that the SEA has conducted. (2)(i) The Secretary conditions an SEA's receipt of final FY 2007 and subsequent-year MEP awards on the SEA's completion of a thorough re-documentation of the eligibility of all children (and the removal of all ineligible children) included in the State's 2007-2008 MEP child counts. (ii) To carry out this re-documentation, an SEA must examine its rolls of all currently identified migratory children and remove from the rolls all children it judges to be ineligible based on the types of problems identified in its statewide retrospective re-interviewing as causing defective eligibility determinations. (b) Responsibilities of SEAs for re-interviewing to ensure the eligibility of children under the MEP—(1) Retrospective re-interviewing. (i) As a condition for the continued receipt of MEP funds in FY 2006 and subsequent years, an SEA that received such funds in FY 2005 but did not implement a statewide re-interviewing process prior to the enactment of this regulation, as well as an SEA with a defect rate that is not accepted by the Secretary under paragraph (a)(1) of this section, or an SEA under a corrective action issued by the Secretary under paragraph (b)(2)(vii) or (d)(7)	N	N		
1,535	§200.89 MEP allocations; Re-interviewing; Eligibility documentation; and Quality control	Federal	Statute	(a) The following definitions apply to the programs authorized in part D, subparts 1 and 2 of Title I of the ESEA: Children and youth means the same as “children” as that term is defined in §200.103(a). (b) The following definitions apply to the programs authorized in part D, subpart 1 of Title I of the ESEA: Institution for delinquent children and youth means, as determined by the SEA, a public or private residential facility that is operated primarily for the care of children and youth who— (1) Have been adjudicated to be delinquent or in need of supervision; and (2) Have had an average length of stay in the institution of at least 30 days. Institution for neglected children and youth means, as determined by the SEA, a public or private residential facility, other than a foster home, that is operated primarily for the care of children and youth who— (1) Have been committed to the institution or voluntarily placed in the institution under applicable State law due to abandonment, neglect, or death of their parents or guardians; and (2) Have had an average length of stay in the institution of at least 30 days.	N	N		
1,536	Subpart D—Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk of Dropping Out §200.90 Program definitions	Federal	Statute	To receive an allocation under part D, subpart 1 of Title I of the ESEA, an SEA must provide the Secretary with a count of children and youth under the age of 21 enrolled in a regular program of instruction operated or supported by State agencies in institutions or community day programs for neglected or delinquent children and youth and adult correctional institutions as specified in paragraphs (a) and (b) of this section. (a) Enrollment. (1) To be counted, a child or youth must be enrolled in a regular program of instruction for at least— (i) 20 hours per week if in an institution or community day program for neglected or delinquent children; or (ii) 15 hours per week if in an adult correctional institution. (2) The State agency must specify the date on which the enrollment of neglected or delinquent children is determined under paragraph (a)(1) of this section, except that the date specified must be— (i) Consistent for all institutions or community day programs operated by the State agency; and (ii) Represent a school day in the calendar year preceding the year in which funds become available. (b) Adjustment of enrollment. The SEA must adjust the enrollment for each	Y	Y		
1,537	§§200.92-200.99 [Reserved]	Federal	Statute	A State must reserve funds for school improvement, State administration, and State academic achievement awards as follows: (a) School improvement. (1) To carry out school improvement activities authorized under sections 1116 and 1117 of the ESEA, an SEA must first reserve— (i) Two percent from the sum of the amounts allocated to the State under section 1002(a) of the ESEA for fiscal years 2002 and 2003; and (ii) Four percent from the sum of the amounts allocated to the State under section 1002(a) of the ESEA for fiscal year 2004 and succeeding years. (2) In reserving funds under paragraph (a)(1) of this section, a State may not reduce the sum of the allocations an LEA receives under section 1002(a) of the ESEA below the sum of the allocations the LEA received under section 1002(a) for the preceding fiscal year. (3) If funds under section 1002(a) are insufficient in a given fiscal year to implement both paragraphs (a)(1) and (2) of this section, a State is not required to reserve the full amount required under paragraph (a)(1) of this section. (b) State administration. (1) An SEA may reserve for State administrative activities authorized in sections 1004 and 1903 of the ESEA no more than the greater of— (i) One percent from each of the amounts allocated to the State or Outlying Area under section 1002(a), (c), and (d) of the ESEA; or				
1,538	Subpart E—General Provisions §200.100 Reservation of funds for school improvement, State administration, and the State academic achievement awards program.	Federal	Statute					Y	N		

1,539	§§200.101-200.102 [Reserved]	Federal	Statute	The following definitions apply to programs operated under this part: (a) Children means— (1) Persons up through age 21 who are entitled to a free public education through grade 12; and (2) Preschool children below the age and grade level at which the agency provides free public education. (b) Fiscal year means the Federal fiscal year—a period beginning on October 1 and ending on the following September 30—or another 12-month period normally used by the SEA for record-keeping. (c) Student with a disability means child with a disability, as defined in section 602(3) of the IDEA.							
1,540	§200.103 Definitions	Federal	Statute								
1,541	§§200.104-200.109 [Reserved]	Federal	Statute								

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Agency Name:	Departmet of Education			Fiscal Year 2017-2018				
				Accountability Report				
Agency Code:	63	Section:	001					
				Legal Standards Template				
Item #	**Law Number**	**Jurisdiction**	**Type of Law**	**Statutory Requirement and/or Authority Granted**	**Does this law specify who your agency must or may serve? (Y/N)**	**Does the law specify a product or service your agency must or may provide?**	***If yes, what type of service or product?***	***If other service or product, please specify what service or product.***
1541	Title 34: Education PART 300—ASSISTANCE TO STATES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES	Federal	Statute					
1542	Subpart A—General Purposes and Applicability §300.1 Purposes	Federal	Statute	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.	N	N		
1543	§300.2 Applicability of this part to State and local agencies	Federal	Statute	(a) States. This part applies to each State that receives payments under Part B of the Act, as defined in §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. (iii) Other State agencies and schools (such as Departments of Mental Health and Welfare and State schools for children with deafness or children with blindness). (iv) State and local juvenile and adult correctional facilities; and (2) Are binding on each public agency in the State that provides special education and related services to children with disabilities, regardless of whether that agency is receiving funds under Part B of the Act. (c) Private schools and facilities. Each public agency in the State is responsible for ensuring that the rights and protections under Part B of the Act are given to	N	N		
1544	Definitions Used in This Part §300.4 Act	Federal	Statute	Act means the Individuals with Disabilities Education Act, as amended.	N	N		
1545	§300.5 Assistive technology device	Federal	Statute	Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.	N	N		
1546	§300.6 Assistive technology service	Federal	Statute	Assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes— (a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment; (b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities; (c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices; (d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; (e) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and (f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child.	N	N		
1547	§300.7 Charter school	Federal	Statute	Charter school has the meaning given the term in section 5210(1) of the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. 6301 et seq. (ESEA).	N	N		
1548	§300.8 Child with a disability	Federal	Statute	(a) General. (1) Child with a disability means a child evaluated in accordance with §§300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindnes	N	N		
1549	§300.9 Consent	Federal	Statute	Consent means that— (a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or through another mode of communication; (b) The parent understands and agrees in writing	N	N		
1550	§300.10 Core academic subjects	Federal	Statute	Core academic subjects means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.	N	N		
1551	§300.11 Day; business day; school day	Federal	Statute	(a) Day means calendar day unless otherwise indicated as business day or school day. (b) Business day means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day, as in	N	N		
1552	§300.12 Educational service agency	Federal	Statute	Educational service agency means— (a) A regional public multiservice agency— (1) Authorized by State law to develop, manage, and provide services or programs to LEAs; (2) Recognized as an administrative agency for purposes of the provision of special e	N	N		

1553	§300.13 Elementary school	Federal	Statute	Elementary school means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.	N	N		
1554	§300.14 Equipment	Federal	Statute	Equipment means— (a) Machinery, utilities, and built-in equipment, and any necessary enclosures or structures to house the machinery, utilities, or equipment; and (b) All other items necessary for the functioning of a particular facility as a facility f	N	N		
1555	§300.15 Evaluation	Federal	Statute	Evaluation means procedures used in accordance with §§300.304 through 300.311 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.	N	N		
1556	§300.16 Excess costs	Federal	Statute	Excess costs means those costs that are in excess of the average annual per-student expenditure in an LEA during the preceding school year for an elementary school or secondary school student, as may be appropriate, and that must be computed after deducti	N	N		
1557	§300.17 Free appropriate public education	Federal	Statute	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	N	N		
1558	§300.18 Highly qualified special education teachers	Federal	Statute	(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 9	N	N		
1559	§300.19 Homeless children	Federal	Statute	Homeless children has the meaning given the term homeless children and youths in section 725 (42 U.S.C. 11434a) of the McKinney-Vento Homeless Assistance Act, as amended, 42 U.S.C. 11431 et seq.	N	N		
1560	§300.20 Include	Federal	Statute	Include means that the items named are not all of the possible items that are covered, whether like or unlike the ones named.	N	N		
1561	§300.21 Indian and Indian tribe	Federal	Statute	(a) Indian means an individual who is a member of an Indian tribe. (b) Indian tribe means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaska Native village or regional village corporation (as defined in	N	N		
1562	§300.22 Individualized education program	Federal	Statute	Individualized education program or IEP means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with §§300.320 through 300.324.	N	N		
1563	§300.23 Individualized education program team	Federal	Statute	Individualized education program team or IEP Team means a group of individuals described in §300.321 that is responsible for developing, reviewing, or revising an IEP for a child with a disability.	N	N		
1564	§300.24 Individualized family service plan	Federal	Statute	Individualized family service plan or IFSP has the meaning given the term in section 636 of the Act.	N	N		
1565	§300.25 Infant or toddler with a disability	Federal	Statute	Infant or toddler with a disability— (a) Means an individual under three years of age who needs early intervention services because the individual— (1) Is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedure	N	N		
1566	§300.26 Institution of higher education	Federal	Statute	Institution of higher education— (a) Has the meaning given the term in section 101 of the Higher Education Act of 1965, as amended, 20 U.S.C. 1021 et seq. (HEA); and (b) Also includes any community college receiving funds from the Secretary of the	N	N		
1567	§300.27 Limited English proficient	Federal	Statute	Limited English proficient has the meaning given the term in section 9101(25) of the ESEA.	N	N		
1568	§300.28 Local educational agency	Federal	Statute	(a) General. Local educational agency or LEA means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secon	N	N		
1569	§300.29 Native language	Federal	Statute	(a) Native language, when used with respect to an individual who is limited English proficient, means the following: (1) The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, ex	N	N		
1570	§300.30 Parent	Federal	Statute	(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 aut	N	N		
1571	§300.31 Parent training and information center	Federal	Statute	Parent training and information center means a center assisted under sections 671 or 672 of the Act. (Authority: 20 U.S.C. 1401(25)) return arrow Back to Top §300.32 Personally identifiable. Personally identifiable means information that contains—	N	N		
1572	§300.33 Public agency	Federal	Statute	Public agency includes the SEA, LEAs, ESAs, nonprofit public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA, and any other political subdivisions of the State that are responsible for providing educat	N	N		
1573	§300.34 Related services	Federal	Statute	(a) General. Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiolog	N	N		
1574	§300.35 Scientifically based research	Federal	Statute	Scientifically based research has the meaning given the term in section 9101(37) of the ESEA.	N	N		
1575	§300.36 Secondary school	Federal	Statute	Secondary school means a nonprofit institutional day or residential school, including a public secondary charter school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.	N	N		
1576	§300.37 Services plan	Federal	Statute	Services plan means a written statement that describes the special education and related services the LEA will provide to a parentally-placed child with a disability enrolled in a private school who has been designated to receive services, including	N	N		
1577	§300.38 Secretary	Federal	Statute	Secretary means the Secretary of Education.	N	N		
1578	§300.39 Special education	Federal	Statute	(a) General. (1) Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including— (i) Instruction conducted in the classroom, in the home, in hospitals and institutions,	N	N		

1579	§300.40 State	Federal	Statute	State means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas. State means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.	N	N		
1580	§300.41 State educational agency	Federal	Statute	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 agen	N	N		
1581	§300.42 Supplementary aids and services	Federal	Statute	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	N	N		
1582	§300.43 Transition services	Federal	Statute	(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	N	N		
1583	§300.44 Universal design	Federal	Statute	Universal design has the meaning given the term in section 3 of the Assistive Technology Act of 1998, as amended, 29 U.S.C. 3002.	N	N		
1584	§300.45 Ward of the State	Federal	Statute	(a) General. Subject to paragraph (b) of this section, ward of the State means a child who, as determined by the State where the child resides, is— (1) A foster child; (2) A ward of the State; or (3) In the custody of a public child welfare agency. (b	N	N		
1585	Subpart B State Eligibility General §300.100 Eligibility for assistance	Federal	Statute	A State is eligible for assistance under Part B of the Act for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets the conditions in §§300.	N	N		
1586	FAPE Requirements §300.101 Free appropriate public education (FAPE).	Federal	Statute	(a) General. A free appropriate public education must be available to all children residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school, as provided for in §300.530(d). (b) FAPE for children beginning at age 3. (1) Each State must ensure that— (i) The obligation to make FAPE available to each eligible child residing in the State begins no later than the child's third birthday; and (ii) An IEP or an IFSP is in effect for the child by that date, in accordance with §300.323(b). (2) If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin. (c) Children advancing from grade to grade. (1) Each State must ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade. (2) The determination that a child described in paragraph (a) of this section is eligible under this part, must be made on an individual basis by the group responsible within the child's LEA for making eligibility determinations.	Y	Y	Other service or product our agency must/may provide	Provide a Free Appropriate Education to all children residing in the State between the ages of 3 and 21.
1587	§300.102 Limitation—exception to FAPE for certain ages	Federal	Statute	(a) General. The obligation to make FAPE available to all children with disabilities does not apply with respect to the following: (1) Children aged 3, 4, 5, 18, 19, 20, or 21 in a State to the extent that its application to those children would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children of those ages. (2)(i) Children aged 18 through 21 to the extent that State law does not require that special education and related services under Part B of the Act be provided to students with disabilities who, in the last educational placement prior to their incarceration in an adult correctional facility— (A) Were not actually identified as being a child with a disability under §300.8; and (B) Did not have an IEP under Part B of the Act. (ii) The exception in paragraph (a)(2)(i) of this section does not apply to children with disabilities, aged 18 through 21, who— (A) Had been identified as a child with a disability under §300.8 and had received services in accordance with an IEP, but who left school prior to their incarceration; or (B) Did not have an IEP in their last educational setting, but who had actually been	Y	Y	Other service or product our agency must/may provide	The State must assure that the information it has provided to the Secretary regarding the exceptions in paragraph (a) of this section
1588	Other FAPE Requirements §300.103 FAPE—methods and payments	Federal	Statute	(a) Each State may use whatever State, local, Federal, and private sources of support that are available in the State to meet the requirements of this part. For example, if it is necessary to place a child with a disability in a residential facility, a State could use joint agreements between the agencies involved for sharing the cost of that placement. (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 §300.323(c), the State 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.	N	N		
1589	§300.104 Residential placement	Federal	Statute	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	N	N		
1590	§300.105 Assistive technology	Federal	Statute	(a) Each public agency must ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in §§300.5 and 300.6, respectively, are made available to a child with a disability if required as a part of the chi	N	N		
1591	§300.106 Extended school year services	Federal	Statute	(a) General. (1) Each public agency must ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section. (2) Extended school year services must be provided only if a child's IEP Team	N	N		

1592	§300.107 Nonacademic services	Federal	Statute	The State must ensure the following: (a) Each public agency must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities. (b) Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.	Y	Y	Other service or product our agency must/may provide	Ensure appropriate IEP services are being provided
1593	§300.108 Physical education	Federal	Statute	The State must ensure that public agencies in the State comply with the following: (a) General. Physical education services, specially designed if necessary, must be made available to every child with a disability receiving FAPE, unless the public agency enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades. (b) Regular physical education. Each child with a disability must be afforded the opportunity to participate in the regular physical education program available to nondisabled children unless— (1) The child is enrolled full time in a separate facility; or (2) The child needs specially designed physical education, as prescribed in the child's IEP. (c) Special physical education. If specially designed physical education is prescribed in a child's IEP, the public agency responsible for the education of that child must provide the services directly or make arrangements for those services to be provided through other public or private programs. (d) Education in separate facilities. The public agency responsible for the education of a child with a disability who is enrolled in a separate facility must ensure that the child receives appropriate physical education services in compliance with this section.	Y	Y	Other service or product our agency must/may provide	Ensure public agencies in the State comply with physical education requirements
1594	§300.109 Full educational opportunity goal (FEOG).	Federal	Statute	The State must have in effect policies and procedures to demonstrate that the State has established a goal of providing full educational opportunity to all children with disabilities, aged birth through 21, and a detailed timetable for accomplishing that goal.	Y	Y	Other service or product our agency must/may provide	Implement policies and procedures
1595	§300.110 Program options	Federal	Statute	The State must ensure that each public agency takes steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the agency, including art, music, industrial arts, consumer and homemaking education, and vocational education.	Y	Y	Other service or product our agency must/may provide	Ensure children with disabilities are provided a variety of educational programs.
1596	§300.111 Child find	Federal	Statute	(a) General. (1) The State must have in effect policies and procedures to ensure that— (i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and (ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services. (b) Use of term developmental delay. The following provisions apply with respect to implementing the child find requirements of this section: (1) A State that adopts a definition of developmental delay under §300.8(b) determines whether the term applies to children aged three through nine, or to a subset of that age range (e.g., ages three through five). (2) A State may not require an LEA to adopt and use the term developmental delay for any children within its jurisdiction. (3) If an LEA uses the term developmental delay for children described in §300.8(b), the LEA must conform to both the State's definition of that term and to the age range that has been adopted by the State.	Y	Y	Other service or product our agency must/may provide	Implement policies and procedures regarding Child Find.
1597	§300.112 Individualized education programs (IEP).	Federal	Statute	The State must ensure that an IEP, or an IFSP that meets the requirements of section 636(d) of the Act, is developed, reviewed, and revised for each child with a disability in accordance with §§300.320 through 300.324, except as provided in §300.300(b)(3)	Y	Y	Other service or product our agency must/may provide	Ensure IEPs meet requirements of the law
1598	§300.113 Routine checking of hearing aids and external components of surgically implanted medical devices	Federal	Statute	(a) Hearing aids. Each public agency must ensure that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly. (b) External components of surgically implanted medical devices. (1) Subject to paragraph (b)(2) of this section, each public agency must ensure that the external components of surgically implanted medical devices are functioning properly. (2) For a child with a surgically implanted medical device who is receiving special education and related services under this part, a public agency is not responsible for the post-surgical maintenance, programming, or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).	Y	Y	Other service or product our agency must/may provide	Ensure hearing aids are worn in school by children with hearing impairments.

1599	Least Restrictive Environment (LRE) §300.114 LRE requirements	Federal	Statute	(a) General. (1) Except as provided in §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 §§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.	Y	Y	Other service or product our agency must/may provide	Have policies and procedures to ensure agencies are meeting LRE requirements
1600	§300.115 Continuum of alternative placements	Federal	Statute	(a) Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. (b) The continuum required in paragraph (a) of this section must— (1) Include the alternative placements listed in the definition of special education under §300.39 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and (2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.	N	N		
1601	§300.116 Placements	Federal	Statute	In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that— (a) The placement decision— (1) Is made by a group of persons, including the parents, and other pe	N	N		
1602	§300.117 Nonacademic settings	Federal	Statute	In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in §300.107, each public agency must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The public agency must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.	N	N		
1603	§300.118 Children in public or private institutions	Federal	Statute	Except as provided in §300.149(d) (regarding agency responsibility for general supervision of some individuals in adult prisons), an SEA must ensure that §300.114 is effectively implemented, including, if necessary, making arrangements with public and pri	N	N		
1604	§300.119 Technical assistance and training activities	Federal	Statute	Each SEA must carry out activities to ensure that teachers and administrators in all public agencies— (a) Are fully informed about their responsibilities for implementing §300.114; and (b) Are provided with technical assistance and training necessary to assist them in this effort.	Y	Y	Other service or product our agency must/may provide	Ensure teachers and administrators and fully informed of their responsibilities and provide technical support and necessary training to assit in their effort.
1605	§300.120 Monitoring activities	Federal	Statute	(a) The SEA must carry out activities to ensure that §300.114 is implemented by each public agency. (b) If there is evidence that a public agency makes placements that are inconsistent with §300.114, the SEA must— (1) Review the public agency's justification for its actions; and (2) Assist in planning and implementing any necessary corrective action.	Y	Y	Other service or product our agency must/may provide	Ensure public agencies are implementing 300.114
1606	Additional Eligibility Requirements §300.121 Procedural safeguards	Federal	Statute	(a) General. The State must have procedural safeguards in effect to ensure that each public agency in the State meets the requirements of §§300.500 through 300.536. (b) Procedural safeguards identified. Children with disabilities and their parents must be afforded the procedural safeguards identified in paragraph (a) of this section.	Y	Y	Other service or product our agency must/may provide	Have procedural placeguards in effect
1607	§300.122 Evaluation	Federal	Statute	Children with disabilities must be evaluated in accordance with §§300.300 through 300.311 of subpart D of this part.	N	N		
1608	§300.123 Confidentiality of personally identifiable information	Federal	Statute	The State must have policies and procedures in effect to ensure that public agencies in the State comply with §§300.610 through 300.626 related to protecting the confidentiality of any personally identifiable information collected, used, or maintained under Part B of the Act.	Y	Y	Other service or product our agency must/may provide	Implement policies and procedures
1609	§300.124 Transition of children from the Part C program to preschool programs	Federal	Statute	The State must have in effect policies and procedures to ensure that— (a) Children participating in early intervention programs assisted under Part C of the Act, and who will participate in preschool programs assisted under Part B of the Act, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9) of the Act; (b) By the third birthday of a child described in paragraph (a) of this section, an IEP or, if consistent with §300.323(b) and section 636(d) of the Act, an IFSP, has been developed and is being implemented for the child consistent with §300.101(b); and (c) Each affected LEA will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10) of the Act.	Y	Y	Other service or product our agency must/may provide	Implement policies and procedures
1610	§§300.125-300.128 [Reserved]	Federal	Statute					
1611	Children in Private Schools §300.129 State responsibility regarding children in private schools	Federal	Statute	The State must have in effect policies and procedures that ensure that LEAs, and, if applicable, the SEA, meet the private school requirements in §§300.130 through 300.148.	Y	Y	Other service or product our agency must/may provide	Implement and have in effect policies and procedures

1612	Children With Disabilities Enrolled by Their Parents in Private Schools §300.130 Definition of parentally-placed private school children with disabilities	Federal	Statute	Parentally-placed private school children with disabilities means children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary school in §300.13 or secondary school in §300.36, other than children with disabilities covered under §§300.145 through 300.147.	N	N		
1613	§300.131 Child find for parentally-placed private school children with disabilities	Federal	Statute	(a) General. Each LEA must locate, identify, and evaluate all 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, in accor	N	N		
1614	§300.132 Provision of services for parentally-placed private school children with disabilities—basic requirement	Federal	Statute	(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,	N	N		
1615	§300.133 Expenditures	Federal	Statute	(a) Formula. To meet the requirement of §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 aged 3	N	N		
1616	§300.134 Consultation	Federal	Statute	To ensure timely and meaningful consultation, an LEA, or, if appropriate, an SEA, must consult with private school representatives and representatives of parents of parentally-placed private school children with disabilities during the design and developm	N	N		
1617	§300.135 Written affirmation	Federal	Statute	(a) When timely and meaningful consultation, as required by §300.134, has occurred, the LEA must obtain a written affirmation signed by the representatives of participating private schools. (b) If the representatives do not provide the affirmation within	N	N		
1618	§300.136 Compliance	Federal	Statute	(a) General. A private school official has the right to submit a complaint to the SEA that the LEA— (1) Did not engage in consultation that was meaningful and timely; or (2) Did not give due consideration to the views of the private school official. (b) Procedure. (1) If the private school official wishes to submit a complaint, the official must provide to the SEA the basis of the noncompliance by the LEA with the applicable private school provisions in this part; and (2) The LEA must forward the appropriate documentation to the SEA. (3)(i) If the private school official is dissatisfied with the decision of the SEA, the official may submit a complaint to the Secretary by providing the information on noncompliance described in paragraph (b)(1) of this section; and (ii) The SEA must forward the appropriate documentation to the Secretary.	Y	Y	Other service or product our agency must/may provide	Forward appropriate documentation to the Secretary
1619	§300.137 Equitable services determined	Federal	Statute	(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 enr	N	N		
1620	§300.138 Equitable services provided	Federal	Statute	(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	N	N		
1621	§300.139 Location of services and transportation	Federal	Statute	(a) Services on private school premises. Services to parentally-placed private school children with disabilities may be provided on the premises of private, including religious, schools, to the extent consistent with law. (b) Transportation—(1) General. (i) If necessary for the child to benefit from or participate in the services provided under this part, a parentally-placed private school child with a disability must be provided transportation— (A) From the child's school or the child's home to a site other than the private school; and (B) From the service site to the private school, or to the child's home, depending on the timing of the services. (ii) LEAs are not required to provide transportation from the child's home to the private school. (2) Cost of transportation. The cost of the transportation described in paragraph (b)(1)(i) of this section may be included in calculating whether the LEA has met the requirement of §300.133.	N	N		
1622	§300.140 Due process complaints and State complaints	Federal	Statute	(a) Due process not applicable, except for child find. (1) Except as provided in paragraph (b) of this section, the procedures in §§300.504 through 300.519 do not apply to complaints that an LEA has failed to meet the requirements of §§300.132 through 300.139, including the provision of services indicated on the child's services plan. (b) Child find complaints—to be filed with the LEA in which the private school is located. (1) The procedures in §§300.504 through 300.519 apply to complaints that an LEA has failed to meet the child find requirements in §300.131, including the requirements in §§300.300 through 300.311. (2) Any due process complaint regarding the child find requirements (as described in paragraph (b)(1) of this section) must be filed with the LEA in which the private school is located and a copy must be forwarded to the SEA. (c) State complaints. (1) Any complaint that an SEA or LEA has failed to meet the requirements in §§300.132 through 300.135 and 300.137 through 300.144 must be filed in accordance with the procedures described in §§300.151 through 300.153.	N	N		
1623	§300.141 Requirement that funds not benefit a private school	Federal	Statute	(a) An LEA may not use funds provided under section 611 or 619 of the Act to finance the existing level of instruction in a private school or to otherwise benefit the private school. (b) The LEA must use funds provided under Part B of the Act to meet the	N	N		

1624	§300.142 Use of personnel	Federal	Statute	(a) Use of public school personnel. An LEA may use funds available under sections 611 and 619 of the Act to make public school personnel available in other than public facilities— (1) To the extent necessary to provide services under §§300.130 through 300.144 for parentally-placed private school children with disabilities; and (2) If those services are not normally provided by the private school. (b) Use of private school personnel. An LEA may use funds available under sections 611 and 619 of the Act to pay for the services of an employee of a private school to provide services under §§300.130 through 300.144 if— (1) The employee performs the services outside of his or her regular hours of duty; and (2) The employee performs the services under public supervision and control.	N	N		
1625	§300.143 Separate classes prohibited	Federal	Statute	An LEA may not use funds available under section 611 or 619 of the Act for classes that are organized separately on the basis of school enrollment or religion of the children if—' (a) The classes are at the same site; and (b) The classes include childre	N	N		
1626	§300.144 Property, equipment, and supplies	Federal	Statute	a) A public agency must control and administer the funds used to provide special education and related services under §§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	N	N		
1627	Children With Disabilities in Private Schools Placed or Referred by Public Agencies §300.145 Applicability of §§300.146 through 300.147	Federal	Statute	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.	N	N		
1628	§300.146 Responsibility of SEA	Federal	Statute	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 §§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, except for §300.156(c); and (c) Has all of the rights of a child with a disability who is served by a public agency.	Y	Y	Other service or product our agency must/may provide	Ensure that a child with a disability who is placed in or referred to a private school or facility by a public agency is provided special education and related services
1629	§300.147 Implementation by SEA	Federal	Statute	In implementing §300.146, the SEA must— (a) Monitor compliance through procedures such as written reports, on-site visits, and parent questionnaires; (b) Disseminate copies of applicable standards to each private school and facility to which a public agency has referred or placed a child with a disability; and (c) Provide an opportunity for those private schools and facilities to participate in the development and revision of State standards that apply to them.	Y	Y	Other service or product our agency must/may provide	Monitor compliance
1630	Children With Disabilities Enrolled by Their Parents in Private Schools When FAPE Is at Issue §300.148 Placement of children by parents when FAPE is at issue	Federal	Statute	(a) General. This part does not require an LEA to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if that agency made FAPE available to the child and the parents	N	N		

1631	SEA Responsibility for General Supervision and Implementation of Procedural Safeguards §300.149 SEA responsibility for general supervision	Federal	Statute	(a) The SEA is responsible for ensuring— (1) That the requirements of this part are carried out; and (2) That each educational program for children with disabilities administered within the State, including each program administered by any other State or local agency (but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior)— (i) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the SEA; and (ii) Meets the educational standards of the SEA (including the requirements of this part). (3) In carrying out this part with respect to homeless children, the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) are met. (b) The State must have in effect policies and procedures to ensure that it complies with the monitoring and enforcement requirements in §§300.600 through 300.602 and §§300.606 through 300.608. (c) Part B of the Act does not limit the responsibility of agencies other than educational agencies for providing or paying some or all of the costs of FAPE to	Y	Y	Other service or product our agency must/may provide	Monitor compliance
1632	§300.150 SEA implementation of procedural safeguards	Federal	Statute	The SEA (and any agency assigned responsibility pursuant to §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.	Y	Y	Other service or product our agency must/may provide	Ensure effective implementation of procedural safeguards
1633	State Complaint Procedures §300.151 Adoption of State complaint procedures	Federal	Statute	(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 §300.153 by— (i) Providing for the filing of a complaint with the SEA; and (ii) At the SEA's discretion, providing for the filing of a complaint with a public agency and the right to have the SEA review the public agency's decision on the complaint; 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 §§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, an 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.	Y	Y	Other service or product our agency must/may provide	Adopt written procedures
1634	§300.152 Minimum State complaint procedures	Federal	Statute	(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 §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— (i) At the discretion of the public agency, a proposal to resolve the complaint; and (ii) An opportunity for a parent who has filed a complaint and the public agency to voluntarily engage in mediation consistent with §300.506; (4) Review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part B of the Act or of this part; and (5) Issue a written decision to the complainant that addresses each allegation in the complaint and contains— (i) Findings of fact and conclusions; and	Y	Y	Other service or product our agency must/may provide	Adopt written procedures; ensure procedures include time specific elements
1635	§300.153 Filing a complaint	Federal	Statute	a) An organization or individual may file a signed written complaint under the procedures described in §§300.151 through 300.152. (b) The complaint must include— (1) A statement that a public agency has violated a requirement of Part B of the Act or of this part; (2) The facts on which the statement is based; (3) The signature and contact information for the complainant; and (4) If alleging violations with respect to a specific child— (i) The name and address of the residence of the child; (ii) The name of the school the child is attending; (iii) In the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child, and the name of the school the child is attending; (iv) A description of the nature of the problem of the child, including facts relating to the problem; and	Y	Y	Other service or product our agency must/may provide	Complaint filed with agency
1636	Methods of Ensuring Services §300.154 Methods of ensuring services	Federal	Statute	(a) Establishing responsibility for services. The Chief Executive Officer of a State or designee of that officer must ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each noneducational public agen	N	N		

1637	Additional Eligibility Requirements §300.155 Hearings relating to LEA eligibility	Federal	Statute	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).	Y	Y	Other service or product our agency must/may provide	Make available reasonable notice and opportunity for a hearing
1638	§300.156 Personnel qualifications	Federal	Statute	(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	Y	Y	Other service or product our agency must/may provide	Establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained
1639	§300.157 Performance goals and indicators	Federal	Statute	The State must— (a) Have in effect established goals for the performance of children with disabilities in the State that— (1) Promote the purposes of this part, as stated in §300.1; (2) Are the same as the State's long-term goals and measurements of interim progress for children with disabilities under section 1111(c)(4)(A)(i) of the ESEA. (3) Address graduation rates and dropout rates, as well as such other factors as the State may determine; and (4) Are consistent, to the extent appropriate, with any other goals and academic standards for children established by the State; (b) Have in effect established performance indicators the State will use to assess progress toward achieving the goals described in paragraph (a) of this section, including measurements of interim progress for children with disabilities under section 1111(c)(4)(A)(i)(cc) of the ESEA, 20 U.S.C. 6311; and (c) Annually report to the Secretary and the public on the progress of the State, and of children with disabilities in the State, toward meeting the goals established under paragraph (a) of this section, which may include elements of the reports required under section 1111(h) of the ESEA.	Y	Y	Other service or product our agency must/may provide	Establish goals for performance measures
1640	§§300.158-300.159 [Reserved]	Federal	Statute					
1641	§300.160 Participation in assessments	Federal	Statute	(a) General. A State must ensure that all children with disabilities are included in all general State and district-wide assessment programs, including assessments described under section 1111 of the ESEA, 20 U.S.C. 6311, with appropriate accommodations and alternate assessments, if necessary, as indicated in their respective IEPs. (b) Accommodation guidelines. (1) A State (or, in the case of a district-wide assessment, an LEA) must develop guidelines for the provision of appropriate accommodations. (2) The State's (or, in the case of a district-wide assessment, the LEA's) guidelines must— (i) Identify only those accommodations for each assessment that do not invalidate the score; and (ii) Instruct IEP Teams to select, for each assessment, only those accommodations that do not invalidate the score. (c) Alternate assessments aligned with alternate academic achievement standards for students with the most significant cognitive disabilities. (1) If a State has adopted alternate academic achievement standards for children with disabilities who are students with the most significant cognitive disabilities as permitted in section 1111(b)(1)(E) of the ESEA, the State (or, in the case of a district-wide assessment, an LEA) must develop and implement alternate assessments and	Y	Y	Other service or product our agency must/may provide	Ensure children with disabilities are included in all general State and district-wide assessment programs
1642	§300.161 [Reserved]	Federal	Statute					
1643	§300.162 Supplementation of State, local, and other Federal funds	Federal	Statute	(a) Expenditures. Funds paid to a State under this part must be expended in accordance with all the provisions of this part. (b) Prohibition against commingling. (1) Funds paid to a State under this part must not be commingled with State funds. (2) The requirement in paragraph (b)(1) of this section is satisfied by the use of a separate accounting system that includes an audit trail of the expenditure of funds paid to a State under this part. Separate bank accounts are not required. (See 34 CFR 76.702 (Fiscal control and fund accounting procedures).) (c) State-level nonsupplanting. (1) Except as provided in §300.203, 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 §300.164.	Y	Y	Distribute funding to another entity	

1644	§300.163 Maintenance of State financial support	Federal	Statute	(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 §300.164 for a waiver of the requirement to	N	N		
1645	§300.164 Waiver of requirement regarding supplementing and not supplanting with Part B funds	Federal	Statute	(a) Except as provided under §§300.202 through 300.205, funds paid to a State under Part B of the Act must be used to supplement and increase the level of Federal, State, and local funds (including funds that are not under the direct control of SEAs 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. A State may use funds it retains under §300.704(a) and (b) without regard to the prohibition on supplanting other funds. (b) If a State provides clear and convincing evidence that all eligible children with disabilities throughout the State have FAPE available to them, the Secretary may waive for a period of one year in whole or in part the requirement under §300.162 (regarding State-level nonsupplanting) if the Secretary concurs with the evidence provided by the State. (c) If a State wishes to request a waiver under this section, it must submit to the Secretary a written request that includes— (1) An assurance that FAPE is currently available, and will remain available throughout the period that a waiver would be in effect, to all eligible children with disabilities throughout the State, regardless of the public agency that is responsible for providing FAPE to them. The assurance must be signed by an official who has the authority to provide that assurance as it applies to all eligible children with disabilities in the State;	N	N		
1646	§300.165 Public participation	Federal	Statute	(a) Prior to the adoption of any policies and procedures needed to comply with Part B of the Act (including any amendments to those policies and procedures), the State must ensure that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (b) Before submitting a State plan under this part, a State must comply with the public participation requirements in paragraph (a) of this section and those in 20 U.S.C. 1232d(b)(7).	Y	Y	Report our agency must/may provide	Also, collect public comments
1647	§300.166 Rule of construction	Federal	Statute	In complying with §§300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to LEAs, including funding based on student attendance or enrollment, or inflation.	N	N		
1648	State Advisory Panel §300.167 State advisory panel	Federal	Statute	The State must establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	
1649	§300.168 Membership	Federal	Statute	(a) General. The advisory panel must consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, be representative of the State population and be composed of individuals involved in, or concerned with the education of children with disabilities, including— (1) Parents of children with disabilities (ages birth through 26); (2) Individuals with disabilities; (3) Teachers; (4) Representatives of institutions of higher education that prepare special education and related services personnel; (5) State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, (42	Y	Y	Board, Commission, or Committee on which someone from our agency may/must serve	
1650	§300.169 Duties	Federal	Statute	The advisory panel must— (a) Advise the SEA of unmet needs within the State in the education of children with disabilities; (b) Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;	N	N		
1651	Other Provisions Required for State Eligibility §300.170 Suspension and expulsion rates	Federal	Statute	(a) General. The SEA must examine data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities— (1) Among LEAs in the State; or (2) Compared to the rates for nondisabled children within those agencies. (b) Review and revision of policies. If the discrepancies described in paragraph (a) of this section are occurring, the SEA must review and, if appropriate, revise (or require the affected State agency or LEA to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that these policies, procedures, and practices comply with the Act.	Y	Y	Other service or product our agency must/may provide	Examine data to determine if discrepencies are occuring

1652	§300.171 Annual description of use of Part B funds	Federal	Statute	(a) In order to receive a grant in any fiscal year a State must annually describe— (1) How amounts retained for State administration and State-level activities under §300.704 will be used to meet the requirements of this part; and (2) How those amounts will be allocated among the activities described in §300.704 to meet State priorities based on input from LEAs. (b) If a State's plans for use of its funds under §300.704 for the forthcoming year do not change from the prior year, the State may submit a letter to that effect to meet the requirement in paragraph (a) of this section. (c) The provisions of this section do not apply to the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the freely associated States.	N	N		
1653	§300.172 Access to instructional materials	Federal	Statute	(a) General. The State must— (1) Adopt the National Instructional Materials Accessibility Standard (NIMAS), published as appendix C to part 300, for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after publication of the NIMAS in the Federal Register on July 19, 2006 (71 FR 41084); and (2) Establish a State definition of "timely manner" for purposes of paragraphs (b)(2) and (b)(3) of this section if the State is not coordinating with the National Instructional Materials Access Center (NIMAC) or (b)(3) and (c)(2) of this section if the State is coordinating with the NIMAC. (b) Rights and responsibilities of SEA. (1) Nothing in this section shall be construed to require any SEA to coordinate with the NIMAC. (2) If an SEA chooses not to coordinate with the NIMAC, the SEA must provide an assurance to the Secretary that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.	Y	Y	Other service or product our agency must/may provide	Adopt the NIMAS; establish definition of timely manner
1654	§300.173 Overidentification and disproportionality	Federal	Statute	The State must have in effect, consistent with the purposes of this part and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in §300.8.	Y	Y	Other service or product our agency must/may provide	Have policies and procedures in effect
1655	§300.174 Prohibition on mandatory medication	Federal	Statute	(a) General. The SEA must prohibit State and LEA personnel from requiring parents to obtain a prescription for substances identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) for a child as a condition of attending school, receiving an evaluation under §§300.300 through 300.311, or receiving services under this part. (b) Rule of construction. Nothing in paragraph (a) of this section shall be construed to create a Federal prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a student's academic and functional performance, or behavior in the classroom or school, or regarding the need for evaluation for special education or related services under §300.111 (related to child find).	N	N		
1656	§300.175 SEA as provider of FAPE or direct services	Federal	Statute	If the SEA provides FAPE to children with disabilities, or provides direct services to these children, the agency— (a) Must comply with any additional requirements of §§300.201 and 300.202 and §§300.206 through 300.226 as if the agency were an LEA; and (b) May use amounts that are otherwise available to the agency under Part B of the Act to serve those children without regard to §300.202(b) (relating to excess costs)	Y	Y	Other service or product our agency must/may provide	Comply with additional requirements
1657	§300.176 Exception for prior State plans	Federal	Statute	(a) General. If a State has on file with the Secretary policies and procedures approved by the Secretary that demonstrate that the State meets any requirement of §300.100, including any policies and procedures filed under Part B of the Act as in effect be	N	N		
1658	§300.177 States' sovereign immunity and positive efforts to employ and advance qualified individuals with disabilities	Federal	Statute	(a) States' sovereign immunity. (1) A State that accepts funds under this part waives its immunity under the 11th amendment of the Constitution of the United States from suit in Federal court for a violation of this part. (2) In a suit against a State fo	N	N		
1659	Department Procedures §300.178 Determination by the Secretary that a State is eligible to receive a grant	Federal	Statute	If the Secretary determines that a State is eligible to receive a grant under Part B of the Act, the Secretary notifies the State of that determination.	N	N		
1660	§300.179 Notice and hearing before determining that a State is not eligible to receive a grant	Federal	Statute	(a) General. (1) The Secretary does not make a final determination that a State is not eligible to receive a grant under Part B of the Act until providing the State— (i) With reasonable notice; and (ii) With an opportunity for a hearing. (2) In impleme	N	N		
1661	§300.180 Hearing official or panel	Federal	Statute	(a) If the SEA requests a hearing, the Secretary designates one or more individuals, either from the Department or elsewhere, not responsible for or connected with the administration of this program, to conduct a hearing. (b) If more than one individual	N	N		

1662	§300.181 Hearing procedures	Federal	Statute	(a) As used in §§300.179 through 300.184 the term party or parties means the following: (1) An 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.	Y	Y	Other service or product our agency must/may provide	Provide hearing which is in compliance with hearing procedures
1663	§300.182 Initial decision; final decision	Federal	Statute	(a) The Hearing Official or Hearing Panel prepares an initial written decision that addresses each of the points in the notice sent by the Secretary to the SEA under §300.179 including any amendments to or further clarifications of the issues, under §300.	N	N		
1664	§300.183 Filing requirements	Federal	Statute	(a) Any written submission by a party under §§300.179 through 300.184 must be filed by hand delivery, by mail, or by facsimile transmission. The Secretary discourages the use of facsimile transmission for documents longer than five pages. (b) The filing	N	N		
1665	§300.184 Judicial review	Federal	Statute	If a State is dissatisfied with the Secretary's final decision with respect to the eligibility of the State under section 612 of the Act, the State may, not later than 60 days after notice of that decision, file with the United States Court of Appeals for	N	N		
1666	§300.185 [Reserved]	Federal	Statute					
1667	§300.186 Assistance under other Federal programs	Federal	Statute	Part B of the Act may not be construed to permit a State to reduce medical and other assistance available, or to alter eligibility, under titles V and XIX of the Social Security Act with respect to the provision of FAPE for children with disabilities in t	N	N		
1668	By-pass for Children in Private Schools §300.190 By-pass—general	Federal	Statute	(a) If, on December 2, 1983, the date of enactment of the Education of the Handicapped Act Amendments of 1983, an SEA was prohibited by law from providing for the equitable participation in special programs of children with disabilities enrolled in privat	N	N		
1669	§300.191 Provisions for services under a by-pass	Federal	Statute	(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 §§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 §§300.8(a) and 300.130) in the State, LEA or other public agency, as determined by the	N	N		
1670	§300.192 Notice of intent to implement a by-pass	Federal	Statute	(a) Before taking any final action to implement a by-pass, the Secretary provides the SEA and, as appropriate, LEA or other public agency with written notice. (b) In the written notice, the Secretary— (1) States the reasons for the proposed by-pass in s	N	N		
1671	§300.193 Request to show cause	Federal	Statute	An SEA, LEA or other public agency in receipt of a notice under §300.192 that seeks an opportunity to show cause why a by-pass should not be implemented must submit a written request for a show cause hearing to the Secretary, within the specified time period in the written notice in §300.192(b)(2).	N	N		
1672	§300.194 Show cause hearing	Federal	Statute	(a) If a show cause hearing is requested, the Secretary— (1) Notifies the SEA and affected LEA or other public agency, and other appropriate public and private school officials of the time and place for the hearing; (2) Designates a person to conduct th	N	N		
1673	§300.195 Decision	Federal	Statute	(a) The designee who conducts the show cause hearing— (1) Within 120 days after the record of a show cause hearing is closed, issues a written decision that includes a statement of findings; and (2) Submits a copy of the decision to the Secretary and se	Y	N		
1674	§300.196 Filing requirements	Federal	Statute	(a) Any written submission under §300.194 must be filed by hand-delivery, by mail, or by facsimile transmission. The Secretary discourages the use of facsimile transmission for documents longer than five pages. (b) The filing date under paragraph (a) of	N	N		
1675	§300.197 Judicial review	Federal	Statute	If dissatisfied with the Secretary's final action, the SEA may, within 60 days after notice of that action, file a petition for review with the United States Court of Appeals for the circuit in which the State is located. The procedures for judicial review are described in section 612(f)(3) (B) through (D) of the Act.	Y	Y	Other service or product our agency must/may provide	Ability to request judicial review
1676	§300.198 Continuation of a by-pass	Federal	Statute	The Secretary continues a by-pass until the Secretary determines that the SEA, LEA or other public agency will meet the requirements for providing services to private school children.	N	N		

1677	State Administration §300.199 State administration	Federal	Statute	(a) Rulemaking. Each State that receives funds under Part B of the Act must— (1) Ensure that any State rules, regulations, and policies relating to this part conform to the purposes of this part; (2) Identify in writing to LEAs located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by Part B of the Act and Federal regulations; and (3) Minimize the number of rules, regulations, and policies to which the LEAs and schools located in the State are subject under Part B of the Act. (b) Support and facilitation. State rules, regulations, and policies under Part B of the Act must support and facilitate LEA and school-level system improvement designed to enable children with disabilities to meet the challenging State student academic achievement standards.	Y	Y	Other service or product our agency must/may provide	Ensure that any State rules, regulations, and policies relating to this part conform to the purposes of this part
1678	Subpart C—Local Educational Agency Eligibility §300.200 Condition of assistance	Federal	Statute	An LEA is eligible for assistance under Part B of the Act for a fiscal year if the agency submits a plan that provides assurances to the SEA that the LEA meets each of the conditions in §§300.201 through 300.213.	N	N		
1679	§300.201 Consistency with State policies	Federal	Statute	The LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under §§300.101 through 300.163, a	N	N		
1680	§300.202 Use of amounts	Federal	Statute	(a) General. Amounts provided to the LEA under Part B of the Act— (1) Must be expended in accordance with the applicable provisions of this part; (2) Must be used only to pay the excess costs of providing special education and related services to childr	N	N		
1681	§300.203 Maintenance of effort	Federal	Statute	(a) General. Except as provided in §§300.204 and 300.205, funds provided to an LEA under Part B of the Act must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the leve	N	N		
1682	§300.204 Exception to maintenance of effort	Federal	Statute	Notwithstanding the restriction in §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:	N	N		
1683	§300.205 Adjustment to local fiscal efforts in certain fiscal years	Federal	Statute	(a) Amounts in excess. Notwithstanding §300.202(a)(2) and (b) and §300.203(a), and except as provided in paragraph (d) of this section and §300.230(e)(2), for any fiscal year for which the allocation received by an LEA under §300.705 exceeds the amount th	N	N		
1684	§300.206 Schoolwide programs under title I of the ESEA	Federal	Statute	(a) General. Notwithstanding the provisions of §§300.202 and 300.203 or any other provision of Part B of the Act, an LEA may use funds received under Part B of the Act for any fiscal year to carry out a schoolwide program under section 1114 of the ESEA, e	N	N		
1685	§300.207 Personnel development	Federal	Statute	The LEA must ensure that all personnel necessary to carry out Part B of the Act are appropriately and adequately prepared, subject to the requirements of §300.156 (related to personnel qualifications) and section 2122 of the ESEA.	N	N		
1686	§300.208 Permissive use of funds	Federal	Statute	(a) Uses. Notwithstanding §§300.202, 300.203(a), and 300.162(b), funds provided to an LEA under Part B of the Act may be used for the following activities: (1) Services and aids that also benefit nondisabled children. For the costs of special education a	N	N		
1687	§300.209 Treatment of charter schools and their students	Federal	Statute	(a) Rights of children with disabilities. Children with disabilities who attend public charter schools and their parents retain all rights under this part. (b) Charter schools that are public schools of the LEA. (1) In carrying out Part B of the Act and	N	N		
1688	§300.210 Purchase of instructional materials	Federal	Statute	(a) General. Not later than December 3, 2006, an LEA that chooses to coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials, must acquire those instructional materials in the same manner,	N	N		
1689	§300.211 Information for SEA	Federal	Statute	The LEA must provide the SEA with information necessary to enable the SEA to carry out its duties under Part B of the Act, including, with respect to §§300.157 and 300.160, information relating to the performance of children with disabilities participatin	N	N		
1690	§300.212 Public information	Federal	Statute	The LEA must make available to parents of children with disabilities and to the general public all documents relating to the eligibility of the agency under Part B of the Act.	N	N		
1691	§300.213 Records regarding migratory children with disabilities	Federal	Statute	The LEA must cooperate in the Secretary's efforts under section 1308 of the ESEA to ensure the linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging, among the States, health and educational inf	N	N		
1692	§§300.214-300.219 [Reserved]	Federal	Statute					
1693	§300.220 Exception for prior local plans	Federal	Statute	(a) General. If an LEA or a State agency described in §300.228 has on file with the SEA policies and procedures that demonstrate that the LEA or State agency meets any requirement of §300.200, including any policies and procedures filed under Part B of th	N	N		
1694	§300.221 Notification of LEA or State agency in case of ineligibility	Federal	Statute	If the SEA determines that an LEA or State agency is not eligible under Part B of the Act, then the SEA must— (a) Notify the LEA or State agency of that determination; and (b) Provide the LEA or State agency with reasonable notice and an opportunity for a hearing	Y	Y	Other service or product our agency must/may provide	Provide notice and opportunity for a hearing
1695	§300.222 LEA and State agency compliance	Federal	Statute	(a) General. If the SEA, after reasonable notice and an opportunity for a hearing, finds that an LEA or State agency that has been determined to be eligible under this subpart is failing to comply with any requirement described in §§300.201 through 300.213, the SEA must reduce or must not provide any further payments to the LEA or State agency until the SEA is satisfied that the LEA or State agency is complying with that requirement. (b) Notice requirement. Any State agency or LEA in receipt of a notice described in paragraph (a) of this section must, by means of public notice, take the measures necessary to bring the pendency of an action pursuant to this section to the attention of the public within the jurisdiction of the agency. (c) Consideration. In carrying out its responsibilities under this section, each SEA must consider any decision resulting from a hearing held under §§300.511 through 300.533 that is adverse to the LEA or State agency involved in the decision.	Y	Y	Other service or product our agency must/may provide	Take measures necessary to bring pendency of an action pursuant to this section to the attention of the public within the jurisdiction of the agency.

1696	§300.223 Joint establishment of eligibility	Federal	Statute	(a) General. An 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. (b) Charter school exception. An SEA may not require a charter school that is an LEA to jointly establish its eligibility under paragraph (a) of this section unless the charter school is explicitly permitted to do so under the State's charter school statute. (c) Amount of payments. If an SEA requires the joint establishment of eligibility under paragraph (a) 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 §300.705 if the agencies were eligible for those payments.	Y	Y	Distribute funding to another entity	
1697	§300.224 Requirements for establishing eligibility	Federal	Statute	(a) Requirements for LEAs in general. LEAs that establish joint eligibility under this section must— (1) Adopt policies and procedures that are consistent with the State's policies and procedures under §§300.101 through 300.163, and §§300.165 through 300.174; and (2) Be jointly responsible for implementing programs that receive assistance under Part B of the Act. (b) 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— (1) Do not apply to the administration and disbursement of any payments received by that educational service agency; and (2) Must be carried out only by that educational service agency. (c) Additional requirement. Notwithstanding any other provision of §§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 §300.112.	N	N		
1698	§300.225 [Reserved]	Federal	Statute					
1699	§300.226 Early intervening services	Federal	Statute	(a) General. An LEA may not use more than 15 percent of the amount the LEA receives under Part B of the Act for any fiscal year, less any amount reduced by the LEA pursuant to §300.205, if any, in combination with other amounts (which may include amounts	N	N		
1700	§300.227 Direct services by the SEA	Federal	Statute	(a) General. (1) An SEA must use the payments that would otherwise have been available to an LEA or to a State agency to provide special education and related services directly to children with disabilities residing in the area served by that LEA, or for whom that State agency is responsible, if the SEA determines that the LEA or State agency— (i) Has not provided the information needed to establish the eligibility of the LEA or State agency, or elected not to apply for its Part B allotment, under Part B of the Act; (ii) Is unable to establish and maintain programs of FAPE that meet the requirements of this part; (iii) Is unable or unwilling to be consolidated with one or more LEAs in order to establish and maintain the programs; or (iv) Has one or more children with disabilities who can best be served by a regional or State program or service delivery system designed to meet the needs of these children. (2) SEA administrative procedures. (i) In meeting the requirements in paragraph (a)(1) of this section, the SEA may provide special education and related services directly, by contract, or through other arrangements. (ii) The excess cost requirements of §300.202(b) do not apply to the SEA.	Y	Y	Distribute funding to another entity	
1701	§300.228 State agency eligibility	Federal	Statute	Any State agency that desires to receive a subgrant for any fiscal year under §300.705 must demonstrate to the satisfaction of the SEA that— (a) All children with disabilities who are participating in programs and projects funded under Part B of the Act receive FAPE, and that those children and their parents are provided all the rights and procedural safeguards described in this part; and (b) The agency meets the other conditions of this subpart that apply to LEAs.	Y	Y	Other service or product our agency must/may provide	Demonstrate satisfaction that agency is in compliance
1702	§300.229 Disciplinary information	Federal	Statute	(a) The State may require that a public agency include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled children. (b) The statement may include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child. (c) If the State adopts such a policy, and the child transfers from one school to another, the transmission of any of the child's records must include both the child's current IEP and any statement of current or previous disciplinary action that has been taken against the child.	N	N		

1703	§300.230 SEA flexibility	Federal	Statute	(a) Adjustment to State fiscal effort in certain fiscal years. For any fiscal year for which the allotment received by a State under §300.703 exceeds the amount the State received for the previous fiscal year and if the State in school year 2003-2004 or any subsequent school year pays or reimburses all LEAs within the State from State revenue 100 percent of the non-Federal share of the costs of special education and related services, the SEA, notwithstanding §§300.162 through 300.163 (related to State-level nonsupplanting and maintenance of effort), and §300.175 (related to direct services by the SEA) may reduce the level of expenditures from State sources for the education of children with disabilities by not more than 50 percent of the amount of such excess. (b) Prohibition. Notwithstanding paragraph (a) of this section, if the Secretary determines that an SEA is unable to establish, maintain, or oversee programs of FAPE that meet the requirements of this part, or that the State needs assistance, intervention, or substantial intervention under §300.603, the Secretary prohibits the SEA from exercising the authority in paragraph (a) of this section. (c) Education activities. If an SEA exercises the authority under paragraph (a) of this section, the agency must use funds from State sources, in an amount equal to the amount of the reduction under paragraph (a) of this section, to support activities authorized under the ESEA, or to support need-based student or teacher higher education programs. (d) Report. For each fiscal year for which an SEA exercises the authority under paragraph (a) of this section, the SEA must report to the Secretary—	Y	Y	Distribute funding to another entity	
1704	Subpart D—Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements Parental Consent §300.300 Parental consent	Federal	Statute	(a) Parental consent for initial evaluation. (1)(i) The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under §300.8 must, after providing notice consistent with §§300.503 and 300.504	N	N		
1705	Evaluations and Reevaluations §300.301 Initial evaluations	Federal	Statute	(a) General. Each public agency must conduct a full and individual initial evaluation, in accordance with §§300.304 through 300.306, before the initial provision of special education and related services to a child with a disability under this part.	Y	N		
1706	§300.302 Screening for instructional purposes is not evaluation	Federal	Statute	The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.	N	N		
1707	§300.303 Reevaluations	Federal	Statute	(a) General. A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with §§300.304 through 300.311— (1) If the public agency determines that the educational or related services needs, including improved	N	N		
1708	§300.304 Evaluation procedures	Federal	Statute	(a) Notice. The public agency must provide notice to the parents of a child with a disability, in accordance with §300.503, that describes any evaluation procedures the agency proposes to conduct. (b) Conduct of evaluation. In conducting the evaluation,	N	N		
1709	§300.305 Additional requirements for evaluations and reevaluations	Federal	Statute	(a) Review of existing evaluation data. As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must— (1) Review existing evaluation data on the ch	N	N		
1710	§300.306 Determination of eligibility	Federal	Statute	(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 with a disability, as defined in §300.8, in accord	N	N		
1711	Additional Procedures for Identifying Children With Specific Learning Disabilities §300.307 Specific learning disabilities	Federal	Statute	(a) General. A State must adopt, consistent with §300.309, criteria for determining whether a child has a specific learning disability as defined in §300.8(c)(10). In addition, the criteria adopted by the State— (1) Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability, as defined in §300.8(c)(10); (2) Must permit the use of a process based on the child's response to scientific, research-based intervention; and (3) May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in §300.8(c)(10). (b) Consistency with State criteria. A public agency must use the State criteria adopted pursuant to paragraph (a) of this section in determining whether a child has a specific learning disability.	Y	Y	Other service or product our agency must/may provide	Adopt criteria for determining whether a child has a specific learning disability
1712	§300.308 Additional group members	Federal	Statute	The determination of whether a child suspected of having a specific learning disability is a child with a disability as defined in §300.8, must be made by the child's parents and a team of qualified professionals, which must include— (a)(1) The child's r	N	N		
1713	§300.309 Determining the existence of a specific learning disability	Federal	Statute	(a) The group described in §300.306 may determine that a child has a specific learning disability, as defined in §300.8(c)(10), if— (1) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards in one or mo	N	N		
1714	§300.310 Observation	Federal	Statute	(a) The public agency must ensure that the child is observed in the child's learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty. (b) The group described in §3	N	N		

1715	§300.311 Specific documentation for the eligibility determination	Federal	Statute	(a) For a child suspected of having a specific learning disability, the documentation of the determination of eligibility, as required in §300.306(a)(2), must contain a statement of— (1) Whether the child has a specific learning disability; (2) The basis for making the determination, including an assurance that the determination has been made in accordance with §300.306(c)(1); (3) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning; (4) The educationally relevant medical findings, if any; (5) Whether— (i) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards consistent with §300.309(a)(1); and (ii)(A) The child does not make sufficient progress to meet age or State-approved grade-level standards consistent with §300.309(a)(2)(i); or (B) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development consistent with §300.309(a)(2)(ii);	N	N		
1716	Individualized Education Programs §300.320 Definition of individualized education program	Federal	Statute	(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 §§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	N	N		
1717	§300.321 IEP Team	Federal	Statute	(a) General. The public agency must ensure that the IEP Team for each child with a disability includes— (1) The parents of the child; (2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment); (3) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child; (4) A representative of the public agency who— (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; (ii) Is knowledgeable about the general education curriculum; and (iii) Is knowledgeable about the availability of resources of the public agency. (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (a)(6) of this section; (6) At the discretion of the parent or the agency, other individuals who have	Y	Y	Other service or product our agency must/may provide	Ensure IEP teams incorporate appropriate criteria
1718	§300.322 Parent participation	Federal	Statute	(a) Public agency responsibility—general. Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including— (1) Notify	N	N		
1719	§300.323 When IEPs must be in effect	Federal	Statute	(a) General. At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in §300.320. (b) IEP or IFSP for children aged three through five. (1) In the case of	N	N		
1720	Development of IEP §300.324 Development, review, and revision of IEP	Federal	Statute	(a) Development of IEP—(1) General. In developing each child's IEP, the IEP Team must consider— (i) The strengths of the child; (ii) The concerns of the parents for enhancing the education of their child; (iii) The results of the initial or most recent	N	N		
1721	§300.325 Private school placements by public agencies	Federal	Statute	(a) Developing IEPs. (1) Before a public agency places a child with a disability in, or refers a child to, a private school or facility, the agency must initiate and conduct a meeting to develop an IEP for the child in accordance with §§300.320 and 300.32	N	N		
1722	§300.326 [Reserved]	Federal	Statute					
1723	§300.327 Educational placements	Federal	Statute	Consistent with §300.501(c), each public agency must ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.	N	N		
1724	§300.328 Alternative means of meeting participation	Federal	Statute	When conducting IEP Team meetings and placement meetings pursuant to this subpart, and subpart E of this part, and carrying out administrative matters under section 615 of the Act (such as scheduling, exchange of witness lists, and status conferences), th	N	N		

1725	Subpart E—Procedural Safeguards Due Process Procedures for Parents and Children §300.500 Responsibility of SEA and other public agencies	Federal	Statute	Each SEA must ensure that each public agency establishes, maintains, and implements procedural safeguards that meet the requirements of §§300.500 through 300.536.	Y	Y	Other service or product our agency must/may provide	Establish, maintain, and implement procedural safeguards
1726	§300.501 Opportunity to examine records; parent participation in meetings	Federal	Statute	(a) Opportunity to examine records. The parents of a child with a disability must be afforded, in accordance with the procedures of §§300.613 through 300.621, an opportunity to inspect and review all education records with respect to— (1) The identificat	N	N		
1727	§300.502 Independent educational evaluation	Federal	Statute	(a) General. (1) The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to paragraphs (b) through (e) of this section. (2) Each public agency must provide to parents,	N	N		
1728	§300.503 Prior notice by the public agency; content of notice	Federal	Statute	(a) Notice. Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency— (1) Proposes to initiate or change the identification, evaluatio	N	N		
1729	§300.504 Procedural safeguards notice	Federal	Statute	(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 req	N	N		
1730	§300.505 Electronic mail	Federal	Statute	A parent of a child with a disability may elect to receive notices required by §§300.503, 300.504, and 300.508 by an electronic mail communication, if the public agency makes that option available.	N	N		
1731	§300.506 Mediation	Federal	Statute	(a) General. Each public agency must ensure that procedures are established and implemented to allow parties to disputes involving any matter under this part, including matters arising prior to the filing of a due process complaint, to resolve disputes th	N	N		
1732	§300.507 Filing a due process complaint	Federal	Statute	(a) General. (1) A parent or a public agency may file a due process complaint on any of the matters described in §300.503(a)(1) and (2) (relating to the identification, evaluation or educational placement of a child with a disability, or the provision of	N	N		
1733	§300.508 Due process complaint	Federal	Statute	(a) General. (1) The public agency must have procedures that require either party, or the attorney representing a party, to provide to the other party a due process complaint (which must remain confidential). (2) The party filing a due process complaint	N	N		
1734	§300.509 Model forms	Federal	Statute	(a) Each SEA must develop model forms to assist parents and public agencies in filing a due process complaint in accordance with §§300.507(a) and 300.508(a) through (c) and to assist parents and other parties in filing a State complaint under §§300.151 th	N	N		
1735	§300.510 Resolution process	Federal	Statute	(a) Resolution meeting. (1) Within 15 days of receiving notice of the parent's due process complaint, and prior to the initiation of a due process hearing under §300.511, the LEA must convene a meeting with the parent and the relevant member or members of	N	N		
1736	§300.511 Impartial due process hearing	Federal	Statute	(a) General. Whenever a due process complaint is received under §300.507 or §300.532, the parents or the LEA involved in the dispute must have an opportunity for an impartial due process hearing, consistent with the procedures in §§300.507, 300.508, and 3	N	N		
1737	§300.512 Hearing rights	Federal	Statute	(a) General. Any party to a hearing conducted pursuant to §§300.507 through 300.513 or §§300.530 through 300.534, or an appeal conducted pursuant to §300.514, has the right to— (1) Be accompanied and advised by counsel and by individuals with special kno	N	N		
1738	§300.513 Hearing decisions	Federal	Statute	(a) Decision of hearing officer on the provision of FAPE. (1) Subject to paragraph (a)(2) of this section, a hearing officer's determination of whether a child received FAPE must be based on substantive grounds. (2) In matters alleging a procedural viola	N	N		
1739	§300.514 Finality of decision; appeal; impartial review	Federal	Statute	(a) Finality of hearing decision. A decision made in a hearing conducted pursuant to §§300.507 through 300.513 or §§300.530 through 300.534 is final, except that any party involved in the hearing may appeal the decision under the provisions of paragraph (	N	N		
1740	§300.515 Timelines and convenience of hearings and reviews	Federal	Statute	(a) The public agency must ensure that not later than 45 days after the expiration of the 30 day period under §300.510(b), or the adjusted time periods described in §300.510(c)— (1) A final decision is reached in the hearing; and (2) A copy of the decis	N	N		
1741	§300.516 Civil action	Federal	Statute	(a) General. Any party aggrieved by the findings and decision made under §§300.507 through 300.513 or §§300.530 through 300.534 who does not have the right to an appeal under §300.514(b), and any party aggrieved by the findings and decision under §300.514	N	N		
1742	§300.517 Attorneys' fees	Federal	Statute	(a) In general. (1) In any action or proceeding brought under section 615 of the Act, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to— (i) The prevailing party who is the parent of a child with a disability; (i	N	N		
1743	§300.518 Child's status during proceedings	Federal	Statute	(a) Except as provided in §300.533, during the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing under §300.507, unless the State or local agency and the parents of the child ag	N	N		
1744	§300.519 Surrogate parents	Federal	Statute	(a) General. Each public agency must ensure that the rights of a child are protected when— (1) No parent (as defined in §300.30) can be identified; (2) The public agency, after reasonable efforts, cannot locate a parent; (3) The child is a ward of the	N	N		
1745	§300.520 Transfer of parental rights at age of majority	Federal	Statute	(a) General. A State may provide that, when a child with a disability reaches the age of majority under State law that applies to all children (except for a child with a disability who has been determined to be incompetent under State law)— (1)(i) The pu	N	N		
1746	§§300.521-300.529 [Reserved]	Federal	Statute					

1747	Discipline Procedures §300.530 Authority of school personnel	Federal	Statute	(a) Case-by-case determination. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disabi	N	N		
1748	§300.531 Determination of setting	Federal	Statute	The child's IEP Team determines the interim alternative educational setting for services under §300.530(c), (d)(5), and (g).	N	N		
1749	§300.532 Appeal	Federal	Statute	(a) General. The parent of a child with a disability who disagrees with any decision regarding placement under §§300.530 and 300.531, or the manifestation determination under §300.530(e), or an LEA that believes that maintaining the current placement of t	N	N		
1750	§300.533 Placement during appeals	Federal	Statute	When an appeal under §300.532 has been made by either the parent or the LEA, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified in §300.530(	N	N		
1751	§300.534 Protections for children not determined eligible for special education and related services	Federal	Statute	(a) General. A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this part	N	N		
1752	§300.535 Referral to and action by law enforcement and judicial authorities	Federal	Statute	(a) Rule of construction. Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities w	N	N		
1753	§300.536 Change of placement because of disciplinary removals	Federal	Statute	(a) For purposes of removals of a child with a disability from the child's current educational placement under §§300.530 through 300.535, a change of placement occurs if— (1) The removal is for more than 10 consecutive school days; or (2) The child has	N	N		
1754	§300.537 State enforcement mechanisms	Federal	Statute	Notwithstanding §§300.506(b)(7) and 300.510(d)(2), which provide for judicial enforcement of a written agreement reached as a result of mediation or a resolution meeting, there is nothing in this part that would prevent the SEA from using other mechanisms	N	N		
1755	§§300.538-300.599 [Reserved]	Federal	Statute					
1756	Subpart F—Monitoring, Enforcement, Confidentiality, and Program Information Monitoring, Technical Assistance, and Enforcement §300.600 State monitoring and enforcement	Federal	Statute	(a) The State must— (1) Monitor the implementation of this part; (2) Make determinations annually about the performance of each LEA using the categories in §300.603(b)(1); (3) Enforce this part, consistent with §300.604, using appropriate enforcement m	N	N		
1757	§300.601 State performance plans and data collection	Federal	Statute	(a) General. Not later than December 3, 2005, each State must have in place a performance plan that evaluates the State's efforts to implement the requirements and purposes of Part B of the Act, and describes how the State will improve such implementation. (1) Each State must submit the State's performance plan to the Secretary for approval in accordance with the approval process described in section 616(c) of the Act. (2) Each State must review its State performance plan at least once every six years, and submit any amendments to the Secretary. (3) As part of the State performance plan, each State must establish measurable and rigorous targets for the indicators established by the Secretary under the priority areas described in §300.600(d). (b) Data collection. (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.	Y	Y	Report our agency must/may provide	
1758	§300.602 State use of targets and reporting	Federal	Statute	(a) General. Each State must use the targets established in the State's performance plan under §300.601 and the priority areas described in §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 §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	Other service or product our agency must/may provide	Anaylze performance of each LEA
1759	§300.603 Secretary's review and determination regarding State performance	Federal	Statute	(a) Review. The Secretary annually reviews the State's performance report submitted pursuant to §300.602(b)(2). (b) Determination—(1) General. Based on the information provided by the State in the State's annual performance report, information obtained t	N	N		
1760	§300.604 Enforcement	Federal	Statute	(a) Needs assistance. If the Secretary determines, for two consecutive years, that a State needs assistance under §300.603(b)(1)(ii) in implementing the requirements of Part B of the Act, the Secretary takes one or more of the following actions: (1) Advi	N	N		
1761	§300.605 Withholding funds	Federal	Statute	(a) Opportunity for hearing. Prior to withholding any funds under Part B of the Act, the Secretary provides reasonable notice and an opportunity for a hearing to the SEA involved, pursuant to the procedures in §§300.180 through 300.183. (b) Suspension. P	N	N		

1762	§300.606 Public attention	Federal	Statute	Whenever a State receives notice that the Secretary is proposing to take or is taking an enforcement action pursuant to §300.604, the State must, by means of a public notice, take such actions as may be necessary to notify the public within the State of t	N	N		
1763	§300.607 Divided State agency responsibility	Federal	Statute	For purposes of this subpart, if responsibility for ensuring that the requirements of Part B of the Act are met with respect to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons is assigned to a public agency other than the SEA pursuant to §300.149(d), and if the Secretary finds that the failure to comply substantially with the provisions of Part B of the Act are related to a failure by the public agency, the Secretary takes appropriate corrective action to ensure compliance with Part B of the Act, except that— (a) Any reduction or withholding of payments to the State under §300.604 must be proportionate to the total funds allotted under section 611 of the Act to the State as the number of eligible children with disabilities in adult prisons under the supervision of the other public agency is proportionate to the number of eligible individuals with disabilities in the State under the supervision of the SEA; and (b) Any withholding of funds under §300.604 must be limited to the specific agency responsible for the failure to comply with Part B of the Act.	Y	Y	Other service or product our agency must/may provide	Ensuring requirements are met
1764	§300.608 State enforcement	Federal	Statute	(a) If an SEA determines that an LEA is not meeting the requirements of Part B of the Act, including the targets in the State's performance plan, the SEA must prohibit the LEA from reducing the LEA's maintenance of effort under §300.203 for any fiscal year. (b) Nothing in this subpart shall be construed to restrict a State from utilizing any other authority available to it to monitor and enforce the requirements of Part B of the Act.	Y	Y	Other service or product our agency must/may provide	Prohibit the LEA from reducing the LEA's maintenance of effort under §300.203 for any fiscal year.
1765	§300.609 Rule of construction	Federal	Statute	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, and 81 and 2 CFR part 200 to monitor and enforce the requirements of the Act, including the impo	N	N		
1766	Confidentiality of Information §300.610 Confidentiality	Federal	Statute	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 pur	N	N		
1767	§300.611 Definitions	Federal	Statute	As used in §§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 un	N	N		
1768	§300.612 Notice to parents	Federal	Statute	(a) The SEA must give notice that is adequate to fully inform parents about the requirements of §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, disclosure to third parties, retention, and destruction of personally identifiable information; and (4) A description of all of the rights of parents and children regarding this information, including the rights under FERPA and implementing regulations in 34 CFR part 99. (b) Before any major identification, location, or evaluation activity, the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the State of the activity.	Y	Y	Other service or product our agency must/may provide	Provide notice to parents
1769	§300.613 Access rights	Federal	Statute	(a) Each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part. The agency must comply with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing pursuant to §300.507 or §§300.530 through 300.532, or resolution session pursuant to §300.510, and in no case more than 45 days after the request has been made. (b) The right to inspect and review education records under this section includes— (1) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records; (2) The right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and (3) The right to have a representative of the parent inspect and review the records. (c) An agency may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.	Y	Y	Other service or product our agency must/may provide	Permit parents to inspect and review educational records relating to their child and maintained by the agency
1770	§300.614 Record of access	Federal	Statute	Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the Act (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.	Y	Y	Other service or product our agency must/may provide	Keep record of parties obtaining access to educational records
1771	§300.615 Records on more than one child	Federal	Statute	If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.	N	N		
1772	§300.616 List of types and locations of information	Federal	Statute	Each participating agency must provide parents on request a list of the types and locations of education records collected, maintained, or used by the agency.	Y	Y	Other service or product our agency must/may provide	Provide parents a list of types and locations of educational records maintained by agency.

1773	§300.617 Fees	Federal	Statute	(a) Each participating agency may charge a fee for copies of records that are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. (b) A participating agency may not charge a fee to search for or to retrieve information under this part.	N	N		
1774	§300.618 Amendment of records at parent's request	Federal	Statute	(a) A parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the inf	N	N		
1775	§300.619 Opportunity for a hearing	Federal	Statute	The agency must, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.	N	N		
1776	§300.620 Result of hearing	Federal	Statute	(a) If, as a result of the hearing, the agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must amend the information accordingly and so inform the parent in writing. (b	N	N		
1777	§300.621 Hearing procedures	Federal	Statute	A hearing held under §300.619 must be conducted according to the procedures in 34 CFR 99.22.	N	N		
1778	§300.622 Consent	Federal	Statute	(a) Parental consent must be obtained before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance with paragraph (b)(1) of this section, unless the information is contained in education	N	N		
1779	§300.623 Safeguards	Federal	Statute	(a) Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. (b) One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information. (c) All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under §300.123 and 34 CFR part 99. (d) Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.	Y	Y	Other service or product our agency must/may provide	Maintain records for public instruction
1780	§300.624 Destruction of information	Federal	Statute	(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.	N	N		
1781	§300.625 Children's rights	Federal	Statute	(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 §300.520, the rights regarding educational records in §§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.	Y	Y	Other service or product our agency must/may provide	Have policies and procedures in effect
1782	§300.626 Enforcement	Federal	Statute	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 §§300.611 through 300.625 are followed and that the requirements of the Act and the regulations in this part are met.	Y	Y	Other service or product our agency must/may provide	Have policies and procedures in effect as well as sanctions
1783	§300.627 Department use of personally identifiable information	Federal	Statute	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	N	N		
1784	Reports—Program Information §300.640 Annual report of children served—report requirement	Federal	Statute	(a) The SEA must annually report to the Secretary on the information required by section 618 of the Act at the times specified by the Secretary. (b) The SEA must submit the report on forms provided by the Secretary	Y	Y	Report our agency must/may provide	
1785	§300.641 Annual report of children served—information required in the report	Federal	Statute	(a) For purposes of the annual report required by section 618 of the Act and §300.640, the State and the Secretary of the Interior must count and report the number of children with disabilities receiving special education and related services on any date	N	N		
1786	§300.642 Data reporting	Federal	Statute	(a) Protection of personally identifiable data. The data described in section 618(a) of the Act and in §300.641 must be publicly reported by each State in a manner that does not result in disclosure of data identifiable to individual children. (b) Sampli	N	N		
1787	§300.643 Annual report of children served—certification	Federal	Statute	The SEA must include in its report a certification signed by an authorized official of the agency that the information provided under §300.640 is an accurate and unduplicated count of children with disabilities receiving special education and related services on the dates in question.	Y	Y	Report our agency must/may provide	
1788	§300.644 Annual report of children served—criteria for counting children	Federal	Statute	The SEA may include in its report children with disabilities who are enrolled in a school or program that is operated or supported by a public agency, and that— (a) Provides them with both special education and related services that meet State standards; (b) Provides them only with special education, if a related service is not required, that meets State standards; or (c) In the case of children with disabilities enrolled by their parents in private schools, counts those children who are eligible under the Act and receive special education or related services or both that meet State standards under §§300.132 through 300.144.	Y	Y	Report our agency must/may provide	

1789	§300.645 Annual report of children served—other responsibilities of the SEA	Federal	Statute	In addition to meeting the other requirements of §§300.640 through 300.644, the SEA must— (a) Establish procedures to be used by LEAs and other educational institutions in counting the number of children with disabilities receiving special education and related services; (b) Set dates by which those agencies and institutions must report to the SEA to ensure that the State complies with §300.640(a); (c) Obtain certification from each agency and institution that an unduplicated and accurate count has been made; (d) Aggregate the data from the count obtained from each agency and institution, and prepare the reports required under §§300.640 through 300.644; and (e) Ensure that documentation is maintained that enables the State and the Secretary to audit the accuracy of the count.	Y	Y	Report our agency must/may provide	
1790	§300.646 Disproportionality	Federal	Statute	(a) General. Each State that receives assistance under Part B of the Act, and the Secretary of the Interior, must provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the LEAs of the State with respect to— (1) The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3) of the Act; (2) The placement in particular educational settings of these children; and (3) The incidence, duration, and type of disciplinary removals from placement, including suspensions and expulsions. (b) Methodology. The State must apply the methods in §300.647 to determine if significant disproportionality based on race and ethnicity is occurring in the State and the LEAs of the State under paragraph (a) of this section. (c) Review and revision of policies, practices, and procedures. In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities or the placement in particular educational settings, including disciplinary removals of such children, in accordance with paragraphs (a) and (b) of this section, the State or the Secretary of the Interior must—	Y	Y	Report our agency must/may provide	
1791	Subpart G—Authorization, Allotment, Use of Funds, and Authorization of Appropriations Allotments, Grants, and Use of Funds §300.700 Grants to States	Federal	Statute	(a) Purpose of grants. The Secretary makes grants to States, outlying areas, and freely associated States (as defined in §300.717), and provides funds to the Secretary of the Interior, to assist them to provide special education and related services to ch	N	N		
1792	§300.701 Outlying areas, freely associated States, and the Secretary of the Interior	Federal	Statute	(a) Outlying areas and freely associated States—(1) Funds reserved. From the amount appropriated for any fiscal year under section 611(i) of the Act, the Secretary reserves not more than one percent, which must be used— (i) To provide assistance to the outlying areas in accordance with their respective populations of individuals aged 3 through 21; and (ii) To provide each freely associated State a grant in the amount that the freely associated State received for fiscal year 2003 under Part B of the Act, but only if the freely associated State— (A) Meets the applicable requirements of Part B of the Act that apply to States. (B) Meets the requirements in paragraph (a)(2) of this section. (2) Application. Any freely associated State that wishes to receive funds under Part B of the Act must include, in its application for assistance— (i) Information demonstrating that it will meet all conditions that apply to States under Part B of the Act. (ii) An assurance that, notwithstanding any other provision of Part B of the Act, it will use those funds only for the direct provision of special education and related services to children with disabilities and to enhance its capacity to make FAPE available to all children with disabilities;	Y	Y	Other service or product our agency must/may provide	Provide assistance
1793	§300.702 Technical assistance	Federal	Statute	(a) In general. The Secretary may reserve not more than one-half of one percent of the amounts appropriated under Part B of the Act for each fiscal year to support technical assistance activities authorized under section 616(i) of the Act. (b) Maximum am	N	N		
1794	§300.703 Allocations to States	Federal	Statute	(a) General. After reserving funds for technical assistance under §300.702, and for payments to the outlying areas, the freely associated States, and the Secretary of the Interior under §300.701 (a) and (b) for a fiscal year, the Secretary allocates the r	N	N		
1795	§300.704 State-level activities	Federal	Statute	(a) State administration. (1) For the purpose of administering Part B of the Act, including paragraph (c) of this section, section 619 of the Act, and the coordination of activities under Part B of the Act with, and providing technical assistance to, other programs that provide services to children with disabilities— (i) Each State may reserve for each fiscal year not more than the maximum amount the State was eligible to reserve for State administration under section 611 of the Act for fiscal year 2004 or $800,000 (adjusted in accordance with paragraph (a)(2) of this section), whichever is greater; and (ii) Each outlying area may reserve for each fiscal year not more than five percent of the amount the outlying area receives under §300.701(a) for the fiscal year or $35,000, whichever is greater. (2) For each fiscal year, beginning with fiscal year 2005, the Secretary cumulatively adjusts— (i) The maximum amount the State was eligible to reserve for State administration under section 611 of the Act for fiscal year 2004; and (ii) $800,000, by the rate of inflation as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.	Y	Y	Other service or product our agency must/may provide	Provide technical assistance

1796	§300.705 Subgrants to LEAs	Federal	Statute	(a) Subgrants required. Each State that receives a grant under section 611 of the Act for any fiscal year must distribute any funds the State does not reserve under §300.704 to LEAs (including public charter schools that operate as LEAs) in the State that have established their eligibility under section 613 of the Act for use in accordance with Part B of the Act. Effective with funds that become available on the July 1, 2009, each State must distribute funds to eligible LEAs, including public charter schools that operate as LEAs, even if the LEA is not serving any children with disabilities. (b) Allocations to LEAs. For each fiscal year for which funds are allocated to States under §300.703, each State shall allocate funds as follows: (1) Base payments. The State first must award each LEA described in paragraph (a) of this section the amount the LEA would have received under section 611 of the Act for fiscal year 1999, if the State had distributed 75 percent of its grant for that year under section 611(d) of the Act, as that section was then in effect. (2) Base payment adjustments. For any fiscal year after 1999— (i) If a new LEA is created, the State must divide the base allocation determined under paragraph (b)(1) of this section for the LEAs that would have been responsible for serving children with disabilities now being served by the new LEA, among the new LEA and affected LEAs based on the relative numbers of children with disabilities ages 3 through 21, or ages 6 through 21 if a State has had its payment reduced under §300.703(b), currently provided special education by each	Y	Y	Distribute funding to another entity	
1797	§300.706 [Reserved]	Federal	Statute					
1798	Secretary of the Interior §300.707 Use of amounts by Secretary of the Interior	Federal	Statute	(a) Definitions. For purposes of §§300.707 through 300.716, the following definitions apply: (1) Reservation means Indian Country as defined in 18 U.S.C. 1151. (2) Tribal governing body has the definition given that term in 25 U.S.C. 2021(19). (b) Prov	N	N		
1799	§300.708 Submission of information	Federal	Statute	The Secretary may provide the Secretary of the Interior amounts under §300.707 for a fiscal year only if the Secretary of the Interior submits to the Secretary information that— (a) Meets the requirements of section 612(a)(1), (3) through (9), (10)(B) th	N	N		
1800	§300.709 Public participation	Federal	Statute	In fulfilling the requirements of §300.708 the Secretary of the Interior must provide for public participation consistent with §300.165.	N	N		
1801	§300.710 Use of funds under Part B of the Act	Federal	Statute	(a) The Secretary of the Interior may reserve five percent of its payment under §300.707(b) in any fiscal year, or $500,000, whichever is greater, for administrative costs in carrying out the provisions of §§300.707 through 300.709, 300.711, and 300.713 t	N	N		
1802	§300.711 Early intervening services	Federal	Statute	(a) The Secretary of the Interior may allow each elementary school and secondary school for Indian children operated or funded by the Secretary of the Interior to use not more than 15 percent of the amount the school receives under §300.707(b) for any fis	N	N		
1803	§300.712 Payments for education and services for Indian children with disabilities aged three	Federal	Statute	(a) General. With funds appropriated under section 611(i) of the Act, the Secretary makes payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Educat	N	N		
1804	§300.713 Plan for coordination of services	Federal	Statute	(a) The Secretary of the Interior must develop and implement a plan for the coordination of services for all Indian children with disabilities residing on reservations served by elementary schools and secondary schools for Indian children operated or fund	N	N		
1805	§300.714 Establishment of advisory board	Federal	Statute	(a) To meet the requirements of section 612(a)(21) of the Act, the Secretary of the Interior must establish, under the BIA, an advisory board composed of individuals involved in or concerned with the education and provision of services to Indian infants,	N	N		
1806	§300.715 Annual reports	Federal	Statute	(a) In general. The advisory board established under §300.714 must prepare and submit to the Secretary of the Interior and to Congress an annual report containing a description of the activities of the advisory board for the preceding year. (b) Availabil	N	N		
1807	§300.716 Applicable regulations	Federal	Statute	The Secretary of the Interior must comply with the requirements of §§300.103 through 300.108, 300.110 through 300.124, 300.145 through 300.154, 300.156 through 300.160, 300.165, 300.170 through 300.186, 300.226, 300.300 through 300.606, 300.610 through 30	N	N		
1808	Definitions that Apply to this Subpart §300.717 Definitions applicable to allotments, grants, and use of funds	Federal	Statute	As used in this subpart— (a) Freely associated States means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; (b) Outlying areas means the United States Virgin Islands, Guam, American Samoa, and the Com	N	N		
1809	Acquisition of Equipment and Construction or Alteration of Facilities §300.718 Acquisition of equipment and	Federal	Statute	(a) General. If the Secretary determines that a program authorized under Part B of the Act will be improved by permitting program funds to be used to acquire appropriate equipment, or to construct new facilities or alter existing facilities, the Secretary	N	N		
1810	Subpart H—Preschool Grants for Children with Disabilities §300.800 In general	Federal	Statute	The Secretary provides grants under section 619 of the Act to assist States to provide special education and related services in accordance with Part B of the Act— (a) To children with disabilities aged three through five years; and (b) At a State's dis	N	N		
1811	§§300.801-300.802 [Reserved]	Federal	Statute					
1812	§300.803 Definition of State	Federal	Statute	As used in this subpart, State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico. (Authority: 20 U.S.C. 1419(i))	N	N		
1813	§300.804 Eligibility	Federal	Statute	A State is eligible for a grant under section 619 of the Act if the State— (a) Is eligible under section 612 of the Act to receive a grant under Part B of the Act; and (b) Makes FAPE available to all children with disabilities, aged three through five,	Y	N		
1814	§300.805 [Reserved]	Federal	Statute					
1815	§300.806 Eligibility for financial assistance	Federal	Statute	No State or LEA, or other public institution or agency, may receive a grant or enter into a contract or cooperative agreement under subpart 2 or 3 of Part D of the Act that relates exclusively to programs, projects, and activities pertaining to children a	N	N		

1816	§300.807 Allocations to States	Federal	Statute	The Secretary allocates the amount made available to carry out section 619 of the Act for a fiscal year among the States in accordance with §§300.808 through 300.810. (Authority: 20 U.S.C. 1419(c)(1))	N	N		
1817	§300.808 Increase in funds	Federal	Statute	If the amount available for allocation to States under §300.807 for a fiscal year is equal to or greater than the amount allocated to the States under section 619 of the Act for the preceding fiscal year, those allocations are calculated as follows:	Y	Y	Distribute funding to another entity	
1818	§300.809 Limitations	Federal	Statute	(a) Notwithstanding §300.808, allocations under that section are subject to the following: (1) No State's allocation may be less than its allocation under section 619 of the Act for the preceding fiscal year. (2) No State's allocation may be less than t	Y	Y	Distribute funding to another entity	
1819	§300.810 Decrease in funds	Federal	Statute	If the amount available for allocations to States under §300.807 for a fiscal year is less than the amount allocated to the States under section 619 of the Act for the preceding fiscal year, those allocations are calculated as follows: (a) If the amount	Y	Y	Distribute funding to another entity	
1820	§300.811 [Reserved]	Federal	Statute					
1821	§300.812 Reservation for State activities	Federal	Statute	(a) Each State may reserve not more than the amount described in paragraph (b) of this section for administration and other State-level activities in accordance with §§300.813 and 300.814. (b) For each fiscal year, the Secretary determines and reports to the SEA an amount that is 25 percent of the amount the State received under section 619 of the Act for fiscal year 1997, cumulatively adjusted by the Secretary for each succeeding fiscal year by the lesser of— (1) The percentage increase, if any, from the preceding fiscal year in the State's allocation under section 619 of the Act; or (2) The rate of inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.	Y	Y	Distribute funding to another entity	
1822	§300.813 State administration	Federal	Statute	(a) For the purpose of administering section 619 of the Act (including the coordination of activities under Part B of the Act with, and providing technical assistance to, other programs that provide services to children with disabilities), a State may use not more than 20 percent of the maximum amount the State may reserve under §300.812 for any fiscal year. (b) Funds described in paragraph (a) of this section may also be used for the administration of Part C of the Act.	Y	Y	Distribute funding to another entity	
1823	§300.814 Other State-level activities	Federal	Statute	Each State must use any funds the State reserves under §300.812 and does not use for administration under §300.813— (a) For support services (including establishing and implementing the mediation process required by section 615(e) of the Act), which may	Y	Y	Distribute funding to another entity	
1824	§300.815 Subgrants to LEAs	Federal	Statute	Each State that receives a grant under section 619 of the Act for any fiscal year must distribute all of the grant funds the State does not reserve under §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 eligible LEAs that are responsible for providing education to children aged three through five years, including public charter schools that operate as LEAs, even if the LEA is not serving any preschool children with disabilities.	Y	Y	Distribute funding to another entity	
1825	§300.816 Allocations to LEAs	Federal	Statute	(a) Base payments. The State must first award each LEA described in §300.815 the amount that agency would have received under section 619 of the Act for fiscal year 1997 if the State had distributed 75 percent of its grant for that year under section 619(c)(3), as such section was then in effect. (b) Base payment adjustments. For fiscal year 1998 and beyond— (1) If a new LEA is created, the State must divide the base allocation determined under paragraph (a) of this section for the LEAs that would have been responsible for serving children with disabilities now being served by the new LEA, among the new LEA and affected LEAs based on the relative numbers of children with disabilities ages three through five currently provided special education by each of the LEAs; (2) If one or more LEAs are combined into a single new LEA, the State must combine the base allocations of the merged LEAs; (3) If for two or more LEAs, geographic boundaries or administrative responsibility for providing services to children with disabilities ages three through five changes, the base allocations of affected LEAs must be redistributed among affected LEAs based on the relative numbers of children with disabilities ages three through five currently provided special education by each affected LEA; and (4) If an LEA received a base payment of zero in its first year of operation, the SEA must adjust the base payment for the first fiscal year after the first annual child	Y	Y	Distribute funding to another entity	
1826	§300.817 Reallocation of LEA funds	Federal	Statute	(a) If an SEA determines that an LEA is adequately providing FAPE to all children with disabilities aged three through five years residing in the area served by the LEA with State and local funds, the SEA may reallocate any portion of the funds under section 619 of the Act 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 aged three through five years 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 §300.812. (b) After an SEA distributes section 619 funds to an eligible LEA that is not serving any children with disabilities aged three through five years, as provided in §300.815, 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 aged three through five years 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 §300.812.	Y	Y	Distribute funding to another entity	

1827	§300.818 Part C of the Act inapplicable	Federal	Statute	Part C of the Act does not apply to any child with a disability receiving FAPE, in accordance with Part B of the Act, with funds received under section 619 of the Act. (Authority: 20 U.S.C. 1419(h))	N	N		
1828	Appendix A to Part 300—Excess Costs Calculation	Federal	Statute	Except as otherwise provided, amounts provided to an LEA under Part B of the Act may be used only to pay the excess costs of providing special education and related services to children with disabilities. Excess costs are those costs for the education of	Y	N		
1829	Appendix B to Part 300—Proportionate Share Calculation	Federal	Statute	Each LEA must expend, during the grant period, on the provision of special education and related services for the parentally-placed private school children with disabilities enrolled in private elementary schools and secondary schools located in the LEA a	N	N		
1830	Appendix C to Part 300—National Instructional Materials Accessibility Standard (NIMAS)	Federal	Statute	Under sections 612(a)(23)(A) and 674(e)(4) of the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act of 2004, the Secretary of Education establishes the NIMAS. Under section 674(e)(4) of	N	N		
1831	Appendix D to Part 300—Maintenance of Effort and Early Intervening Services	Federal	Statute	LEAs that seek to reduce their local maintenance of effort in accordance with §300.205(d) and use some of their Part B funds for early intervening services under §300.226 must do so with caution because the local maintenance of effort reduction provision	N	N		

Agency Name:	Department of Education			Fiscal Year 2017-2018				
				Accountability Report				
Agency Code:	63	Section:	#N/A					
				Legal Standards Template				
Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who your agency must or may serve? (Y/N)	Does the law specify a product or service your agency must or may provide?	*If yes, what type of service or product?*	*If other service or product, please specify what service or product.*
1832	PART 210—NATIONAL SCHOOL LUNCH PROGRAM	Federal	Statute					
1833	Subpart A—General §210.1 General purpose and scope	Federal	Statute	(a) Purpose of the program. Section 2 of the National School Lunch Act (42 U.S.C. 1751), states: “It is declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of food and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school lunch programs.” Pursuant to this act, the Department provides States with general and special cash assistance and donations of foods acquired by the Department to be used to assist schools in serving nutritious lunches to children each school day. In furtherance of Program objectives, participating schools shall serve lunches that are nutritionally adequate, as set forth in these regulations, and shall to the extent practicable, ensure that participating children gain a full understanding of the relationship between proper eating and good health. (b) Scope of the regulations. This part sets forth the requirements for participation in the National School Lunch and Commodity School Programs. It specifies Program responsibilities of State and local officials in the areas of program administration, preparation and service of nutritious lunches, the sale of competitive foods, payment of funds, use of program funds, program monitoring, and reporting and recordkeeping requirements.	N	N		
1834	§210.2 Definitions	Federal	Statute	For the purpose of this part: 7 CFR part 3015 means the Uniform Federal Assistance Regulations published by the Department to implement certain policies applicable to all Department programs. The applicable provisions deal with competition for discretion	N	N		
1835	§210.3 Administration	Federal	Statute	(a) FNS. FNS will act on behalf of the Department in the administration of the Program. Within FNS, the CND will be responsible for Program administration. (b) States. Within the States, the responsibility for the administration of the Program in schools, as defined in §210.2, shall be in the State educational agency. If the State educational agency is unable to administer the Program in public or private nonprofit residential child care institutions or nonprofit private schools, then Program administration for such schools may be assumed by FNSRO as provided in paragraph (c) of this section, or such other agency of the State as has been designated by the Governor or other appropriate executive or legislative authority of the State and approved by the Department to administer such schools. Each State agency desiring to administer the Program shall enter into a written agreement with the Department for the administration of the Program in accordance with the applicable requirements of this part; parts 235 and 245 of this chapter; parts 15, 15a, and 15b of this title, and 2 CFR part 200; USDA implementing regulations 2 CFR part 400 and part 415; and FNS instructions. (c) FNSRO. The FNSRO will administer the Program in nonprofit private schools or public or nonprofit private residential child care institutions if the State agency is prohibited by law from disbursing Federal funds paid to such schools. In addition, the FNSRO will continue to administer the Program in those States in which nonprofit private schools or public or nonprofit private residential child care institutions have been under continuous FNS administration since October 1, 1980, unless the administration of the Program in such schools is assumed by	Y	Y	Other service or product our agency must/may provide	Administration of programs in schools (public and private schools)
1836	Subpart B—Reimbursement Process for States and School Food Authorities §210.4 Cash and donated food assistance to States	Federal	Statute	(a) General. To the extent funds are available, FNS will make cash assistance available in accordance with the provisions of this section to each State agency for lunches and meal supplements served to children under the National School Lunch and Commodit	N	N		
1837	§210.5 Payment process to States	Federal	Statute	(a) Grant award. FNS will specify the terms and conditions of the State agency's grant in a grant award document and will generally make payments available by means of a Letter of Credit issued in favor of the State agency. The State agency shall obtain funds for reimbursement to participating school food authorities through procedures established by FNS in accordance with 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415. State agencies shall limit requests for funds to such times and amounts as will permit prompt payment of claims or authorized advances. The State agency shall disburse funds received from such requests without delay for the purpose for which drawn. FNS may, at its option, reimburse a State agency by Treasury Check. FNS will pay by Treasury Check with funds available in settlement of a valid claim if payment for that claim cannot be made within the grant closeout period specified in paragraph (d) of this section. (b) Cash-in-lieu of donated foods. All Federal funds to be paid to any State in	Y	Y	Report our agency must/may provide; Distribute funding to another entity	
1838	§210.6 Use of Federal funds	Federal	Statute	General. State agencies shall use Federal funds made available under the Program to reimburse or make advance payments to school food authorities in connection with lunches and meal supplements served in accordance with the provisions of this part; except that, with the approval of FNS, any State agency may reserve an amount up to one percent of the funds earned in any fiscal year under this part for use in carrying out special developmental projects. Advance payments to school food authorities may be made at such times and in such amounts as are necessary to meet the current fiscal obligations. All Federal funds paid to any State in place of donated foods shall be used as provided in part 240 of this chapter.	Y	Y	Distribute funding to another entity	Appropriate use for funding
1839	§210.7 Reimbursement for school food authorities	Federal	Statute	(a) General. Reimbursement payments to finance nonprofit school food service operations shall be made only to school food authorities operating under a written agreement with the State agency. Subject to the provisions of §210.8(c), such payments may be m	N	N		
1840	§210.8 Claims for reimbursement	Federal	Statute	(a) Internal controls. The school food authority shall establish internal controls which ensure the accuracy of lunch counts prior to the submission of the monthly Claim for Reimbursement. At a minimum, these internal controls shall include: an on-site re	N	N		

1841	Subpart C—Requirements for School Food Authority Participation §210.9 Agreement with State agency	Federal	Statute	(a) Application. An official of a school food authority shall make written application to the State agency for any school in which it desires to operate the Program. Applications shall provide the State agency with sufficient information to determine eligibility. The school food authority shall also submit for approval a Free and Reduced Price Policy Statement in accordance with part 245 of this chapter. (b) Agreement. Each school food authority approved to participate in the program shall enter into a written agreement with the State agency that may be amended as necessary. Nothing in the preceding sentence shall be construed to limit the ability of the State agency to suspend or terminate the agreement in accordance with §210.25. If a single State agency administers any combination of the Child Nutrition Programs, that State agency shall provide each school food authority with a single agreement with respect to the operation of those programs. The agreement shall contain a statement to the effect that the "School Food Authority and participating schools under its jurisdiction, shall comply with all provisions of 7 CFR parts 210 and 245." This agreement shall provide that each school food authority shall, with respect to participating schools under its jurisdiction: (1) Maintain a nonprofit school food service and observe the requirements for and limitations on the use of nonprofit school food service revenues set forth in §210.14 and the limitations on any competitive school food service as set forth in §210.11;	Y	Y	Other service or product our agency must/may provide	Accept applications for school food authorities as well as oversee all programs
1842	§210.10 Meal requirements for lunches and requirements for afterschool snacks	Federal	Statute	(a) General requirements—(1) General nutrition requirements. Schools must offer nutritious, well-balanced, and age-appropriate meals to all the children they serve to improve their diets and safeguard their health. (i) Requirements for lunch. School lunches offered to children age 5 or older must meet, at a minimum, the meal requirements in paragraph (b) of this section. Schools must follow a food-based menu planning approach and produce enough food to offer each child the quantities specified in the meal pattern established in paragraph (c) of this section for each age/grade group served in the school. In addition, school lunches must meet the dietary specifications in paragraph (f) of this section. Schools offering lunches to children ages 1 through 4 and infants must meet the meal pattern requirements in paragraphs (p) and (q), as applicable, of this section. Schools must make potable water available and accessible without restriction to children at no charge in the place(s) where lunches are served during the meal service. (ii) Requirements for afterschool snacks. Schools offering afterschool snacks in afterschool care programs must meet the meal pattern requirements in paragraph (o) of this section. Schools must plan and produce enough food to offer each child the minimum quantities under the meal pattern in paragraph (o) of this section. (2) Unit pricing. Schools must price each meal as a unit. Schools need to consider participation trends in an effort to provide one reimbursable lunch and, if applicable, one reimbursable afterschool snack for each child every school day. If	Y	Y	Other service or product our agency must/may provide	Ensure schools are following requirements established for each meal time/snack time; ensure appropriate meals are being provided (i.e. well balanced)
1843	§210.11 Competitive food service and standards	Federal	Statute	(a) Definitions. For the purpose of this section: (1) Combination foods means products that contain two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein or grains. (2) Competitive food means al	N	N		
1844	§210.11a Competitive food services	Federal	Statute	(a) Definitions. For the purpose of this section: (1) Competitive foods means any foods sold in competition with the Program to children in food service areas during the lunch periods. (2) Food of minimal nutritional value means: (i) In the case of arti	N	N		
1845	§210.12 Student, parent and community involvement	Federal	Statute	((a) General. School food authorities shall promote activities to involve students and parents in the Program. Such activities may include menu planning, enhancement of the eating environment, Program promotion, and related student-community support activities. School food authorities are encouraged to use the school food service program to teach students about good nutrition practices and to involve the school faculty and the general community in activities to enhance the Program. (b) Food service management companies. School food authorities contracting with a food service management company shall comply with the provisions of §210.16(a) regarding the establishment of an advisory board of parents, teachers and students. (c) Residential child care institutions. Residential child care institutions shall comply with the provisions of this section, to the extent possible. (d) Outreach activities. (1) To the maximum extent practicable, school food authorities must inform families about the availability breakfasts for students. Information about the School Breakfast Program must be distributed just prior to or at the beginning of the school year. In addition, schools are encouraged to send reminders regarding the availability of the School Breakfast Program multiple times throughout the school year. (2) School food authorities must cooperate with Summer Food Service Program sponsors to distribute materials to inform families of the availability and location	Y	Y	Other service or product our agency must/may provide	Promote outreach activities and community involvement
1846	§210.13 Facilities management	Federal	Statute	(a) Health standards. The school food authority shall ensure that food storage, preparation and service is in accordance with the sanitation and health standards established under State and local law and regulations. (b) Food safety inspections. Schools shall obtain a minimum of two food safety inspections during each school year conducted by a State or local governmental agency responsible for food safety inspections. They shall post in a publicly visible location a report of the most recent inspection conducted, and provide a copy of the inspection report to a member of the public upon request. Sites participating in more than one child nutrition program shall only be required to obtain two food safety inspections per school year if the nutrition programs offered use the same facilities for the production and service of meals. (c) Food safety program. The school food authority must develop a written food safety program that covers any facility or part of a facility where food is stored, prepared, or served. The food safety program must meet the requirements in paragraph (c)(1) or paragraph (c)(2) of this section, and the requirements in §210.15(b)(5). (1) A school food authority with a food safety program based on traditional hazard analysis and critical control point (HACCP) principles must: (i) Perform a hazard analysis; (ii) Decide on critical control points;	Y	Y	Other service or product our agency must/may provide	Ensure health standards are being adhered to
1847	§210.14 Resource management	Federal	Statute	(a) Nonprofit school food service. School food authorities shall maintain a nonprofit school food service. Revenues received by the nonprofit school food service are to be used only for the operation or improvement of such food service, except that, such	N	N		

1848	§210.15 Reporting and recordkeeping	Federal	Statute	(a) Reporting summary. Participating school food authorities are required to submit forms and reports to the State agency or the distributing agency, as appropriate, to demonstrate compliance with Program requirements. These reports include, but are not limited to: (1) A Claim for Reimbursement and, for the month of October and as otherwise specified by the State agency, supporting data as specified in accordance with §210.8 of this part; (2) An application and agreement for Program operations between the school food authority and the State agency, and a Free and Reduced Price Policy Statement as required under §210.9; (3) A written response to reviews pertaining to corrective action taken for Program deficiencies; (4) A commodity school's preference whether to receive part of its donated food allocation in cash for processing and handling of donated foods as required under §210.19(b); (5) A written response to audit findings pertaining to the school food authority's operation as required under §210.22; (6) Information on civil rights complaints, if any, and their resolution as required under §210.23;	Y	Y	Report our agency must/may provide	
1849	§210.16 Food service management companies	Federal	Statute	(a) General. Any school food authority (including a State agency acting in the capacity of a school food authority) may contract with a food service management company to manage its food service operation in one or more of its schools. However, no school or school food authority may contract with a food service management company to operate an a la carte food service unless the company agrees to offer free, reduced price and paid reimbursable lunches to all eligible children. Any school food authority that employs a food service management company in the operation of its nonprofit school food service shall: (1) Adhere to the procurement standards specified in §210.21 when contracting with the food service management company; (2) Ensure that the food service operation is in conformance with the school food authority's agreement under the Program; (3) Monitor the food service operation through periodic on-site visits;	Y	Y	Other service or product our agency must/may provide	Contract with food service management companies
1850	Subpart D—Requirements for State Agency Participation §210.17 Matching Federal funds	Federal	Statute	(a) State revenue matching. For each school year, the amount of State revenues appropriated or used specifically by the State for program purposes shall not be less than 30 percent of the funds received by such State under section 4 of the National School Lunch Act during the school year beginning July 1, 1980; provided that, the State revenues derived from the operation of such programs and State revenues expended for salaries and administrative expenses of such programs at the State level are not considered in this computation. However, if the per capita income of any State is less than the per capita income of the United States, the matching requirements so computed shall be decreased by the percentage by which the State per capita income is below the per capita income of the United States. (b) Private school exemption. No State in which the State agency is prohibited by law from disbursing State appropriated funds to nonpublic schools shall be required to match general cash assistance funds expended for meals served in such schools, or to disburse to such schools any of the State revenues required to meet the requirements of paragraph (a) of this section. Furthermore, the requirements of this section do not apply to schools in which the Program is administered by a FNSRO. (c) Territorial waiver. American Samoa and the Commonwealth of the Northern Mariana Islands shall be exempted from the matching requirements of paragraph (a) of this section if their respective matching requirements are under $100,000.	Y	Y	Distribute funding to another entity	
1851	§210.18 Administrative reviews	Federal	Statute	(a) Programs covered and methodology. Each State agency must follow the requirements of this section to conduct administrative reviews of school food authorities participating in the National School Lunch Program and the School Breakfast Program (part 220 of this chapter). These procedures must also be followed, as applicable, to conduct administrative reviews of the National School Lunch Program's Afterschool Snacks and Seamless Summer Option, the Special Milk Program (part 215 of this chapter), and the Fresh Fruit and Vegetable Program. To conduct a program review, the State agency must gather and assess information off-site and/or on-site, observe the school food service operation, and use a risk-based approach to evaluate compliance with specific program requirements. (b) Definitions. The following definitions are provided in alphabetical order in order to clarify State agency administrative review requirements: Administrative reviews means the comprehensive off-site and/or on-site evaluation of all school food authorities participating in the programs specified in paragraph (a) of this section. The term “administrative review” is used to reflect a review of both critical and general areas in accordance with paragraphs (g) and (h) of this section, as applicable for each reviewed program, and includes other areas of program operations determined by the State agency to be important to program performance. Critical areas means the following two performance standards described in detail in paragraph (g) of this section:	Y	Y	Other service or product our agency must/may provide	Conduct administrative reviews of school food authorities participation in the NSLP and the SBP.
1852	§210.19 Additional responsibilities	Federal	Statute	(a) General Program management. Each State agency shall provide an adequate number of consultative, technical and managerial personnel to administer programs and monitor performance in complying with all Program requirements. (1) Assurance of compliance for finances. Each State agency shall ensure that school food authorities comply with the requirements to account for all revenues and expenditures of their nonprofit school food service. School food authorities shall meet the requirements for the allowability of nonprofit school food service expenditures in accordance with this part and, 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415, as applicable. All costs resulting from contracts that do not meet the requirements of this part are unallowable nonprofit school food service account expenses. When the school food authority fails to incorporate State agency required changes to solicitation or contract documents, all costs resulting from the subsequent contract award are unallowable charges to the nonprofit school food service account. The State agency shall ensure compliance with the requirements to limit net cash resources and shall provide for approval of net cash resources in excess of three months' average expenditures. Each State agency shall monitor, through review or audit or by other means, the net cash resources of the nonprofit school food service in each school food authority participating in the Program. In the event that net cash resources exceed 3 months' average expenditures for the school food authority's nonprofit school food service or such other amount as may be approved in accordance with this paragraph, the State agency may require the school food authority to reduce the	Y	Y	Other service or product our agency must/may provide	Provide investigations into complaints which may lead to taking fiscal action against programs

1853	§210.20 Reporting and recordkeeping	Federal	Statute	(a) Reporting summary. Participating State agencies shall submit forms and reports to FNS to demonstrate compliance with Program requirements. The reports include but are not limited to: (1) Requests for cash to make reimbursement payments to school food authorities as required under §210.5(a); (2) Information on the amounts of Federal Program funds expended and obligated to date (FNS-777) as required under §210.5(d); (3) Statewide totals on Program participation (FNS-10) as required under §210.5(d); (4) Information on State funds provided by the State to meet the State matching requirements (FNS-13) specified under §210.17(g); (5) Results of reviews and audits; (6) Results of the commodity preference survey and recommendations for commodity purchases as required under §250.13(k) of this chapter; (7) Results of the State agency's review of schools' compliance with the food safety inspection requirement in §210.13(b) by November 15 following each of school years 2005-2006 through 2014-2015, beginning November 15, 2006. The report will be based on data supplied by the school food authorities in	Y	Y	Report our agency must/may provide	
1854	Subpart E—State Agency and School Food Authority Responsibilities §210.21 Procurement	Federal	Statute	(a) General. State agencies and school food authorities shall comply with the requirements of this part and 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415, as applicable, which implement the applicable requirements, concerning the procurement of all goods and services with nonprofit school food service account funds. (b) Contractual responsibilities. The standards contained in this part and 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415, as applicable, do not relieve the State agency or school food authority of any contractual responsibilities under its contracts. The State agency or school food authority is the responsible authority, without recourse to FNS, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in connection with the Program. This includes, but is not limited to source evaluation, protests, disputes, claims, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the local, State, or Federal authority that has proper jurisdiction.	Y	Y	Other service or product our agency must/may provide	Provide reviews of programs; Oversee all settltement and satisfaction of all contractual and administrative issues arising out of procurements.
1855	§210.22 Audits	Federal	Statute	(a) General. Unless otherwise exempt, audits at the State and school food authority levels shall be conducted in accordance with 2 CFR part 200, subpart F and Appendix XI (Compliance Supplement) and USDA implementing regulations 2 CFR part 400 and part 415. (b) Audit procedure. These requirements call for organization-wide financial and compliance audits to ascertain whether financial operations are conducted properly; financial statements are presented fairly; recipients and subrecipients comply with the laws and regulations that affect the expenditures of Federal funds; recipients and subrecipients have established procedures to meet the objectives of federally assisted programs; and recipients and subrecipients are providing accurate and reliable information concerning grant funds. States and school food authorities shall use their own procedures to arrange for and prescribe the scope of independent audits, provided that such audits comply with the requirements set forth in 2 CFR part 200, subpart F and Appendix XI, and USDA implementing regulations 2 CFR part 400 and part 415.	Y	Y	Other service or product our agency must/may provide	Provide audits
1856	§210.23 Other responsibilities	Federal	Statute	(a) Free and reduced price lunches and meal supplements. State agencies and school food authorities shall ensure that lunches and meal supplements are made available free or at a reduced price to all children who are determined by the school food authority to be eligible for such benefits. The determination of a child's eligibility for free or reduced price lunches and meal supplements is to be made in accordance with 7 CFR part 245. (b) Civil rights. In the operation of the Program, no child shall be denied benefits or be otherwise discriminated against because of race, color, national origin, age, sex, or disability. State agencies and school food authorities shall comply with the requirements of: Title VI of the Civil Rights Act of 1964; title IX of the Education Amendments of 1972; section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Department of Agriculture regulations on nondiscrimination (7 CFR parts 15, 15a, and 15b); and FNS Instruction 113-1. (c) Retention of records. State agencies and school food authorities may retain	Y	Y	Other service or product our agency must/may provide	Ensure meal supplements are available, retain records, follow civil rights act, and provide program evaluations.
1857	Subpart F—Additional Provisions §210.24 Withholding payments	Federal	Statute	In accordance with Departmental regulations at 2 CFR 200.338 through 200.342, the State agency shall withhold Program payments, in whole or in part, to any school food authority which has failed to comply with the provisions of this part. Program payments shall be withheld until the school food authority takes corrective action satisfactory to the State agency, or gives evidence that such corrective action will be taken, or until the State agency terminates the grant in accordance with §210.25 of this part. Subsequent to the State agency's acceptance of the corrective actions, payments will be released for any lunches served in accordance with the provisions of this part during the period the payments were withheld.	Y	Y	Other service or product our agency must/may provide	Ability to withhold payments under certain circumstances
1858	§210.25 Suspension, termination and grant closeout procedures	Federal	Statute	Whenever it is determined that a State agency has materially failed to comply with the provisions of this part, or with FNS guidelines and instructions, FNS may suspend or terminate the Program in whole, or in part, or take any other action as may be available and appropriate. A State agency may also terminate the Program by mutual agreement with FNS. FNS and the State agency shall comply with the provisions of 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415 concerning grant suspension, termination and closeout procedures. Furthermore, the State agency shall apply these provisions, as applicable, to suspension or termination of the Program in school food authorities.	Y	Y	Other service or product our agency must/may provide	Ability to terminate or suspend program
1859	§210.26 Penalties	Federal	Statute	Whoever embezzles, willfully misapplies, steals, or obtains by fraud any funds, assets, or property provided under this part whether received directly or indirectly from the Department, shall if such funds, assets, or property are of a value of $100 or mo	N	N		
1860	§210.27 Educational prohibitions	Federal	Statute	In carrying out the provisions of the Act, the Department shall not impose any requirements with respect to teaching personnel, curriculum, instructions, methods of instruction, or materials of instruction in any school as a condition for participation in	N	N		
1861	§210.28 Pilot project exemptions	Federal	Statute	Those State agencies or school food authorities selected for the pilot projects mandated under section 18(d) of the Act may be exempted by the Department from some or all of the counting and free and reduced price application requirements of this part and	N	N		
1862	§210.29 Management evaluations	Federal	Statute	(a) Management evaluations. FNS will conduct a comprehensive management evaluation of each State agency's administration of the National School Lunch Program. (b) Basis for evaluations. FNS will evaluate all aspects of State agency management of the Prog	N	N		
1863	§210.30 State agency and Regional office addresses	Federal	Statute	School food authorities and schools desiring information about the Program should contact their State educational agency or the appropriate FNS Regional Office at the address or telephone number listed on the FNS Web site (www.fns.usda.gov/cnd). [77 FR 4	N	N		

1864	§210.31 OMB control numbers	Federal	Statute	The following control numbers have been assigned to the information collection requirements in 7 CFR part 210 by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96-511. 7 CFR section where requirements are des	N	N		
1865	§210.32 xxx	Federal	Statute					
1866	Appendix A to Part 210—Alternate Foods for Meals	Federal	Statute	I. Enriched Macaroni Products with Fortified Protein 1. Schools may utilize the enriched macaroni products with fortified protein defined in paragraph 3 as a food item in meeting the meal requirements of this part under the following terms and conditions	N	N		
1867	Appendix B to Part 210—Categories of Foods of Minimal Nutritional Value	Federal	Statute	(a) Foods of minimal nutritional value—Foods of minimal nutritional value are: (1) Soda Water—A class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the be	N	N		
1868	Appendix C to Part 210—Child Nutrition Labeling Program	Federal	Statute	1. The Child Nutrition (CN) Labeling Program is a voluntary technical assistance program administered by the Food and Nutrition Service in conjunction with the Food Safety and Inspection Service (FSIS), and Agricultural Marketing Service (AMS) of the U.S.	N	N		
1869	Title 7: Agriculture PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS	Federal	Statute					
1870	§245.1 General purpose and scope	Federal	Statute	(a) This part established the responsibilities of State agencies, Food and Nutrition Service Regional Offices, school food authorities or local educational agencies, as defined in §245.2, as applicable in providing free and reduced price meals and free mi	N	N		
1871	§245.2 Definitions	Federal	Statute	Adult means any individual 21 years of age or older. Categorically eligible means considered income eligible for free meals or free milk, as applicable, based on documentation that a child is a member of a Family, as defined in this section, and one or m	N	N		
1872	§245.3 Eligibility standards and criteria	Federal	Statute	(a) Each State agency, or FNSRO where applicable, shall by July 1 of each year announce family-size income standards to be used by local educational agencies, as defined in §245.2, under the jurisdiction of such State agency, or FNSRO where applicable, in making eligibility determinations for free or reduced price meals and for free milk. Such family size income standards for free and reduced price meals and for free milk shall be in accordance with Income Eligibility Guidelines published by the Department by notice in the Federal Register. (b) Each participating local educational agency and all participating schools under its jurisdiction must adhere to the eligibility criteria specified in this part. Local educational agencies must include these eligibility criteria in their policy statement as required under §245.10 and it must be publicly announced in accordance with the provisions of §245.5. Additionally, each State agency, or FNSRO where applicable, must require that local educational agencies accept as income eligible for free meals and free milk, children who are categorically eligible for those benefits based on documentation of eligibility, as specified in §245.6 (b).	Y	Y	Other service or product our agency must/may provide	Announce family-income size standards to be used by LEAs.
1873	§245.4 Exceptions for Puerto Rico and the Virgin Islands	Federal	Statute	Because the State agencies of Puerto Rico and the Virgin Islands provide free meals or milk to all children in schools under their jurisdiction, regardless of the economic need of the child's family, they are not required to make individual eligibility de	N	N		
1874	§245.5 Public announcement of the eligibility criteria	Federal	Statute	(a) After the State agency, or FNSRO where applicable, notifies the local educational agency (as defined in §245.2) that its criteria for determining the eligibility of children for free and reduced price meals and for free milk have been approved, the lo	N	N		
1875	§245.6 Application, eligibility and certification of children for free and reduced price meals and free milk	Federal	Statute	(a) General requirements—content of application and descriptive materials. Each local educational agency, as defined in §245.2, for schools participating in the National School Lunch Program, School Breakfast Program or Special Milk Program or a commodity only school, shall provide meal benefit forms for use by families in making application for free or reduced price meals or free milk for their children. (1) Household applications. The State agency or local educational agency must provide a form that permits a household to apply for all children in that household who attend schools in the same local educational agency. The local educational agency must provide newly enrolled students with an application and determine eligibility promptly. The local educational agency cannot require the household to submit an application for each child attending its schools. The application shall be clear and simple in design and the information requested therein shall be limited to that required to demonstrate that the household does, or does not, meet the eligibility criteria for free or reduced price meals, respectively, or for free milk, provided by the local educational agency. (2) Understandable communications. Any communication with households for eligibility determination purposes must be in an understandable and uniform format and to the maximum extent practicable, in a language that parents and guardians can understand. (3) Electronic availability. In addition to the distribution of applications and descriptive materials in paper form as provided for in this section, the local	Y	Y	Other service or product our agency must/may provide	Provide form to LEAs as well as assistance where needed.
1876	§245.6a Verification requirements	Federal	Statute	(a) Definitions—(1) Eligible programs. For the purposes of this section, the following programs qualify as programs for which a case number may be provided in lieu of income information and that may be used for direct verification purposes: (i) SNAP, as	N	N		
1877	§245.6a Verification requirements	Federal	Statute	(2) Exceptions from verification. Verification is not required in residential child care institutions; in schools in which FNS has approved special cash assistance claims based on economic statistics regarding per capita income; or in schools in which all	N	N		
1878	§245.7 Hearing procedure for families and local educational agencies	Federal	Statute	(a) Each local educational agency of a school participating in the National School Lunch Program, School Breakfast Program or the Special Milk Program or of a commodity only school shall establish a hearing procedure under which: (1) A family can appeal	N	N		
1879	§245.8 Nondiscrimination practices for children eligible to receive free and reduced price meals and free milk	Federal	Statute	School Food Authorities and local educational agencies of schools participating in the National School Lunch Program, School Breakfast Program or Special Milk Program or of commodity only schools shall take all actions that are necessary to insure complia	N	N		
1880	§245.9 Special assistance certification and reimbursement alternatives	Federal	Statute	(a) Provision 1. A School Food Authority of a school having at least 80 percent of its enrolled children determined eligible for free or reduced price meals may, at its option, authorize the school to reduce annual certification and public notification fo	N	N		
1881	§245.10 Action by local educational agencies	Federal	Statute	(a) Each local educational agencyof a school desiring to participate in the National School Lunch Program, School Breakfast Program, or to provide free milk under the Special Milk Program, or to become a commodity-only school shall submit for approval to	N	N		

1882	§245.11 Second review of applications	Federal	Statute	(a) General. On an annual basis not later than the end of each school year, State agencies must identify local educational agencies demonstrating a high level of, or risk for, administrative error associated with certification processes and notify the aff	N	N		
1883	§245.12 Action by State agencies and FNSROs	Federal	Statute	(a) Each State agency, or FNSRO where applicable, shall, for schools under its jurisdiction: (1) As necessary, each State agency or FNSRO, as applicable, shall issue a prototype free and reduced price policy statement and any other instructions to ensure that each local educational agency as defined in §245.2 is fully informed of the provisions of this part. If the State elects to establish for all schools a maximum price for reduced price lunches that is less than 40 cents, the State shall establish such price in its prototype policy. Such State shall then receive the adjusted national average factor provided for in §210.4(b); (2) Prescribe and publicly announce by July 1 of each fiscal year, in accordance with §245.3(a), family-size income standards. Any standards prescribed by FNSRO with respect to nonprofit private schools shall be developed by FNSRO after consultation with the State agency. (a-1) When a revision of the family-size income standards of the State agency, or	Y	Y	Other service or product our agency must/may provide	Provide model lunch program for LEAs to follow; collect verification data and review each program by Feb. of each year
1884	§245.13 State agencies and direct certification requirements	Federal	Statute	(a) Direct certification requirements. State agencies are required to meet the direct certification performance benchmarks set forth in paragraph (b) of this section for directly certifying children who are members of households receiving assistance under SNAP. A State agency that fails to meet the benchmark must develop and submit to FNS a continuous improvement plan (CIP) to fully meet the requirements of this paragraph and to improve direct certification for the following school year in accordance with the provisions in paragraphs (e), (f), and (g) of this section. (b) Direct certification performance benchmarks. State agencies must meet performance benchmarks for directly certifying for free school meals children who are members of households receiving assistance under SNAP. The performance benchmarks are as follows: (1) 80% for the school year beginning July 1, 2011;	Y	Y	Other service or product our agency must/may provide	Requirement to meet standard performance benchmarks
1885	§245.14 Fraud penalties	Federal	Statute	(a) Whoever embezzles, willfully misapplies, steals, or obtains by fraud any funds, assets, or property provided under this part, whether received directly or indirectly from the Department, shall— (1) If such funds, assets, or property are of a value of	N	N		
1886	§245.15 Information collection/recordkeeping—OMB assigned control numbers	Federal	Statute	7 CFR section where requirements are described Current OMB control number 245.3 (a), (b) 0584-0026 245.4 0584-0026 245.5 (a), (b) 0584-0026 245.6 (a), (b), (c), (e) 0584-0026 245.7(a) 0584-0026 245.9 (a), (b), (c) 0584-0026 245.10 (a), (d), (e) 058	N	N		
1887	Title 7: Agriculture PART 220—SCHOOL BREAKFAST PROGRAM	Federal	Statute					
1888	§220.1 General purpose and scope	Federal	Statute	This part announces the policies and prescribes the regulations necessary to carry out the provisions of section 4 of the Child Nutrition Act of 1966, as amended, which authorizes payments to the States to assist them to initiate, maintain, or expand nonp	N	N		
1889	§220.2 Definitions	Federal	Statute	For the purpose of this part the term: 7 CFR part 3015 means the Uniform Federal Assistance Regulations published by the Department to implement certain policies applicable to all Department programs. The applicable provisions deal with competition for d	N	N		
1890	§220.3 Administration	Federal	Statute	(a) Within the Department, FNS shall act on behalf of the Department in the administration of the Program covered by this part. Within FNS, CND shall be responsible for administration of the Program. (b) Within the States, responsibility for the administ	N	N		
1891	§220.4 Payment of funds to States and FNSROs	Federal	Statute	(a) To the extent funds are available, the Secretary shall make breakfast assistance payments to each State agency for breakfasts served to children under the Program. Subject to §220.13(b)(2), the total of these payments for each State for any fiscal yea	N	N		
1892	§220.5 Method of payment to States	Federal	Statute	Funds to be paid to any State for the School Breakfast Program shall be made available by means of Letters of Credit issued by FNS in favor of the State agency. The State agency shall: (a) Obtain funds needed for reimbursement to School Food Authorities	N	N		
1893	§220.6 Use of funds	Federal	Statute	(a) Federal funds made available under the School Breakfast Program shall be used by State agencies, or FNSROs where applicable, to reimburse or make advance payments to School Food Authorities in connection with breakfasts served in accordance with the provisions of this part. However, with the approval of FNS, any State agency, or FNSRO where applicable, may reserve for use in carrying out special developmental projects an amount up to 1 per centum of the funds earned in any fiscal year under the School Breakfast Program. Advance payments to School Food Authorities may be made at such times and in such amounts as are necessary to meet current obligations. (b) Whoever embezzles, willfully misapplies, steals, or obtains by fraud any funds, assets, or property provided under this part, whether received directly or indirectly from the Department, shall— (1) If such funds, assets, or property are of a value of $100 or more, be fined not more than $25,000 or imprisoned not more than 5 years or both; or	Y	Y	Distribute funding to another entity	
1894	§220.7 Requirements for participation	Federal	Statute	(a) The School Food Authority shall make written application to the State agency, or FNSRO where applicable, for any school in which it desires to operate the School Breakfast Program, if such school did not participate in the Program in the prior fiscal	N	N		

1895	§220.8 Meal requirements for breakfasts	Federal	Statute	(a) General requirements. This section contains the meal requirements applicable to school breakfasts for students in grades K through 12, and for children under the age of 5. In general, school food authorities must ensure that participating schools provide nutritious, well-balanced, and age-appropriate breakfasts to all the children they serve to improve their diet and safeguard their health. (1) General nutrition requirements. School breakfasts offered to children age 5 and older must meet, at a minimum, the meal requirements in paragraph (b) of this section. Schools must follow a food-based menu planning approach and produce enough food to offer each child the quantities specified in the meal pattern established in paragraph (c) of this section for each age/grade group served in the school. In addition, school breakfasts must meet the dietary specifications in paragraph (f) of this section. Schools offering breakfasts to children ages 1 to 4 and infants must meet the meal pattern requirements in paragraphs (o) and (p), as applicable, of this section. When breakfast is served in the cafeteria, schools must make potable water available and accessible without restriction to children at no charge. (2) Unit pricing. Schools must price each meal as a unit. The price of a reimbursable lunch does not change if the student does not take a food item or requests smaller portions. Schools must identify, near or at the beginning of the serving line(s), the food items that constitute the unit-priced reimbursable school meal(s).	N	N		
1896	§220.9 Reimbursement payments	Federal	Statute	(a) State agencies, or FNSRO's where applicable, shall make reimbursement payments to schools only in connection with breakfasts meeting the requirements of §220.8, and reported in accordance with §220.11(b) of this part. School Food Authorities shall plan for and prepare breakfasts on the basis of participation trends, with the objective of providing one breakfast per child per day. Production and participation records shall be maintained to demonstrate positive action toward this objective. In recognition of the fluctuation in participation levels which makes it difficult to precisely estimate the number of breakfasts needed and to reduce the resultant waste, any excess breakfasts that are prepared may be served to eligible children and may be claimed for reimbursement unless the State agency, or FNSRO where applicable, determines that the School Food Authority has failed to plan and prepare breakfasts with the objective of providing one breakfast per child per day. In no event shall the School Food Authority claim reimbursement for free and reduced price breakfasts in excess of the number of children approved for free and reduced price meals. (b) The rates of reimbursement for breakfasts served to eligible children in schools not in severe need are the applicable national average payment factors for breakfasts. The maximum rates of reimbursement for breakfasts served to eligible children in schools determined to be in severe need are those prescribed by the Secretary. National average payment factors and maximum rates of reimbursement for the School Breakfast Program shall be prescribed annually by the Secretary in the Federal Register.	Y	Y	Distribute funding to another entity	
1897	§220.10 Effective date for reimbursement	Federal	Statute	Reimbursement payments under the School Breakfast Program may be made only to School Food Authorities operating under an agreement with the State Agency or the Department, and may be made only after execution of the agreement. Such payments may include reimbursement in connection with breakfasts served in accordance with provisions of the program in the calendar month preceding the calendar month in which the agreement is executed.	Y	Y	Distribute funding to another entity	
1898	§220.11 Reimbursement procedures	Federal	Statute	(a) To be entitled to reimbursement under this part, each School Food Authority shall submit to the State agency, or FNSRO where applicable, a monthly Claim for Reimbursement. (b) Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State agency to provide the Reports of School Program Operations required under §220.13(b)(2). Unless otherwise approved by FNS, the Claim for Reimbursement for any month shall include only breakfasts served in that month except if the first or last month of Program operations for any year contains 10 operating days or less, such month may be added to the Claim for Reimbursement for the appropriate adjacent month; however, Claims for Reimbursement may not combine operations occurring in two fiscal years. If a single State agency administers any combination of the Child Nutrition Programs, the SFA shall be able to use a common claim form with respect to claims for reimbursement for meals served under those programs. A final Claim for Reimbursement shall be postmarked and/or submitted to the State agency, or FNSRO where applicable, not later than 60 days following the last day of the full month covered by the claim. State agencies may establish shorter deadlines at their discretion. Claims not postmarked and/or submitted within 60 days shall not be paid with Program funds unless FNS determines that an exception should be granted. The State agency, or FNSRO where applicable, shall promptly take corrective action with respect to any Claim for Reimbursement as determined necessary through its claim review process or otherwise. In taking such corrective action, State agencies may make upward adjustments in Program funds claimed on claims filed within the 60 day deadline	Y	Y	Distribute funding to another entity	
1899	§220.12 Competitive food services	Federal	Statute	School food authorities must comply with the competitive food service and standards requirements specified in §210.11 of this chapter. [78 FR 39093, June 28, 2013]	N	N		
1900	§220.12a Competitive food services	Federal	Statute	(a) State agencies and School Food Authorities shall establish such rules or regulations as are necessary to control the sale of foods in competition with breakfasts served under the Program. Such rules or regulations shall prohibit the sale of foods of m	N	N		
1901	§220.13 Special responsibilities of State agencies	Federal	Statute	(a) [Reserved] (a-1) Each State agency, or FNSRO where applicable, shall require each School Food Authority of a school participating in the School Breakfast Program to develop and file for approval a free and reduced price policy statement in accordance with paragraph (a) of §220.7. (b) Records and reports. (1) Each State agency shall maintain Program records as necessary to support the reimbursement payments made to School Food Authorities under §220.9 and the reports submitted to FNS under §220.13(b)(2). The records may be kept in their original form or on microfilm, and shall be retained for a period of three years after the date of submission of the final Financial Status Report for the fiscal year, except that if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit. (2) Each State agency shall submit to FNS a final Report of School Program Operations (FNS-10) for each month which shall be limited to claims submitted in accordance with §220.11(b) and which shall be postmarked and/or submitted no later than 90 days following the last day of the month covered by the report. States shall not receive Program funds for any month for which the final report is not submitted within this time limit unless FNS grants an exception. Upward adjustments to a State agency's report shall not be made after 90 days from the month covered by the report unless authorized by FNS. Downward adjustments shall always be made, without FNS authorization, regardless of when it is	Y	Y	Report Agency may/must submit; Other service or product our agency must/may provide	Maintain program records required to show proper reimbursement and operations

1902	§220.14 Claims against school food authorities	Federal	Statute	(a) State agencies shall disallow any portion of a claim and recover any payment made to a School Food Authority that was not properly payable under this part. State agencies will use their own procedures to disallow claims and recover overpayments already made. (b) [Reserved] (c) The State agency may refer to CND through the FNSRO for determination any action it proposes to take under this section. (d) The State agency shall maintain all records pertaining to action taken under this section. Such records shall be retained for a period of 3 years after the end of the fiscal year to which they pertain. (e) If CND does not concur with the State agency's action in paying a claim or a reclaim, or in failing to collect an overpayment, CND shall assert a claim against the State agency for the amount of such claim, reclaim, or overpayment. In all such cases the State agency shall have full opportunity to submit to CND evidence or information concerning the action taken. If, in the determination of CND, the State agency's action was unwarranted, the State agency shall promptly pay to FNS the amount of the claim, reclaim, or overpayment. (f) The amounts recovered by the State agency from Schools may be utilized, first, to make payments to School Food Authorities for the purposes of the related program during the fiscal year for which the funds were initially	Y	Y	Other service or product our agency must/may provide	Disallow portions of claims and recover payment made to a program that was not properly payable.
1903	§220.15 Management evaluations and audits	Federal	Statute	(a) Unless otherwise exempt, audits at the State and institution levels shall be conducted in accordance with Office of Management and Budget Circular A-133 and the Department's implementing regulations at 7 CFR part 3052. For availability of the OMB Circ	N	N		
1904	§220.16 Procurement standards	Federal	Statute	(a) General. State agencies and school food authorities shall comply with the requirements of this part 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415, as applicable, which implement the applicable Office of Management and Budget Circulars, concerning the procurement of all goods and services with nonprofit school food service account funds. (b) Contractual responsibilities. The standards contained in 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415, as applicable, do not relieve the State agency or School Food Authority of any contractual responsibilities under its contract. The State agency or School Food Authority is the responsible authority, without recourse to FNS, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in connection with the Program. This includes but is not limited to: Source evaluation, protests, disputes, claims, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the local, State or Federal authority that has proper jurisdiction. (c) Procedures. The State agency may elect to follow either the State laws, policies and procedures as authorized by 2 CFR 200.317, or the procurement standards for other governmental grantees and all governmental subgrantees in accordance with 2 CFR 200.318 through 2 CFR 200.326. Regardless of the option selected, States must ensure that all contracts include any clauses required by Federal statutes and executive orders and that the requirements of 2 CFR 200.326 are followed. The school food authority may use its own procurement	Y	Y	Other service or product our agency must/may provide	States must ensure that all contracts include any clauses required by Federal statutes and executive orders and that the requirements of 2 CFR 200.326 are followed.
1905	§220.17 Prohibitions	Federal	Statute	(a) In carrying out the provisions of this part, the Department shall not impose any requirements with respect to teaching personnel, curriculum, instructions, methods of instruction, and materials of instruction in any school as a condition for participa	N	N		
1906	§220.18 Withholding payments	Federal	Statute	In accordance with 2 CFR 200.338 through 342, the State agency shall withhold Program payments, in whole or in part, to any school food authority which has failed to comply with the provisions of this part. Program payments shall be withheld until the school food authority takes corrective action satisfactory to the State agency, or gives evidence that such corrective actions will be taken, or until the State agency terminates the grant in accordance with §220.19. Subsequent to the State agency's acceptance of the corrective actions, payments will be released for any breakfasts served in accordance with the provisions of this part during the period the payments were withheld.	Y	Y	Other service or product our agency must/may provide	The State agency shall withhold Program payments, in whole or in part, to any school food authority which has failed to comply with the provisions of this part
1907	§220.19 Suspension, termination and grant closeout procedures	Federal	Statute	Whenever it is determined that a State agency has materially failed to comply with the provisions of this part, or with FNS guidelines and instructions, FNS may suspend or terminate the Program in whole, or in part, or take any other action as may be available and appropriate. A State agency may also terminate the Program by mutual agreement with FNS. FNS and the State agency shall comply with the provisions of 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 subparts B and D and USDA implementing regulations 2 CFR part 400 and part 415 concerning grant suspension, termination and closeout procedures. Furthermore, the State agency or FNSRO were applicable, shall apply these provisions to suspension or termination of the Program in School Food Authorities.	Y	Y	Other service or product our agency must/may provide	A State agency may also terminate the Program by mutual agreement with FNS.
1908	§220.20 Free and reduced price breakfasts	Federal	Statute	The determination of the children to whom free and reduced price breakfasts are to be served because of inability to pay the full price thereof, and the serving of the breakfasts to such children, shall be effected in accordance with part 245 of this chap	N	N		
1909	§220.21 Program information	Federal	Statute	School Food Authorities desiring information concerning the program should write to their State educational agency or to the appropriate Food and Nutrition Service Regional Office as indicated below: (a) In the States of Delaware, District of Columbia, M	N	N		
1910	§220.22 Information collection/recordkeeping—OMB assigned control numbers	Federal	Statute	7 CFR section where requirements are described Current OMB control number 220.3(e) 0584-0327 220.5 0584-0012 220.7(a)-(e) 0584-0329 0584-0012 0584-0026 220.8(f) 0584-0012 220.9(a) 0584-0012 220.11 (a), (b), (e) 0584-0012 0584-0002 0584-0341 220.12(	N	N		
1911	§220.23 Nutrition standards and menu planning approaches for breakfasts	Federal	Statute	(a) What are the nutrition standards for breakfasts for children age 2 and over? This section contains the requirements applicable to school breakfasts for children age 2 and over in school years 2012-2013 through 2013-14. All of the requirements of this	N	N		

1912	Appendix A to Part 220—Alternate Foods for Meals	Federal	Statute	Alternate Protein Products A. What Are the Criteria for Alternate Protein Products Used in the School Breakfast Program? 1. An alternate protein product used in meals planned under the food-based menu planning approaches in §220.8(g), must meet all of the criteria in this section. 2. An alternate protein product whether used alone or in combination with meat or other meat alternates must meet the following criteria: a. The alternate protein product must be processed so that some portion of the non-protein constituents of the food is removed. These alternate protein products must be safe and suitable edible products produced from plant or animal sources. b. The biological quality of the protein in the alternate protein product must be at least 80 percent that of casein, determined by performing a Protein Digestibility Corrected Amino Acid Score (PDCAAS). c. The alternate protein product must contain at least 18 percent protein by weight when fully hydrated or formulated. (“When hydrated or formulated” refers to a dry alternate protein product and the amount of water, fat, oil, colors, flavors or any other substances which have been added). d. Manufacturers supplying an alternate protein product to participating schools	Y	Y	Other service or product our agency must/may provide	Provide alternate protein products
1913	Appendix B to Part 220—Categories of Foods of Minimal Nutritional Value	Federal	Statute	(1) Soda Water—A class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60 °F. It either	N	N		
1914	Appendix B to Part 220—Categories of Foods of Minimal Nutritional Value	Federal	Statute	(c) Appendix B remains in effect through June 30, 2014.	N	N		
1915	Appendix C to Part 220—Child Nutrition (CN) Labeling Program	Federal	Statute	1. The Child Nutrition (CN) Labeling Program is a voluntary technical assistance program administered by the Food and Nutrition Service (FNS) in conjunction with the Food Safety and Inspection Service (FSIS), and Agricultural Marketing Service (AMS) of th	N	N		
1916	Title 7: Agriculture PART 215—SPECIAL MILK PROGRAM FOR CHILDREN	Federal	Statute					
1917	§215.1 General purpose and scope	Federal	Statute	This part announces the policies and prescribes the general regulations with respect to the Special Milk Program for Children, under the Child Nutrition Act of 1966, as amended, and sets forth the general requirements for participation in the program. The	N	N		
1918	§215.2 Definitions	Federal	Statute	For the purpose of this part, the term: 7 CFR part 3015 means the Uniform Federal Assistance Regulations published by the Department to implement certain policies applicable to all Department programs. The applicable provisions deal with competition for	N	N		
1919	§215.3 Administration	Federal	Statute	(a) Within the Department, FNS shall act on behalf of the Department in the administration of the Program. Within FNS, CND shall be responsible for Program administration. (b) Within the States, to the extent practicable and permissible under State law,	N	N		
1920	§215.4 Payments of funds to States and FNSROs	Federal	Statute	(a) For each fiscal year, the Secretary shall make payments to each State agency at such times as he may determine from the funds appropriated for Program reimbursement. Subject to §215.11(c)(2), the total of these payments for each State for any fiscal year shall be limited to the amount of reimbursement payable to School Food Authorities and child care institutions under §215.8 of this part for the total number of half-pints of milk served under the Program to eligible children from October 1 to September 30. (b) Each State agency shall be responsible for controlling Program reimbursement payments so as to keep within the funds made available to it, and for the timely reporting to FNS of the number of half pints of milk actually served. The Secretary shall increase or decrease the available level of funding by adjusting the State agency's Letter of Credit when appropriate.	Y	Y	Distribute funding to another entity	
1921	§215.5 Method of payment to States	Federal	Statute	(a) Funds to be paid to any State shall be made available by means of Letters of Credit issued by FNS in favor of the State agency. The State agency shall: (1) Obtain funds needed to reimburse School Food Authorities and child-care institutions through p	N	N		
1922	§215.6 Use of funds	Federal	Statute	(a) Federal funds made available under the Program shall be used to encourage the consumption of milk through reimbursement payments to schools and child-care institutions in connection with the purchase and service of milk to children in accordance with the provisions of this part: Provided, however, That, with the approval of FNS, any State agency, or FNSRO where applicable, may reserve for use in carrying out special developmental projects an amount equal to not more than 1 per centum of the Federal funds so made available for any fiscal year. (b) Whoever embezzles, willfully misapplies, steals, or obtains by fraud any funds, assets, or property provided under this part, whether received directly or indirectly from the Department, shall: (1) If such funds, assets, or property are of a value of $100 or more, be fined not more than $25,000 or imprisoned not more than 5 years or both; or (2) if such funds, assets, or property are of a value of less than $100, be fined not more than $1,000 or imprisoned not more than one year or both. (c) Whoever receives, conceals, or retains to his use or gain funds, assets, or property provided under this part, whether received directly or indirectly from the Department, knowing such funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be subject to the same penalties provided in paragraph (b) of this section.	Y	Y	Distribute funding to another entity	

1923	§215.7 Requirements for participation	Federal	Statute	(a) Any school or nonprofit child care institution shall receive the Special Milk Program upon request provided it does not participate in a meal service program authorized under the Child Nutrition Act of 1966 or the National School Lunch Act; except that schools with such meal service may receive the Special Milk Program upon request only for the children attending split-session kindergarten programs who do not have access to the meal service. Each School Food Authority or child-care institution shall make written application to the State agency, or FNSRO where applicable, for any school or child-care institution in which it desires to operate the Program, if such school or child-care institution did not participate in the Program in the prior fiscal year. (b) Any School Food Authority or child care institution participating in the Program may elect to serve free milk to children eligible for free meals. Upon application for the Program, each School Food Authority or child care institution: (1) Shall be required by the State agency, or FNSRO where applicable, to state whether or not it wishes to provide free milk in the schools or institutions participating under its jurisdiction and (2) If it so wishes to provide free milk, shall also submit for approval a free milk policy statement which, if for a school, shall be in accordance with part 245 of this chapter or, if for a child care institution, shall be in accordance with §215.13a of this part. (c) The application shall include information in sufficient detail to enable the	Y	Y	Other service or product our agency must/may provide	Provide free milk
1924	§215.8 Reimbursement payments	Federal	Statute	(a) [Reserved] (b)(1) The rate of reimbursement per half-pint of milk purchased and (i) served in nonpricing programs to all children; (ii) served to all children in pricing programs by institutions and School Food Authorities not electing to provide free milk; and (iii) served to children other than needy children in pricing programs by institutions and School Food Authorities electing to provide free milk shall be the rate announced by the Secretary for the applicable school year. However, in no event shall the reimbursement for each half-pint (236 ml.) of milk served to children exceed the cost of the milk to the school or child care institution. (2) The rate of reimbursement for milk purchased and served free to needy children in pricing programs by institutions and School Food Authorities electing to provide free milk shall be the average cost of milk, i.e., the total cost of all milk purchased during the claim period, divided by the total number of purchased half-pints. (c) Schools and child-care institutions having pricing programs shall use the reimbursement payments received to reduce the price of milk to children.	Y	Y	Distribute funding to another entity	
1925	§215.9 Effective date for reimbursement	Federal	Statute	(a) A State Agency, or FNSRO where applicable, may grant written approval to begin operations under the Program prior to the receipt of the application from the School Food Authority or child-care institution. Such written approval shall be attached to th	N	N		
1926	§215.10 Reimbursement procedures	Federal	Statute	(a) To be entitled to reimbursement under this part, each School Food Authority shall submit to the State agency, or FNSRO where applicable, a monthly Claim for Reimbursement. (b) Claims for Reimbursement shall include data in sufficient detail to justif	N	N		
1927	§215.11 Special responsibilities of State agencies	Federal	Statute	(a) [Reserved] (b) Program assistance. Each State agency, or FNSRO where applicable, shall provide Program assistance, as follows: (1) Consultive, technical, and managerial personnel to administer the Program and monitor performance of schools and child-care institutions and to measure progress toward achieving Program goals. (2) Visits to participating schools and child-care institutions to ensure compliance with Program regulations and with the Department's nondiscrimination regulations (part 15 of this title), issued under title VI of the Civil Rights Act of 1964. State agencies shall conduct reviews of schools participating in the Program for compliance with the provisions of this part when such schools are being reviewed under the provisions identified under §210.18 of this title. Compliance reviews of participating schools shall focus on the reviewed school's compliance with the required certification, counting, claiming, and milk service procedures. School food authorities may appeal a denial of all or a part of the Claim for Reimbursement or withholding of payment arising from review activity conducted by the State agency under §210.18 of this title or by FNS under §210.30(d)(2) of this title. Any such appeal shall be subject to the procedures set forth under §210.18(q) of this title or §210.30(d)(3) of this title, as appropriate. (3) Documentation of such Program assistance shall be maintained on file by the State agency, or FNSRO where applicable.	Y	Y	Report our agency must/may provide	
1928	§215.12 Claims against schools or child-care institutions	Federal	Statute	(a) State agencies, or FNSROs where applicable, shall disallow any portion of a claim and recover any payment made to a School Food Authority or child-care institution that was not properly payable under this part. State agencies will use their own procedures to disallow claims and recover overpayments already made. (b) [Reserved] (c) The State Agency may refer any matter in connection with this section to FNSRO and CND for determination of the action to be taken. (d) Each State agency shall maintain all records pertaining to action taken under this section. Such records shall be retained for a period of three years after the date of the submission of the final Financial Status Report, except that, if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit. (e) If CND does not concur with the State Agency action in paying a claim or a reclaim, or in failing to collect an overpayment FNSRO shall assert a claim against the State Agency for the amount of such claim, reclaim or overpayment. In all such cases, the State Agency shall have full opportunity to submit to CND evidence or information concerning the action taken. If in the determination of CND, the State Agency's action was unwarranted, the State Agency shall promptly pay to FNS the amount of the claim, reclaim, or overpayment.	Y	Y	Other service or product our agency must/may provide	The State Agency may refer any matter in connection with this section to FNSRO and CND for determination of the action to be taken
1929	§215.13 Management evaluations and audits	Federal	Statute	(a) Unless otherwise exempt, audits at the State and school food authority/child care institution levels shall be conducted in accordance with Office of Management and Budget Circular A-133 and the Department's implementing regulations at 7 CFR part 3052.	N	N		
1930	§215.13a Determining eligibility for free milk in child-care institutions	Federal	Statute	(a) General. Child care institutions which operate pricing programs may elect to make free milk available, as set forth in §215.7(d)(2), to children who meet the approved eligibility criteria. Such child care institutions shall determine the children who	N	N		

1931	§215.14a Procurement standards	Federal	Statute	(a) General. State agencies and school food authorities shall comply with the requirements of this part and 2 CFR part 200 and USDA implementing regulations 2 CFR part 400 and part 415, as applicable concerning the procurement of all goods and services with nonprofit school food service account funds. (b) Contractual responsibilities. The standards contained in this part and 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 200 subparts B and D and USDA implementing regulations 2 CFR part 400 and part 415, as applicable, do not relieve the State agency or School Food Authority of any contractual responsibilities under its contract. The State agency or School Food Authority is the responsible authority, without recourse to FNS, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in connection with the Program. This includes but is not limited to: Source evaluation, protests, disputes, claims, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the local, State or Federal authority that has proper jurisdiction. (c) Procedures. The State agency may elect to follow either the State laws, policies and procedures as authorized by 2 CFR 200.317, or the procurement standards for other governmental grantees and all governmental subgrantees in accordance with 2 CFR 200.318 through 2 CFR 200.326. Regardless of the option selected, States must ensure that all contracts include any clauses required by Federal statutes and executive orders and that the requirements of 2 CFR 200.236 and Appendix II, Contract Provisions for Non-Federal Entity Contracts	Y	Y	Other service or product our agency must/may provide	Comply with the requirements of this part and implement regulations from USDA
1932	§215.15 Withholding payments	Federal	Statute	In accordance with Departmental regulations at §§3016.43 and 3019.62 of this title, the State agency shall withhold Program payments in whole or in part, to any school food authority which has failed to comply with the provisions of this part. Program pay	N	N		
1933	§215.16 Suspension, termination and grant closeout procedures	Federal	Statute	Whenever it is determined that a State agency has materially failed to comply with the provisions of this part, or with FNS guidelines and instructions, FNS may suspend or terminate the Program in whole, or in part, or take any other action as may be avai	N	N		
1934	§215.17 Program information	Federal	Statute	School Food Authorities and child-care institutions desiring information concerning the Program should write to their State educational agency, or the appropriate Food and Nutrition Service Regional Office of FNS as indicated below:	N	N		
1935	§215.18 Information collection/recordkeeping—OMB assigned control numbers	Federal	Statute	7 CFR section where requirements are described Current OMB control number 215.3(d) 0584-0327 215.5(a) 0584-0005 0584-0002 215.5(c) 0584-0341 215.7 (a), (c) 0584-0005 215.7 (b)(2) 0584-0026 215.7(d) 0584-0329 0584-0005 215.10 (a), (b), (d)	N	N		
1936	Title 7: Agriculture PART 235—STATE ADMINISTRATIVE EXPENSE FUNDS	Federal	Statute					
1937	§235.1 General purpose and scope	Federal	Statute	This part announces the policies and prescribes the regulations necessary to carry out the provisions of section 7 of the Child Nutrition Act of 1966, as amended. It prescribes the methods for making payments of funds to State agencies for use for adminis	N	N		
1938	§235.2 Definitions	Federal	Statute	For the purpose of this part, the term: 7 CFR part 3015 means the Uniform Federal Assistance Regulations published by the Department to implement certain policies applicable to all Department programs. The applicable provisions deal with competition for	N	N		
1939	§235.3 Administration	Federal	Statute	(a) Within the Department, FNS shall act on behalf of the Department in the administration of the program for payment to States of State administrative expense funds covered by this part. Within FNS, CND shall be responsible for administration of the program. (b) Each State agency desiring to receive payments under this part shall enter into a written agreement with the Department for the administration of the child nutrition programs in accordance with the applicable requirements of this part, 7 CFR parts 210, 215, 220, 225, 226, 245, 15, 15a, 15b, and 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415. Each agreement shall cover the operation of the Program during the period specified therein and may be extended at the option of the Department.	Y	Y	Other service or product our agency must/may provide	Enter into a written agreement with the Department for the administration of the child nutrition programs in accordance with the applicable requirements
1940	§235.4 Allocation of funds to States	Federal	Statute	(a) Nondiscretionary SAE Funds. For each fiscal year, FNS shall allocate the following: (1) To each State which administers the National School Lunch, School Breakfast or Special Milk Programs an amount equal to one (1) percent of the funds expended by such State during the second preceding fiscal year under sections 4 and 11 of the National School Lunch Act, as amended, and sections 3, 4 and 17A of the Child Nutrition Act of 1966, as amended. However, the total amount allocated to any State under this paragraph shall not be less than $200,000 or the amount allocated to the State in the fiscal year ending September 30, 1981, whichever is greater. On October 1, 2008 and each October 1 thereafter, the minimum dollar amount for a fiscal year for administrative costs shall be adjusted to reflect the percentage change between the value of the index for State and local government purchases, as published by the Bureau of Economic Analysis of the Department of Commerce, for the 12-month period ending June 30 of the second preceding fiscal year, and the value of that index for the 12-month period ending June 30 of the preceding fiscal year. (2) To each State which administers the Child and Adult Care Food Program an amount equal to the sum of: Twenty percent of the first $50,000; ten percent of the next $100,000; five percent of the next $250,000; and two and one-half percent of any remaining funds expended within the State under section 17 of the National School Lunch Act, as amended, during the second preceding fiscal year. FNS may adjust the amount of any such allocation in accordance with changes in the size of the Child and Adult Care Food Program in a State.	Y	Y	Distribute funding to another entity	

1941	§235.5 Payments to States	Federal	Statute	(a) Method of payment. FNS will specify the terms and conditions of the State agency's annual grant of SAE funds in conjunction with the grant award document and will make funds available for payment by means of a Letter of Credit issued in favor of the State agency. The total amount of a State agency's grant shall be equal to the sum of the amounts allocated to such agency under §235.4 plus or minus any adjustments resulting from the reallocation provisions under paragraph (d) of this section plus any transfers under §235.6(a) and/or §235.6(c) of this part. The amount of SAE funds made available for payment to a State agency in any fiscal year shall be determined by FNS upon approval of the State agency's administrative plan under paragraph (b) of this section and any amendments to such plan under paragraph (c) of this section. Funds shall not be made available before the State agency's plan or amendment to such plan, as applicable, has been approved by FNS. However, if the plan has not been approved by October 1 of the base year, FNS may advance SAE funds to the State agency, in amounts determined appropriate by FNS, pending approval of the plan. (b) Administrative plan. (1) Each State agency shall submit, subject to FNS approval, an initial State Administrative Expense plan based upon guidance provided by FNS. This base year plan shall include: (i) The staffing pattern for State level personnel; (ii) A budget for the forthcoming fiscal year showing projected amounts (combined SAE and State funds) by cost category;	Y	Y	Other service or product our agency must/may provide	Each State agency shall submit, subject to FNS approval, an initial State Administrative Expense plan based upon guidance provided by FNS
1942	§235.6 Use of funds	Federal	Statute	(a) Funds allocated under this part and 7 CFR part 225 shall be used for State agency administrative costs incurred in connection with the programs governed by 7 CFR parts 210, 215, 220, 225, 226, and 250 of this title. Except as provided under §235.6(c),	N	N		
1943	§235.7 Records and reports	Federal	Statute	(a) Each State agency shall keep records on the expenditure of State administrative expense funds provided under this part and part 225 of this title. Such records shall conform with the applicable State plan for use of State administrative expense funds. The State agency shall make such records available, upon a reasonable request, to FNS, OIG, or the U.S. Comptroller General and shall maintain current accounting records of State administrative expense funds which shall adequately identify fund authorizations, obligations, unobligated balances, assets, liabilities, outlays and income. The records may be kept in their original form or on microfilm, and shall be retained for a period of three years after the date of the submission of the final Financial Status Report, subject to the exceptions noted below: (1) If audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit. (2) Records for nonexpendable property acquired with State Administrative Expense Funds shall be retained for three years after its final disposition. (b) Each State agency shall submit to FNS a quarterly Financial Status Report (FNS-777) on the use of State administrative expense funds provided for each fiscal year under this part. Reports shall be postmarked and/or submitted to FNS no later than 30 days after the end of each quarter of the fiscal year and, in case of funds carried over under §235.6(a), each quarter of the following fiscal year until all such funds have been obligated and expended. Obligations shall be	Y	Y	Report our agency must/may provide	
1944	§235.8 Management evaluations and audits	Federal	Statute	(a) Unless otherwise exempt, audits at the State level shall be conducted in accordance with Office of Management and Budget Circular A-133, and the Department's implementing regulations at 7 CFR part 3052. (To obtain the OMB circular referenced in this d	N	N		
1945	§235.9 Procurement and property management standards	Federal	Statute	(a) Requirements. State agencies shall comply with the requirements of 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415 concerning the procurement of supplies, equipment and other services with State Administrative Expense Funds. (b) Contractual responsibilities. The standards contained in 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415 do not relieve the State agency of any contractual responsibilities under its contract. The State agency is the responsible authority, without recourse to FNS, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in connection with the Program. This includes, but is not limited to source evaluation, protests, disputes, claims, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the local, State or Federal authority that has proper jurisdiction. (c) Procurement procedure. The State agency may use its own procurement procedures which reflect applicable State laws and regulations, in accordance with 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415. (d) Property acquired with State administrative expense funds. State Agencies shall comply with the requirements of 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415 in their utilization and disposition of property acquired in whole or in part with State Administrative	Y	Y	Other service or product our agency must/may provide	State agencies shall comply with the requirements of 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415 concerning the procurement of supplies.
1946	§235.10 [Reserved]	Federal	Statute					
1947	§235.11 Other provisions	Federal	Statute	(a) State funds. Expenditures of funds from State sources in any fiscal year for the administration of the National School Lunch Program, School Breakfast Program, Special Milk Program, Child and Adult Care Food Program shall not be less than that expended or obligated in fiscal year 1977. Failure of a State to maintain this level of funding will result in the total withdrawal of SAE funds. State agencies shall follow the provisions of 2 CFR part 200, subpart E and USDA implementing regulations 2 CFR part 400 and part 415 in identifying and documenting expenditures of funds from State revenues to meet the State funding requirement of this paragraph. (b) Sanctions imposed. (1) FNS may recover, withhold or cancel payment of up to one hundred (100) percent of the funds payable to a State agency under this part, whenever it is determined by FNS that the State agency has failed to comply with the requirements contained in this part and in parts 210, 215, 220 and 226 of this title and in part 250 of this title as it applies to the operation of the Food Distribution Program in schools and child and adult care institutions. (2) In addition to the general provisions found in paragraph (b)(1) of this section, FNS may, for any fiscal year, recover, withhold or cancel payment of up to thirty-three and one-third (331⁄3) percent of the funds payable to, and to be used by, a State agency under §235.4(a)(1) and §235.4(b)(3) for administration of school nutrition programs in FNS determines that a State agency is deficient in one or more of the following: (i) Implementing the requirements in §210.18;	Y	Y	Distribute funding to another entity	
1948	§235.12 Information collection/recordkeeping—OMB assigned control numbers	Federal	Statute	7 CFR section where requirements are described Current OMB control number 235.3(b) 0584-0067 235.4(d), (e) 0584-0067 235.7(a) 0584-0067 235.7(b) 0584-0067 235.7(c) 0584-0067 235.8(a), (b) 0584-0067 235.9(c), (d) 0584-0067 235.11(b)(2) 0584-0067 2	N	N		

Agency Name:	Department of Education			Fiscal Year 2017-2018				
				Accountability Report				
Agency Code:	63	Section:	001					
				Legal Standards Template				
Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who your agency must or may serve? (Y/N)	Does the law specify a product or service your agency must or may provide?	*If yes, what type of service or product?*	*If other service or product, please specify what service or product.*
1949	Subpart 1 — Charter School Programs SEC. 5201. PURPOSE	Federal	Statute	It is the purpose of this subpart to increase national understanding of the charter schools model by — (1) providing financial assistance for the planning, program design, and initial implementation of charter schools; (2) evaluating the effects of such schools, including the effects on students, student academic achievement, staff, and parents; (3) expanding the number of high-quality charter schools available to students across the Nation; and (4) encouraging the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.	N	N		
1950	SEC. 5202. PROGRAM AUTHORIZED	Federal	Statute	(a) IN GENERAL- The Secretary may award grants to State educational agencies having applications approved pursuant to section 5203 to enable such agencies to conduct a charter school grant program in accordance with this subpart. (b) SPECIAL RULE- If a State educational agency elects not to participate in the program authorized by this subpart or does not have an application approved under section 5203, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 5203(c). (c) PROGRAM PERIODS- (1) GRANTS TO STATES- Grants awarded to State educational agencies under this subpart shall be for a period of not more than 3 years. (2) GRANTS TO ELIGIBLE APPLICANTS- Grants awarded by the Secretary to eligible applicants or subgrants awarded by State educational agencies to eligible applicants under this subpart shall be for a period of not more than 3 years, of which the eligible applicant may use — (A) not more than 18 months for planning and program design; (B) not more than 2 years for the initial implementation of a charter school; and (C) not more than 2 years to carry out dissemination activities described in section 5204(f)(6)(B). (d) LIMITATION- A charter school may not receive — (1) more than one grant for activities described in subparagraphs (A) and (B) of subsection (c)(2); or (2) more than one grant for activities under subparagraph (C) of subsection (c)(2).	Y	Y	Distribute funding to another entity; Other service or product our agency must provide	Provide for charters
1951	SEC. 5203. APPLICATIONS	Federal	Statute	(a) APPLICATIONS FROM STATE AGENCIES- Each State educational agency desiring a grant from the Secretary under this subpart shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require. (b) CONTENTS OF A STATE EDUCATIONAL AGENCY APPLICATION- Each application submitted pursuant to subsection (a) shall — (1) describe the objectives of the State educational agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program; and (2) describe how the State educational agency — (A) will inform each charter school in the State regarding — (i) Federal funds that the charter school is eligible to receive; and (ii) Federal programs in which the charter school may participate; (B) will ensure that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the charter school; and (C) will disseminate best or promising practices of charter schools to each local educational agency in the State; and (3) contain assurances that the State educational agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State educational agency containing — (A) a description of the educational program to be implemented by the	Y	Y	Report our agency must/may provide; Distribute funding to another entity	
1952	SEC. 5204. ADMINISTRATION	Federal	Statute	((a) SELECTION CRITERIA FOR STATE EDUCATIONAL AGENCIES- The Secretary shall award grants to State educational agencies under this subpart on the basis of the quality of the applications submitted under section 5203(b), after taking into consideration such factors as — (1) the contribution that the charter schools grant program will make to assisting educationally disadvantaged and other students in meeting State academic content standards and State student academic achievement standards; (2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law; (3) the ambitiousness of the objectives for the State charter school grant program; (4) the quality of the strategy for assessing achievement of those objectives; (5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students; (6) the number of high-quality charter schools created under this subpart in the State; and (7) in the case of State educational agencies that propose to use grant funds to support dissemination activities under subsection (f)(6)(B), the quality of those activities and the likelihood that those activities will improve student academic achievement. (b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS- The Secretary shall award grants to eligible applicants under this subpart on the basis of the quality of the applications submitted under section 5203(c), after taking into consideration such factors as —	Y	Y	Distribute funding to another entity	

1953	SEC. 5205. NATIONAL ACTIVITIES	Federal	Statute	(a) IN GENERAL- The Secretary shall reserve for each fiscal year the greater of 5 percent or $5,000,000 of the amount appropriated to carry out this subpart, except that in no fiscal year shall the total amount so reserved exceed $8,000,000, to carry out the following activities: (1) To provide charter schools, either directly or through State educational agencies, with — (A) information regarding — (i) Federal funds that charter schools are eligible to receive; and (ii) other Federal programs in which charter schools may participate; and (B) assistance in applying for Federal education funds that are allocated by formula, including assistance with filing deadlines and submission of applications. (2) To provide for other evaluations or studies that include the evaluation of the impact of charter schools on student academic achievement, including information regarding — (A) students attending charter schools reported on the basis of race, age, disability, gender, limited English proficiency, and previous enrollment in public school; and (B) the professional qualifications of teachers within a charter school and the turnover of the teaching force. (3) To provide — (A) information to applicants for assistance under this subpart; (B) assistance to applicants for assistance under this subpart with the preparation of applications under section 5203; (C) assistance in the planning and startup of charter schools;	N	N		
1954	SEC. 5206. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.	Federal	Statute	a) IN GENERAL- For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion. (b) ADJUSTMENT AND LATE OPENINGS- (1) IN GENERAL- The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data. (2) RULE- For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.	Y	Y	Distribute funding to another entity	
1955	SEC. 5207. SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS	Federal	Statute	To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules or regulations required to implement this subpart, as well as in the development of any rules or regulations relevant to charter schools that are required to implement part A of title I, the Individuals with Disabilities Education Act, or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.	N	N		
1956	SEC. 5208. RECORDS TRANSFER	Federal	Statute	State educational agencies and local educational agencies, to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 602(11) of the Individuals with Disabilities Education Act, are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.	Y	Y	Other service or product our agency must/may provide	Ensure students records and IEPs are transferred to a charter school upon transfer
1957	SEC. 5209. PAPERWORK REDUCTION	Federal	Statute	To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this subpart results in a minimum of paperwork for any eligible applicant or charter school.	N	N		
1958	SEC. 5210. DEFINITIONS	Federal	Statute	In this subpart: (1) CHARTER SCHOOL- The term charter school' means a public school that — (A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the	N	N		
1959	SEC. 5211. AUTHORIZATION OF APPROPRIATIONS	Federal	Statute	(a) IN GENERAL- There are authorized to be appropriated to carry out this subpart $300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years. (b) RESERVATION- From the amount appropriated under subsection (a) for each fiscal year, the Secretary shall reserve — (1) $200,000,000 to carry out this subpart, other than section 5205(b); and (2) any funds in excess of $200,000,000, that do not exceed $300,000,000, to carry out section 5205(b); and (3)(A) 50 percent of any funds in excess of $300,000,000 to carry out this subpart, other than section 5205(b); and (B) 50 percent of any funds in excess of $300,000,000 to carry out section 5205(b).	N	N		

Agency Name:	Department of Education			Fiscal Year 2017-2018				
				Accountability Report				
Agency Code:	63	Section:	001					
				Legal Standards Template				
Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who your agency must or may serve? (Y/N)	Does the law specify a product or service your agency must or may provide?	*If yes, what type of service or product?*	*If other service or product, please specify what service or product.*
1960	Subpart A—General §462.1 What is the scope of this part?	Federal	Statute	The regulations in this part establish the— (a) Procedures the Secretary uses to determine the suitability of standardized tests for use in the National Reporting System for Adult Education (NRS) to measure educational gain of participants in an adult education program required to report under the NRS; and (b) Procedures States and local eligible providers must follow when measuring educational gain for use in the NRS. (Authority: 20 U.S.C. 9212)	N	N		
1961	§462.2 What regulations apply?	Federal	Statute	The following regulations apply to this part: (a) The Education Department General Administrative Regulations (EDGAR) as follows: (1) 34 CFR part 74 (Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations). (2) 34 CFR part 76 (State-Administered Programs). (3) 34 CFR part 77 (Definitions that Apply to Department Regulations). (4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities). (5) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments). (6) 34 CFR part 81 (General Education Provisions Act—Enforcement). (7) 34 CFR part 82 (New Restrictions on Lobbying). (8) 34 CFR part 84 (Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)).	N	N		
1962	§462.3 What definitions apply?	Federal	Statute	(a) Definitions in the Adult Education and Family Literacy Act (Act). The following terms used in these regulations are defined in section 203 of the Adult Education and Family Literacy Act, 20 U.S.C. 9202 (Act): Adult education, Eligible provider, Individual of limited English proficiency, Individual with a disability, Literacy. (b) Other definitions. The following definitions also apply to this part: Adult basic education (ABE) means instruction designed for an adult whose educational functioning level is equivalent to a particular ABE literacy level listed in the NRS educational functioning level table in §462.44. Adult education population means individuals— (1) Who are 16 years of age or older; (2) Who are not enrolled or required to be enrolled in secondary school under	N	N		
1963	§462.4 What are the transition rules for using tests to measure educational gain for the National Reporting System	Federal	Statute	A State or a local eligible provider may continue to measure educational gain for the NRS using a test that was identified in the Guidelines until the Secretary announces through a notice published in the Federal Register a deadline by which States and local eligible providers must use only tests that the Secretary has reviewed and determined to be suitable for use in the NRS under this part.	Y	Y	Other service or product our agency must/may provide	Measure educational gain
1964	Process Does the Secretary Use To Review the Suitability of Tests for Use in the NRS?§462.10 How does the Secretary review tests?	Federal	Statute	(a) The Secretary only reviews tests under this part that are submitted by a test publisher. (b) A test publisher that wishes to have the suitability of its test determined by the Secretary under this part must submit an application to the Secretary, in the manner the Secretary may prescribe, by April 14, 2008, and, thereafter, by October 1 of each year. (Authority: 20 U.S.C. 9212)	N	N		
1965	§462.11 What must an application contain?	Federal	Statute	(a) Application content and format. In order for the Secretary to determine whether a standardized test is suitable for measuring the gains of participants in an adult education program required to report under the NRS, a test publisher must— (1) Include with its application information listed in paragraphs (b) through (i) of this section, and, if applicable, the information listed in paragraph (j) of this section; (2) Provide evidence that it holds a registered copyright of a test or is licensed by the copyright holder to sell or distribute a test. (3)(i) Arrange the information in its application in the order it is presented in paragraphs (b) through (j) of this section; or (ii) Include a table of contents in its application that identifies the location of the information required in paragraphs (b) through (j) of this section. (4) Submit to the Secretary three copies of its application. (b) General information. (1) A statement, in the technical manual for the test, of the intended purpose of the test and how the test will allow examinees to demonstrate the skills that are associated with the NRS educational functioning levels in §462.44.	Y	Y	Report our agency must/may provide	

1966	§462.12 What procedures does the Secretary use to review the suitability of tests?	Federal	Statute	(a) Review. (1) When the Secretary receives a complete application from a test publisher, the Secretary selects experts in the field of educational testing and assessment who possess appropriate advanced degrees and experience in test development or psychometric research, or both, to advise the Secretary on the extent to which a test meets the criteria and requirements in §462.13. (2) The Secretary reviews and determines the suitability of a test only if an application— (i) Is submitted by a test publisher; (ii) Meets the deadline established by the Secretary; (iii) Includes a test that— (A) Has two or more secure, parallel, equated forms of the same test—either traditional paper and pencil or computer-administered instruments—for which forms are constructed prior to administration to examinees; or (B) Is an adaptive test that uses computerized algorithms for selecting and administering items in real time; however, for such an instrument, the size of the item pool and the method of item selection must ensure negligible overlap in items across pre- and post-testing; (iv) Includes a test that samples one or more of the major content domains of	N	N		
1967	§462.13 What criteria and requirements does the Secretary use for determining the suitability of tests?	Federal	Statute	In order for the Secretary to consider a test suitable for use in the NRS, the test or the test publisher, if applicable, must meet the following criteria and requirements: (a) The test must measure the NRS educational functioning levels of members of the adult education population. (b) The test must sample one or more of the major content domains of the NRS educational functioning levels of ABE, ESL, or ASE with sufficient numbers of questions to adequately represent the domain or domains. (c)(1) The test must meet all applicable and feasible standards for test construction and validity provided in the 1999 edition of the Standards for Educational and Psychological Testing, prepared by the Joint Committee on Standards for Educational and Psychological Testing of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education incorporated by reference in this section. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from the American Psychological Association, Inc., 750 First Street, NE., Washington, DC 20002. You may inspect a copy at the Department of Education, room 11159, 550 12th Street, SW., Washington, DC 20202 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_loc	N	N		
1968	§462.14 How often and under what circumstances must a test be reviewed by the Secretary?	Federal	Statute	(a) The Secretary's determination that a test is suitable for use in the NRS is in effect for a period of seven years from the date of the Secretary's written notification to the test publisher, unless otherwise indicated by the Secretary. After that time, if the test publisher wants the test to be used in the NRS, the test must be reviewed again by the Secretary so that the Secretary can determine whether the test continues to be suitable for use in the NRS. (b) If a test that the Secretary has determined is suitable for use in the NRS is substantially revised—for example, by changing its structure, number of items, content specifications, item types, or sub-tests—and the test publisher wants the test to continue to be used in the NRS, the test publisher must submit, as provided in §462.11(j)(4), the substantially revised test or version of the test to the Secretary for review so that the Secretary can determine whether the test continues to be suitable for use in the NRS. (Authority: 20 U.S.C. 9212)	N	N		
1969	Subpart C [Reserved] Subpart D—What Requirements Must States and Local Eligible Providers Follow When Measuring Educational Gain? §462.40 Must a State have an assessment policy?	Federal	Statute	(a) A State must have a written assessment policy that its local eligible providers must follow in measuring educational gain and reporting data in the NRS. (b) A State must submit its assessment policy to the Secretary for review and approval at the time it submits its annual statistical report for the NRS. (c) The State's assessment policy must— (1) Include a statement requiring that local eligible providers measure the educational gain of all students who receive 12 hours or more of instruction in the State's adult education program with a test that the Secretary has determined is suitable for use in the NRS; (2) Identify the pre- and post-tests that the State requires local eligible providers to use to measure the educational gain of ABE, ESL, and ASE students; (3)(i) Indicate when, in calendar days or instructional hours, local eligible providers must administer pre- and post-tests to students; and (ii) Ensure that the time for administering the post-test is long enough after the pre-test to allow the test to measure educational gains according to the test publisher's guidelines; (4) Specify the score ranges tied to educational functioning levels for placement and for reporting gains for accountability;	Y	Y	Report our agency must/may provide	
1970	§462.41 How must tests be administered in order to accurately measure educational gain?	Federal	Statute	(a) General. A local eligible provider must measure the educational gains of students using only tests that the Secretary has determined are suitable for use in the NRS and that the State has identified in its assessment policy. (b) Pre-test. A local eligible provider must— (1) Administer a pre-test to measure a student's educational functioning level at intake, or as soon as possible thereafter; (2) Administer the pre-test to students at a uniform time, according to its State's assessment policy; and (3) Administer pre-tests to students in the skill areas identified in its State's assessment policy. (c) Post-test. A local eligible provider must— (1) Administer a post-test to measure a student's educational functioning level after a set time period or number of instructional hours; (2) Administer the post-test to students at a uniform time, according to its State's assessment policy; (3)(i) Administer post-tests with a secure, parallel, equated form of the same test—either traditional paper and pencil or computer-administered	Y	Y	Other service or product our agency must/may provide	Measure educational gain; provide specific functions if a local eligible provider

1971	§462.42 How are tests used to place students at an NRS educational functioning level?	Federal	Statute	(a) A local eligible provider must use the results of the pre-test described in §462.41(b) to initially place students at the appropriate NRS educational functioning level. (b) A local eligible provider must use the results of the post-test described in §462.41(c)— (1) To determine whether students have completed one or more educational functioning levels or are progressing within the same level; and (2) To place students at the appropriate NRS educational functioning level. (c)(1) States and local eligible providers are not required to use all of the skill areas described in the NRS educational functioning levels to place students. (2) States and local eligible providers must test and report on the skill areas most relevant to the students' needs and to the programs' curriculum. (d)(1) If a State's assessment policy requires a local eligible provider to test a student in multiple skill areas and the student will receive instruction in all of the skill areas, the local eligible provider must place the student in an educational functioning level that is equivalent to the student's lowest test score for any of the skill areas tested under §462.41(b) and (c). (2) If a State's assessment policy requires a local eligible provider to test a	N	N		
1972	§462.43 How is educational gain measured?	Federal	Statute	(a)(1) Educational gain is measured by comparing the student's initial educational functioning level, as measured by the pre-test described in §462.41(b), with the student's educational functioning level as measured by the post-test described in §462.41(c). Example: A State's assessment policy requires its local eligible providers to test students in reading and numeracy. The student scores lower in reading than in numeracy. As described in §462.42(d)(1), the local eligible provider would use the student's reading score to place the student in an educational functioning level. To measure educational gain, the local eligible provider would compare the reading score on the pre-test with the reading score on the post-test. (2) A student is considered to have made an educational gain when the student's post-test indicates that the student has completed one or more educational functioning levels above the level in which the student was placed by the pre-test. (b) If a student is not post-tested, then no educational gain can be measured for that student and the local eligible provider must report the student in the same educational functioning level as initially placed for NRS reporting purposes. (Approved by the Office of Management and Budget under control number 1830-0027) (Authority: 20 U.S.C. 9212)	Y	Y	Other service or product our agency must/may provide	Measure educational gain
1973	§462.44 Which educational functioning levels must States and local eligible providers use to	Federal	Statute	States and local eligible providers must use the NRS educational functioning levels in the following functioning level table:	N	N		
1974	Title 34: Education PART 100—NONDISCRIMINATION UNDER PROGRAMS RECEIVING FEDERAL ASSISTANCE THROUGH THE DEPARTMENT OF	Federal	Statute					
1975	§100.1 Purpose	Federal	Statute	The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall; on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Education.	N	N		
1976	§100.2 Application of this regulation	Federal	Statute	This regulation applies to any program to which Federal financial assistance is authorized to be extended to a recipient under a law administered by the Department, including the Federal financial assistance listed in appendix A of this regulation. It applies to money paid, property transferred, or other Federal financial assistance extended after the effective date of the regulation pursuant to an application approved prior to such effective date. This regulation does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred, or other assistance extended before the effective date of this regulation, (c) the use of any assistance by any individual who is the ultimate beneficiary, or (d) any employment practice, or any employer, employment agency, or labor organization, except to the extent described in §100.3. The fact that a type of Federal assistance is not listed in appendix A shall not mean, if title VI of the Act is otherwise applicable, that a program is not covered. Federal financial assistance under statutes now in force or hereinafter enacted may be added to this list by notice published in the Federal Register. (Authority: Secs. 602, 604, Civil Rights Act of 1964; 78 Stat. 252, 253; 42 U.S.C. 2000d-1, 2000d-3)	N	N		
1977	§100.3 Discrimination prohibited	Federal	Statute	(a) General. No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies. (b) Specific discriminatory actions prohibited. (1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on ground of race, color, or national origin: (i) Deny an individual any service, financial aid, or other benefit provided under the program; (ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program; (iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program; (iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program; (v) Treat an individual differently from others in determining whether he	N	N		

1978	§100.4 Assurances required	Federal	Statute	(a) General. (1) Every application for Federal financial assistance to which this part applies, except an application to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. In the case of an application for Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In the case of personal property the assurance shall obligate the recipient for the period during which he retains ownership or possession of the property. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible Department official shall specify the form of the foregoing assurances, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement. (2) Where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government the instrument effecting or recording the transfer shall contain a covenant running with the	N	N		
1979	§100.5 Illustrative application	Federal	Statute	The following examples will illustrate the programs aided by Federal financial assistance of the Department. (In all cases the discrimination prohibited is discrimination on the ground of race, color, or national origin prohibited by title VI of the Act and this regulation, as a condition of the receipt of Federal financial assistance). (a) In federally-affected area assistance (Pub. L. 815 and Pub. L. 874) for construction aid and for general support of the operation of elementary or secondary schools, or in more limited support to such schools such as for the acquisition of equipment, the provision of vocational education, or the provision of guidance and counseling services, discrimination by the recipient school district in any of its elementary or secondary schools in the admission of students, or in the treatment of its students in any aspect of the educational process, is prohibited. In this and the following illustrations the prohibition of discrimination in the treatment of students or other trainees includes the prohibition of discrimination among the students or trainees in the availability or use of any academic, dormitory, eating, recreational, or other facilities of the grantee or other recipient. (b) In a research, training, demonstration, or other grant to a university for activities to be conducted in a graduate school, discrimination in the admission and treatment of students in the graduate school is prohibited, and the prohibition extends to the entire university. (c) In a training grant to a hospital or other nonacademic institution,	N	N		
1980	§100.6 Compliance information	Federal	Statute	(a) Cooperation and assistance. The responsible Department official shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part. (b) Compliance reports. Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. For example, recipients should have available for the Department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of and participants in federally-assisted programs. In the case in which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part. (c) Access to sources of information. Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information the recipient shall so certify in its report and	Y	Y	Report our agency must/may provide; Other service or product our agency must/may provide	Cooperation and assistance
1981	§100.7 Conduct of investigations	Federal	Statute	(a) Periodic compliance reviews. The responsible Department official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this part. (b) Complaints. Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the responsible Department official or his designee a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official or his designee. (c) Investigations. The responsible Department official or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part. (d) Resolution of matters. (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the responsible Department official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in §100.8.	N	N		

1982	§100.8 Procedure for effecting compliance	Federal	Statute	(a) General. If there appears to be a failure or threatened failure to comply with this regulation, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law. (b) Noncompliance with §100.4. If an applicant fails or refuses to furnish an assurance required under §100.4 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Department shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph except that the Department shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part. (c) Termination of or refusal to grant or to continue Federal financial assistance. No order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Department	N	N		
1983	§100.9 Hearings	Federal	Statute	(a) Opportunity for hearing. Whenever an opportunity for a hearing is required by §100.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible Department official that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and §100.8(c) of this regulation and consent to the making of a decision on the basis of such information as may be filed as the record. (b) Time and place of hearing. Hearings shall be held at the offices of the Department in Washington, DC, at a time fixed by the responsible Department official unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before a hearing examiner designated in accordance with 5 U.S.C. 3105 and 3344 (section 11 of the Administrative Procedure Act).	N	N		
1984	§100.10 Decisions and notices	Federal	Statute	(a) Decisions by hearing examiners. After a hearing is held by a hearing examiner such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the reviewing authority for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient and to the complainant, if any. Where the initial decision referred to in this paragraph or in paragraph (c) of this section is made by the hearing examiner, the applicant or recipient or the counsel for the Department may, within the period provided for in the rules of procedure issued by the responsible Department official, file with the reviewing authority exceptions to the initial decision, with his reasons therefor. Upon the filing of such exceptions the reviewing authority shall review the initial decision and issue its own decision thereof including the reasons therefor. In the absence of exceptions the initial decision shall constitute the final decision, subject to the provisions of paragraph (e) of this section. (b) Decisions on record or review by the reviewing authority. Whenever a record is certified to the reviewing authority for decision or it reviews the decision of a hearing examiner pursuant to paragraph (a) or (c) of this section, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of its contentions, and a copy of the final decision of the reviewing authority shall be given in writing to the applicant or recipient and to the complainant, if any. (c) Decisions on record where a hearing is waived. Whenever a hearing is waived pursuant to §100.9(a) the reviewing authority shall make its final decision on the	N	N		
1985	§100.11 Judicial review	Federal	Statute	Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act. (Authority: Sec. 603, 78 Stat. 253; 42 U.S.C. 2000d-2)	N	N		
1986	§100.12 Effect on other regulations; forms and instructions	Federal	Statute	(a) Effect on other regulations. All regulations, orders, or like directions heretofore issued by any officer of the Department which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this regulation applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of assistance for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this regulation, except that nothing in this regulation shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this regulation. Nothing in this regulation, however, shall be deemed to supersede any of the following (including future amendments thereof): (1) Executive Order 11063 and regulations issued thereunder, or any other regulations or instructions, insofar as such Order, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this regulation is inapplicable, or prohibit discrimination on any other ground; or (2) Requirements for Emergency School Assistance as published in 35 FR 13442 and codified as 34 CFR part 280. (b) Forms and instructions. The responsible Department official shall issue and promptly make available to interested persons forms and detailed instructions	N	N		

1987	§100.13 Definitions	Federal	Statute	As used in this part: (a) The term Department means the Department of Education. (b) The term Secretary means the Secretary of Education. (c) The term responsible Department official means the Secretary or, to the extent of any delegation by the Secretary of authority to act in his stead under any one or more provisions of this part, any person or persons to whom the Secretary has heretofore delegated, or to whom the Secretary may hereafter delegate such authority. (d) The term reviewing authority means the Secretary, or any person or persons (including a board or other body specially created for that purpose and also including the responsible Department official) acting pursuant to authority delegated by the Secretary to carry out responsibilities under §100.10(a)-(d). (e) The term United States means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term “State” means any one of the foregoing. (f) The term Federal financial assistance includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission	N	N		
1988	Appendix A to Part 100—Federal Financial Assistance to Which These Regulations Apply	Federal	Statute	Part 1—Assistance Other Than Continuing Assistance to States 1. Loans for acquisition of equipment for academic subjects, and for minor remodeling (20 U.S.C. 445). 2. Construction of facilities for institutions of higher education (20 U.S.C. 701-758). 3. School Construction in federally-affected and in major disaster areas (20 U.S.C. 631-647). 4. Construction of educational broadcast facilities (47 U.S.C. 390-399). 5. Loan service of captioned films and educational media; research on, and production and distribution of, educational media for the handicapped, and training of persons in the use of such media for the handicapped (20 U.S.C. 1452). 6. Demonstration residential vocational education schools (20 U.S.C. 1321). 7. Research and related activities in education of handicapped children (20 U.S.C. 1441). 8. Educational research, dissemination and demonstration projects; research training; and construction under the Cooperation Research Act (20 U.S.C. 331-332(b)).	N	N		
1989	Appendix B to Part 100—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs	Federal	Statute	I. Scope and Coverage A. Application of Guidelines These Guidelines apply to recipients of any Federal financial assistance from the Department of Education that offer or administer programs of vocational education or training. This includes State agency recipients. B. Definition of Recipient The definition of recipient of Federal financial assistance is established by Department regulations implementing Title VI, Title IX, and Section 504 (34 CFR 100.13(i), 106.2(h), 104.3(f). For the purposes of Title VI: The term recipient means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but such terms does not include any ultimate beneficiary [e.g., students] under any such program. (34 CFR 100.13(i)). For the purposes of Title IX: Recipient means any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, any public or private	N	N		
1990	Appendix B to Part 100—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs continued...	Federal	Statute	B. Distribution of Funds Recipients may not adopt a formula or other method for the allocation of Federal, State, or local vocational education funds that has the effect of discriminating on the basis of race, color, national origin, sex, or handicap. However, a recipient may adopt a formula or other method of allocation that uses as a factor race, color, national origin, sex, or handicap [or an index or proxy for race, color, national origin, sex, or handicap e.g., number of persons receiving Aid to Families with Dependent Children or with limited English speaking ability] if the factor is included to compensate for past discrimination or to comply with those provisions of the Vocational Education Amendments of 1976 designed to assist specified protected groups. C. Example of a Pattern Suggesting Unlawful Discrimination In each State it is likely that some local recipients will enroll greater proportions of minority students in vocational education than the State-wide proportion of minority students in vocational education. A funding formula or other method of allocation that results in such local recipients receiving per-pupil allocations of Federal or State vocational education funds lower than the State-wide average per-pupil allocation will be presumed unlawfully discriminatory. D. Distribution Through Competitive Grants or Contracts Each State agency that establishes criteria for awarding competitive vocational education grants or contracts must establish and apply the criteria without regard to the race, color, national origin, sex, or handicap of any or all of a recipient's students, except to compensate for past discrimination.	N	N		

1991	Appendix B to Part 100—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs continued...	Federal	Statute	F. Eligibility for Admission to Secondary Vocational Education Centers Based on Numerical Limits Imposed on Sending Schools A recipient may not adopt or maintain a system for admission to a secondary vocational education center or program that limits admission to a fixed number of students from each sending school included in the center's service area if such a system disproportionately excludes students from the center on the basis of race, sex, national origin or handicap. (Example: Assume 25 percent of a school district's high school students are black and that most of those black students are enrolled in one high school; the white students, 75 percent of the district's total enrollment, are generally enrolled in the five remaining high schools. This paragraph prohibits a system of admission to the secondary vocational education center that limits eligibility to a fixed and equal number of students from each of the district's six high schools.) G. Remedies for Violation of Eligibility Based on Numerical Limits Requirements If the Office for Civil Rights finds a violation of paragraph F, above, the recipient must implement an alternative system of admissions that does not disproportionately exclude students on the basis of race, color, national origin, sex, or handicap. H. Eligibility for Admission to Vocational Education Centers, Branches or Annexes Based Upon Student Option A vocational education center, branch or annex, open to all students in a service area and predominantly enrolling minority students or students of one race, national origin or sex, will be presumed unlawfully segregated if:	Y	Y	Other service or product our agency must/may provide	Maintaining system of vocational education centers
1992	Appendix B to Part 100—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs continued...	Federal	Statute	B. Counseling and Prospects for Success Recipients that operate vocational education programs must insure that counselors do not direct or urge any student to enroll in a particular career or program, or measure or predict a student's prospects for success in any career or program based upon the student's race, color, national origin, sex, or handicap. Recipients may not counsel handicapped students toward more restrictive career objectives than nonhandicapped students with similar abilities and interests. If a vocational program disproportionately enrolls male or female students, minority or nonminority students, or handicapped students, recipients must take steps to insure that the disproportion does not result from unlawful discrimination in counseling activities. C. Student Recruitment Activities Recipients must conduct their student recruitment activities so as not to exclude or limit opportunities on the basis of race, color, national origin, sex, or handicap. Where recruitment activities involve the presentation or portrayal of vocational and career opportunities, the curricula and programs described should cover a broad range of occupational opportunities and not be limited on the basis of the race, color, national origin, sex, or handicap of the students or potential students to whom the presentation is made. Also, to the extent possible, recruiting teams should include persons of different races, national origins, sexes, and handicaps. D. Counseling of Students With Limited English-Speaking Ability or Hearing Impairments	Y	Y	Other service or product our agency must/may provide	Ensuring proper functions of vocational educational cetners
1993	Title 34: Education PART 101—PRACTICE AND PROCEDURE FOR HEARINGS UNDER PART 100 OF THIS TITLE	Federal	Statute					
1994	Subpart A—General Information §101.1 Scope of rules	Federal	Statute	The rules of procedure in this part supplement §§100.9 and 100.10 of this subtitle and govern the practice for hearings, decisions, and administrative review conducted by the Department of Education, pursuant to Title VI of the Civil Rights Act of 1964 (section 602, 78 Stat. 252) and part 100 of this subtitle.	N	N		
1995	§101.2 Records to be public	Federal	Statute	All pleadings, correspondence, exhibits, transcripts, of testimony, exceptions, briefs, decisions, and other documents filed in the docket in any proceeding may be inspected and copied in the office of the Civil Rights hearing clerk. Inquiries may be made at the Department of Education, 400 Maryland Avenue SW., Washington, DC 20202.	N	N		
1996	§101.3 Use of gender and number	Federal	Statute	As used in this part, words importing the singular number may extend and be applied to several persons or things, and vice versa. Words importing the masculine gender may be applied to females or organizations.	N	N		
1997	§101.4 Suspension of rules	Federal	Statute	Upon notice to all parties, the reviewing authority or the presiding officer, with respect to matters pending before them, may modify or waive any rule in this part upon determination that no party will be unduly prejudiced and the ends of justice will thereby be served.	N	N		
1998	Subpart B—Appearance and Practice §101.11 Appearance	Federal	Statute	A party may appear in person or by counsel and participate fully in any proceeding. A State agency or a corporation may appear by any of its officers or by any employee it authorizes to appear on its behalf. Counsel must be members in good standing of the bar of a State, Territory, or possession of the United States or of the District of Columbia or the Commonwealth of Puerto Rico.	N	N		
1999	§101.12 Authority for representation	Federal	Statute	Any individual acting in a representative capacity in any proceeding may be required to show his authority to act in such capacity.	N	N		
2000	§101.13 Exclusion from hearing for misconduct	Federal	Statute	Disrespectful, disorderly, or contumacious language or contemptuous conduct, refusal to comply with directions, or continued use of dilatory tactics by any person at any hearing before a presiding officer shall constitute grounds for immediate exclusion of such person from the hearing by the presiding officer.	N	N		
2001	Subpart C—Parties §101.21 Parties	Federal	Statute	(a) The term party shall include an applicant or recipient or other person to whom a notice of hearing or opportunity for hearing has been mailed naming him a respondent. (b) The Assistant Secretary for Civil Rights of the Department of Education, shall be deemed a party to all proceedings.	N	N		

2002	§101.22 Amici curiae	Federal	Statute	(a) Any interested person or organization may file a petition to participate in a proceeding as an amicus curiae. Such petition shall be filed prior to the prehearing conference, or if none is held, before the commencement of the hearing, unless the petitioner shows good cause for filing the petition later. The presiding officer may grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, that such participation will not unduly delay the outcome, and may contribute materially to the proper disposition thereof. An amicus curiae is not a party and may not introduce evidence at a hearing. (b) An amicus curiae may submit a statement of position to the presiding officer prior to the beginning of a hearing, and shall serve a copy on each party. The amicus curiae may submit a brief on each occasion a decision is to be made or a prior decision is subject to review. His brief shall be filed and served on each party within the time limits applicable to the party whose position he deems himself to support; or if he does not deem himself to support the position of any party, within the longest time limit applicable to any party at that particular stage of the proceedings. (c) When all parties have completed their initial examination of a witness, any amicus curiae may request the presiding officer to propound specific questions to the witness. The presiding officer, in his discretion, may grant any such request if he believes the proposed additional testimony may assist materially in	N	N		
2003	§101.23 Complainants not parties	Federal	Statute	A person submitting a complaint pursuant to §100.7(b) of this title is not a party to the proceedings governed by this part, but may petition, after proceedings are initiated, to become an amicus curiae.	N	N		
2004	Subpart D—Form, Execution, Service and Filing of Documents §101.31 Form of documents to be filed	Federal	Statute	Documents to be filed under the rules in this part shall be dated, the original signed in ink, shall show the docket description and title of the proceeding, and shall show the title, if any, and address of the signatory. Copies need not be signed but the name of the person signing the original shall be reproduced. Documents shall be legible and shall not be more than 81⁄2 inches wide and 12 inches long.	N	N		
2005	§101.32 Signature of documents	Federal	Statute	The signature of a party, authorized officer, employee or attorney constitutes a certificate that he has read the document, that to the best of his knowledge, information, and belief there is good ground to support it, and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the proceeding may proceed as though the document had not been filed. Similar action may be taken if scandalous or indecent matter is inserted.	N	N		
2006	§101.33 Filing and service	Federal	Statute	All notices by a Department official, and all written motions, requests, petitions, memoranda, pleadings, exceptions, briefs, decisions, and correspondence to a Department official from a party, or vice versa, relating to a proceeding after its commencement shall be filed and served on all parties. Parties shall supply the original and two copies of documents submitted for filing. Filings shall be made with the Civil Rights hearing clerk at the address stated in the notice of hearing or notice of opportunity for hearing, during regular business hours. Regular business hours are every Monday through Friday (legal holidays in the District of Columbia excepted) from 9 a.m. to 5:30 p.m., eastern standard or daylight saving time, whichever is effective in the District of Columbia at the time. Originals only on exhibits and transcripts of testimony need be filed. For requirements of service on amici curiae, see §101.107.	N	N		
2007	§101.34 Service—how made	Federal	Statute	Service shall be made by personal delivery of one copy to each person to be served or by mailing by first-class mail, properly addressed with postage prepaid. When a party or amicus has appeared by attorney or other representative, service upon such attorney or representative will be deemed service upon the party or amicus. Documents served by mail preferably should be mailed in sufficient time to reach the addressee by the date on which the original is due to be filed, and should be air mailed if the addressee is more than	N	N		
2008	§101.35 Date of service	Federal	Statute	The date of service shall be the day when the matter is deposited in the U.S. mail or is delivered in person, except that the date of service of the initial notice of hearing or opportunity for hearing shall be the date of its delivery, or of its attempted delivery if refused.	N	N		
2009	§101.36 Certificate of service	Federal	Statute	The original of every document filed and required to be served upon parties to a proceeding shall be endorsed with a certificate of service signed by the party making service or by his attorney or representative, stating that such service has been made, the date of service, and the manner of service, whether by mail or personal delivery.	N	N		
2010	Subpart E—Time §101.41 Computation	Federal	Statute	In computing any period of time under the rules in this part or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed in the District of Columbia, in which event it includes the next following business day. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.	N	N		
2011	§101.42 Extension of time or postponement	Federal	Statute	Requests for extension of time should be served on all parties and should set forth the reasons for the application. Applications may be granted upon a showing of good cause by the applicant. From the designation of a presiding officer until the issuance of his decision such requests should be addressed to him. Answers to such requests are permitted, if made promptly.	N	N		
2012	§101.43 Reduction of time to file documents	Federal	Statute	For good cause, the reviewing authority or the presiding officer, with respect to matters pending before them, may reduce any time limit prescribed by the rules in this part, except as provided by law or in part 100 of this chapter. [45 FR 30931, May 9, 1980, as amended at 79 FR 76095, Dec. 19, 2014]	N	N		
2013	Subpart F—Proceedings Prior to Hearing	Federal	Statute	Proceedings are commenced by mailing a notice of hearing or opportunity for hearing to an affected applicant or recipient, pursuant to §100.9 of this title.	N	N		
2014	§101.52 Answer to notice	Federal	Statute	The respondent, applicant or recipient may file an answer to the notice within 20 days after service thereof. Answers shall admit or deny specifically and in detail each allegation of the notice, unless the respondent party is without knowledge, in which case his answer should so state, and the statement will be deemed a denial. Allegations of fact in the notice not denied or controverted by answer shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. Failure of the respondent to file an answer within the 20-day period following service of the notice may be deemed an admission of all matters of fact recited in the notice.	N	N		
2015	§101.53 Amendment of notice or answer	Federal	Statute	The Assistant Secretary for Civil Rights may amend the notice of hearing or opportunity for hearing once as a matter of course before an answer thereto is served, and each respondent may amend his answer once as a matter of course not later than 10 days before the date fixed for hearing but in no event later than 20 days from the date of service of his original answer. Otherwise a notice or answer may be amended only by leave of the presiding officer. A respondent shall file his answer to an amended notice within the time remaining for filing the answer to the original notice or within 10 days after service of the amended notice, whichever period may be the longer, unless the presiding officer otherwise orders.	N	N		
2016	§101.54 Request for hearing	Federal	Statute	Within 20 days after service of a notice of opportunity for hearing which does not fix a date for hearing the respondent, either in his answer or in a separate document, may request a hearing. Failure of the respondent to request a hearing shall be deemed a waiver of the right to a hearing and to constitute his consent to the making of a decision on the basis of such information as is	N	N		

2017	§101.55 Consolidation	Federal	Statute	The responsible Department official may provide for proceedings in the Department to be joined or consolidated for hearing with proceedings in other Federal departments or agencies, by agreement with such other departments or agencies. All parties to any proceeding consolidated subsequently to service of the notice of hearing or opportunity for hearing shall be promptly served with notice of such consolidation.	N	N		
2018	§101.56 Motions	Federal	Statute	Motions and petitions shall state the relief sought, the authority relied upon, and the facts alleged. If made before or after the hearing, these matters shall be in writing. If made at the hearing, they may be stated orally; but the presiding officer may require that they be reduced to writing and filed and served on all parties in the same manner as a formal motion. Motions, answers, and replies shall be addressed to the presiding officer, if the case is pending before him. A repetitious motion will not be entertained.	N	N		
2019	§101.57 Responses to motions and petitions	Federal	Statute	Within 8 days after a written motion or petition is served, or such other period as the reviewing authority or the presiding officer may fix, any party may file a response thereto. An immediate oral response may be made to an oral motion.	N	N		
2020	§101.58 Disposition of motions and petitions	Federal	Statute	The reviewing authority or the presiding officer may not sustain or grant a written motion or petition prior to expiration of the time for filing responses thereto, but may overrule or deny such motion or petition without awaiting response: Provided, however, That prehearing conferences, hearings and decisions need not be delayed pending disposition of motions or petitions. Oral motions and petitions may be ruled on immediately. Motions and petitions submitted to the reviewing authority or the presiding officer, respectively, and not disposed of in separate rulings or in their respective decisions will be deemed denied. Oral arguments shall not be held or written motions or petitions unless the presiding officer in his discretion expressly so orders.	N	N		
2021	Subpart G—Responsibilities and Duties of Presiding Officer	Federal	Statute	A hearing examiner assigned under 5 U.S.C. 3105 or 3344 (formerly section 11 of the Administrative Procedure Act) shall preside over the taking of evidence in any hearing to which these rules of procedure apply.	N	N		
2022	§101.62 Designation of hearing examiner	Federal	Statute	The designation of the hearing examiner as presiding officer shall be in writing, and shall specify whether the examiner is to make an initial decision or to certify the entire record including his recommended findings and proposed decision to the reviewing authority, and may also fix the time and place of hearing. A copy of such order shall be served on all parties. After service of an order designating a hearing examiner to preside, and until such examiner makes his decision, motions and petitions shall be submitted to him. In the case of the death, illness, disqualification or unavailability of the designated hearing examiner, another hearing examiner may be designated to take his place.	N	N		
2023	§101.63 Authority of presiding officer	Federal	Statute	The presiding officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to these ends, including (but not limited to) the power to: (a) Arrange and issue notice of the date, time, and place of hearings, or, upon due notice to the parties, to change the date, time, and place of hearings previously set. (b) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding. (c) Require parties and amici curiae to state their position with respect to the various issues in the proceeding. (d) Administer oaths and affirmations. (e) Rule on motions, and other procedural items on matters pending before him. (f) Regulate the course of the hearing and conduct of counsel therein. (g) Examine witnesses and direct witnesses to testify. (h) Receive, rule on, exclude or limit evidence.	N	N		
2024	Subpart H—Hearing Procedures §101.71 Statement of position and trial	Federal	Statute	The presiding officer may require parties and amici curiae to file written statements of position prior to the beginning of a hearing. The presiding officer may also require the parties to submit trial briefs.	N	N		
2025	§101.72 Evidentiary purpose	Federal	Statute	(a) The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. Argument will not be received in evidence; rather it should be presented in statements, memoranda, or briefs, as determined by the presiding officer. Brief opening statements, which shall be limited to statement of the party's position and what he intends to prove, may be made at hearings. (b) Hearings for the reception of evidence will be held only in cases where issues of fact must be resolved in order to determine whether the respondent has failed to comply with one or more applicable requirements of part 100 of this title. In any case where it appears from the respondent's answer to the notice of hearing or opportunity for hearing, from his failure timely to answer, or from his admissions or stipulations in the record, that there are no matters of material fact in dispute, the reviewing authority or presiding officer may enter an order so finding, vacating the hearing date if one has been set, and fixing the time for filing briefs under §101.101. Thereafter the proceedings shall go to conclusion in accordance with subpart J of this part. The presiding officer may allow an appeal from such order in accordance with §101.86.	N	N		
2026	§101.73 Testimony	Federal	Statute	Testimony shall be given orally under oath or affirmation by witnesses at the hearing; but the presiding officer, in his discretion, may require or permit that the direct testimony of any witness be prepared in writing and served on all parties in advance of the hearing. Such testimony may be adopted by the witness at the hearing, and filed as part of the record thereof. Unless authorized by the presiding officer, witnesses will not be permitted to read prepared testimony into the record. Except as provided in §§101.75 and 101.76, witnesses shall be available at the hearing for cross-examination.	N	N		
2027	§101.74 Exhibits	Federal	Statute	Proposed exhibits shall be exchanged at the prehearing conference, or otherwise prior to the hearing if the presiding officer so requires. Proposed exhibits not so exchanged may be denied admission as evidence. The authenticity of all proposed exhibits exchanged prior to hearing will be deemed admitted unless written objection thereto is filed prior to the hearing or unless good cause is shown at the hearing for failure to file such written objection.	N	N		
2028	§101.75 Affidavits	Federal	Statute	An affidavit is; not inadmissible as such. Unless the presiding officer fixes other time periods affidavits shall be filed and served on the parties not later than 15 days prior to the hearing; and not less than 7 days prior to hearing a party may file and serve written objection to any affidavit on the ground that he believes it necessary to test the truth of assertions therein at hearing. In such event the assertions objected to will not be received in evidence unless the affiant is made available for cross-examination, or the presiding officer determines that cross-examination is not necessary for the full and true disclosure of facts referred to in such assertions. Notwithstanding any objection, however, affidavits may be considered in the case of any respondent who waives a hearing.	N	N		
2029	§101.76 Depositions	Federal	Statute	Upon such terms as may be just, for the convenience of the parties or of the Department, the presiding officer may authorize or direct the testimony of any witness to be taken by deposition.	N	N		

2030	§101.77 Admissions as to facts and documents	Federal	Statute	Not later than 15 days prior to the scheduled date of the hearing except for good cause shown, or prior to such earlier date as the presiding officer may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in and exhibited with the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters of which an admission is requested shall be deemed admitted, unless within a period designated in the request (not less than 10 days after service thereof, or within such further time as the presiding officer or the reviewing authority if no presiding officer has yet been designated may allow upon motion and notice) the party to whom the request is directed serves upon the requesting party a sworn statement either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully either admit or deny such matters. Copies of requests for admission and answers thereto shall be served on all parties. Any admission made by a party to such request is only for the purposes of the pending proceeding, or any proceeding or action instituted for the enforcement of any order entered therein, and shall not constitute and admission by him for any other purpose or be used against him in any other proceeding or action.	N	N		
2031	§101.78 Evidence	Federal	Statute	Irrelevant, immaterial, unreliable, and unduly repetitious evidence will be excluded.	N	N		
2032	§101.79 Cross-examination	Federal	Statute	A witness may be cross-examined on any matter material to the proceeding without regard to the scope of his direct examination.	N	N		
2033	§101.80 Unsponsored written material	Federal	Statute	Letters expressing views or urging action and other unsponsored written material regarding matters in issue in a hearing will be placed in the correspondence section of the docket of the proceeding. These data are not deemed part of the evidence or record in the hearing.	N	N		
2034	§101.81 Objections	Federal	Statute	Objections to evidence shall be timely and briefly state the ground relied upon.	N	N		
2035	§101.82 Exceptions to rulings of presiding officer unnecessary	Federal	Statute	Exceptions to rulings of the presiding officer are unnecessary. It is sufficient that a party, at the time the ruling of the presiding officer is sought, makes known the action which he desires the presiding officer to take, or his objection to an action taken, and his grounds therefor.	N	N		
2036	§101.83 Official notice	Federal	Statute	Where official notice is taken or is to be taken of a material fact not appearing in the evidence of record, any party, on timely request, shall be afforded an opportunity to show the contrary.	N	N		
2037	§101.84 Public document items	Federal	Statute	Whenever there is offered (in whole or in part) a public document, such as an official report, decision, opinion, or published scientific or economic statistical data issued by any of the executive departments (or their subdivisions), legislative agencies or committees, or administrative agencies of the Federal Government (including Government-owned corporations), or a similar document issued by a State or its agencies, and such document (or part thereof) has been shown by the offeror to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered for official notice, as a public document item by specifying the	N	N		
2038	§101.85 Offer of proof	Federal	Statute	An offer of proof made in connection with an objection taken to any ruling of the presiding officer rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.	N	N		
2039	§101.86 Appeals from ruling of presiding officer	Federal	Statute	Rulings of the presiding officer may not be appealed to the reviewing authority prior to his consideration of the entire proceeding except with the consent of the presiding officer and where he certifies on the record or in writing that the allowance of an interlocutory appeal is clearly necessary to prevent exceptional delay, expense, or prejudice to any party, or substantial detriment to the public interest. If an appeal is allowed, any party may file a brief with the reviewing authority within such period as the presiding officer directs. No oral argument will be heard unless the reviewing authority directs otherwise. At any time prior to submission of the proceeding to it for decisions, the reviewing authority may direct the presiding officer to certify any question or the entire record to it for decision. Where the entire record is so certified, the presiding officer shall recommend a decision.	N	N		
2040	Subpart I—The Record §101.91 Official transcript	Federal	Statute	The Department will designate the official reporter for all hearings. The official transcripts of testimony taken, together with any exhibits, briefs, or memoranda of law filed therewith shall be filed with the Department. Transcripts of testimony in hearings may be obtained from the official reporter by the parties and the public at rates not to exceed the maximum rates fixed by the contract between the Department and the reporter. Upon notice to all parties, the presiding officer may authorize corrections to the transcript which involve matters of substance.	N	N		
2041	§101.92 Record for decision	Federal	Statute	The transcript of testimony, exhibits, and all papers and requests filed in the proceedings, except the correspondence section of the docket, including rulings and any recommended or initial decision shall constitute the exclusive record for decision.	N	N		
2042	Subpart J—Posthearing Procedures, Decisions §101.101 Posthearing briefs: proposed findings and conclusions	Federal	Statute	(a) The presiding officer shall fix the time for filing posthearing briefs, which may contain proposed findings of fact and conclusions of law, and, if permitted, reply briefs. (b) Briefs should include a summary of the evidence relied upon together with references to exhibit numbers and pages of the transcript, with citations of the authorities relied upon.	N	N		
2043	§101.102 Decisions following hearing	Federal	Statute	When the time for submission of posthearing briefs has expired, the presiding officer shall certify the entire record, including his recommended findings and proposed decision, to the responsible Department official; or if so authorized he shall make an initial decision. A copy of the recommended findings and proposed decision, or of the initial decision, shall be served upon all parties, and amici, if any.	N	N		
2044	§101.103 Exceptions to initial or recommended decisions	Federal	Statute	Within 20 days after the mailing of an initial or recommended decision, any party may file exceptions to the decision, stating reasons therefor, with the reviewing authority. Any other party may file a response thereto within 30 days after the mailing of the decision. Upon the filing of such exceptions, the reviewing authority shall review the decision and issue its own decision thereon.	N	N		
2045	§101.104 Final decisions	Federal	Statute	(a) Where the hearing is conducted by a hearing examiner who makes an initial decision, if no exceptions thereto are filed within the 20-day period specified in §101.103, such decision shall become the final decision of the Department, and shall constitute “final agency action” within the meaning of 5 U.S.C. 704 (formerly section 10(c) of the Administrative Procedure Act), subject to the provisions of §101.106. (b) Where the hearing is conducted by a hearing examiner who makes a recommended decision, or upon the filing of exceptions to a hearing examiner's initial decision, the reviewing authority shall review the recommended or initial decision and shall issue its own decision thereon, which shall become the final decision of the Department, and shall constitute “final agency action” within the meaning of 5 U.S.C. 704 (formerly section 10(c) of the Administrative Procedure Act), subject to the provisions of §101.106. (c) All final decisions shall be promptly served on all parties, and amici, if any.	N	N		

2046	§101.105 Oral argument to the reviewing authority	Federal	Statute	(a) If any party desires to argue a case orally on exceptions or replies to exceptions to an initial or recommended decision, he shall make such request in writing. The reviewing authority may grant or deny such requests in its discretion. If granted, it will serve notice of oral argument on all parties. The notice will set forth the order of presentation, the amount of time allotted, and the time and place for argument. The names of persons who will argue should be filed with the Department hearing clerk not later than 7 days before the date set for oral argument. (b) The purpose of oral argument is to emphasize and clarify the written argument in the briefs. Reading at length from the brief or other texts is not favored. Participants should confine their arguments to points of controlling importance and to points upon which exceptions have been filed. Consolidations of appearances at oral argument by parties taking the same side will permit the parties' interests to be presented more effectively in the time allotted. (c) Pamphlets, charts, and other written material may be presented at oral argument only if such material is limited to facts already in the record and is served on all parties and filed with the Department hearing clerk at least 7 days	N	N		
2047	§101.106 Review by the Secretary	Federal	Statute	Within 20 days after an initial decision becomes a final decision pursuant to §101.104(a) or within 20 days of the mailing of a final decision referred to in §101.104(b), as the case may be, a party may request the Secretary to review the final decision. The Secretary may grant or deny such request, in whole or in part, or serve notice of his intent to review the decision in whole or in part upon his own motion. If the Secretary grants the requested review, or if he serves notice of intent to review upon his own motion, each party to the decision shall have 20 days following notice of the Secretary's proposed action within which to file exceptions to the decision and supporting briefs and memoranda, or briefs and memoranda in support of the decision. Failure of a party to request review under this paragraph shall not be deemed a failure to exhaust administrative remedies for the purpose of obtaining judicial review.	N	N		
2048	§101.107 Service on amici curiae	Federal	Statute	All briefs, exceptions, memoranda, requests, and decisions referred to in this subpart J shall be served upon amici curiae at the same times and in the same manner required for service on parties. Any written statements of position and trial briefs required of parties under §101.71 shall be served on amici.	N	N		
2049	Subpart K—Judicial Standards of Practice §101.111 Conduct	Federal	Statute	Parties and their representatives are expected to conduct themselves with honor and dignity and observe judicial standards of practice and ethics in all proceedings. They should not indulge in offensive personalities, unseemly wrangling, or intemperate accusations or characterizations. A representative of any party whether or not a lawyer shall observe the traditional responsibilities of lawyers as officers of the court and use his best efforts to restrain his client from improprieties in connection with a proceeding.	N	N		
2050	§101.112 Improper conduct	Federal	Statute	With respect to any proceeding it is improper for any interested person to attempt to sway the judgement of the reviewing authority by undertaking to bring pressure or influence to bear upon any officer having a responsibility for a decision in the proceeding, or his decisional staff. It is improper that such interested persons or any members of the Department's staff or the presiding officer give statements to communications media, by paid advertisement or otherwise, designed to influence the judgement of any officer having a responsibility for a decision in the proceeding, or his decisional staff. It is improper for any person to solicit communications to any such officer, or his decisional staff, other than proper communications by parties or amici curiae.	N	N		
2051	§101.113 Ex parte communications	Federal	Statute	Only persons employed by or assigned to work with the reviewing authority who perform no investigative or prosecuting function in connection with a proceeding shall communicate ex parte with the reviewing authority, or the presiding officer, or any employee or person involved in the decisional process in such proceedings with respect to the merits of that or a factually related proceeding. The reviewing authority, the presiding officer, or any employee or person involved in the decisional process of a proceeding shall communicate ex parte with respect to the merits of that or a factually related proceeding only with persons employed by or assigned to work with them and who perform no investigative or prosecuting function in connection with the proceeding.	N	N		
2052	§101.114 Expeditious treatment	Federal	Statute	Requests for expeditious treatment of matters pending before the responsible Department official or the presiding officer are deemed communications on the merits, and are improper except when forwarded from parties to a proceeding and served upon all other parties thereto. Such communications should be in the form of a motion.	N	N		
2053	§101.115 Matters not prohibited	Federal	Statute	A request for information which merely inquires about the status of a proceeding without discussing issues or expressing points of view is not deemed an ex parte communication. Such requests should be directed to the Civil Rights hearing clerk. Communications with respect to minor procedural matters or inquiries or emergency requests for extensions of time are not deemed ex parte communications prohibited by §101.113. Where feasible, however, such communications should be by letter with copies to all parties. Ex parte communications between a respondent and the responsible Department official or the Secretary with respect to securing such respondent's voluntary compliance with any requirement of part 100 of this title are not prohibited.	N	N		
2054	§101.116 Filing of ex parte communications	Federal	Statute	A prohibited communication in writing received by the Secretary, the reviewing authority, or by the presiding officer, shall be made public by placing it in the correspondence file of the docket in the case and will not be considered as part of the record for decision. If the prohibited communication is received orally a memorandum setting forth its substance shall be made and filed in the correspondence section of the docket in the case. A person referred to in such memorandum may file a comment for inclusion in the docket if he considers the memorandum to be incorrect.	N	N		
2055	Subpart L—Posttermination Proceedings §101.121 Posttermination proceedings	Federal	Statute	(a) An applicant or recipient adversely affected by the order terminating, discontinuing, or refusing Federal financial assistance in consequence of proceedings pursuant to this title may request the responsible Department official for an order authorizing payment, or permitting resumption, of Federal financial assistance. Such request shall be in writing and shall affirmatively show that since entry of the order, it has brought its program or activity into compliance with the requirements of the Act, and with the Regulation thereunder, and shall set forth specifically, and in detail, the steps which it has taken to achieve such compliance. If the responsible Department official denies such request the applicant or recipient shall be given an expeditious hearing if it so requests in writing and specifies why it believes the responsible Department official to have been in error. The request for such a hearing shall be addressed to the responsible Department official and shall be made within 30 days after the applicant or recipient is informed that the responsible Department official has refused to authorize payment or permit resumption of Federal financial assistance. (b) In the event that a hearing shall be requested pursuant to paragraph (a) of this section, the hearing procedures established by this part shall be applicable	N	N		

2056	Subpart M—Definitions §101.131 Definitions	Federal	Statute	The definitions contained in §100.13 of this subtitle apply to this part, unless the context otherwise requires, and the term “reviewing authority” as used herein includes the Secretary of Education, with respect to action by that official under §101.106. Transition provisions: (a) The amendments herein shall become effective upon publication in the Federal Register. (b) These rules shall apply to any proceeding or part thereof to which part 100 of this title applies. In the case of any proceeding or part thereof governed by the provisions of 34 CFR, part 100 (Title VI regulations of the Department of Education) as that part existed prior to the amendments published in the Federal Register on Oct. 19, 1967 (effective on that date), the rules in this part 101 shall apply as if those amendments were not in effect.	N	N		
2057	Title 34: Education PART 104—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES	Federal	Statute					
2058	Subpart A—General Provisions §104.1 Purpose	Federal	Statute	The purpose of this part is to effectuate section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance.	N	N		
2059	§104.2 Application	Federal	Statute	This part applies to each recipient of Federal financial assistance from the Department of Education and to the program or activity that receives such assistance. [65 FR 30936, May 9, 1980, as amended at 65 FR 68054, Nov. 13, 2000]	N	N		
2060	§104.3 Definitions	Federal	Statute	As used in this part, the term: (a) The Act means the Rehabilitation Act of 1973, Pub. L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 29 U.S.C. 794. (b) Section 504 means section 504 of the Act. (c) Education of the Handicapped Act means that statute as amended by the Education for all Handicapped Children Act of 1975, Pub. L. 94-142, 20 U.S.C. 1401 et seq. (d) Department means the Department of Education. (e) Assistant Secretary means the Assistant Secretary for Civil Rights of the Department of Education. (f) Recipient means any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance. (g) Applicant for assistance means one who submits an application, request, or plan required to be approved by a Department official or by a recipient as a	N	N		
2061	§104.5 Assurances required	Federal	Statute	(a) Assurances. An applicant for Federal financial assistance to which this part applies shall submit an assurance, on a form specified by the Assistant Secretary, that the program or activity will be operated in compliance with this part. An applicant may incorporate these assurances by reference in subsequent applications to the Department. (b) Duration of obligation. (1) In the case of Federal financial assistance extended in the form of real property or to provide real property or structures on the property, the assurance will obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for the purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. (2) In the case of Federal financial assistance extended to provide personal property, the assurance will obligate the recipient for the period during which it retains ownership or possession of the property. (3) In all other cases the assurance will obligate the recipient for the period during which Federal financial assistance is extended. (c) Covenants. (1) Where Federal financial assistance is provided in the form of real property or interest in the property from the Department, the instrument effecting or recording this transfer shall contain a covenant running with the land to assure nondiscrimination for the period during which the real property is	N	N		
2062	§104.6 Remedial action, voluntary action, and self-evaluation	Federal	Statute	(a) Remedial action. (1) If the Assistant Secretary finds that a recipient has discriminated against persons on the basis of handicap in violation of section 504 or this part, the recipient shall take such remedial action as the Assistant Secretary deems necessary to overcome the effects of the discrimination. (2) Where a recipient is found to have discriminated against persons on the basis of handicap in violation of section 504 or this part and where another recipient exercises control over the recipient that has discriminated, the Assistant Secretary, where appropriate, may require either or both recipients to take remedial action. (3) The Assistant Secretary may, where necessary to overcome the effects of discrimination in violation of section 504 or this part, require a recipient to take remedial action (i) with respect to handicapped persons who are no longer participants in the recipient's program or activity but who were participants in the program or activity when such discrimination occurred or (ii) with respect to handicapped persons who would have been participants in the program or activity had the discrimination not occurred. (b) Voluntary action. A recipient may take steps, in addition to any action that is required by this part, to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity by qualified handicapped persons. (c) Self-evaluation. (1) A recipient shall, within one year of the effective date of	N	N		
2063	§104.7 Designation of responsible employee and adoption of grievance procedures	Federal	Statute	(a) Designation of responsible employee. A recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with this part. (b) Adoption of grievance procedures. A recipient that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part. Such procedures need not be established with respect to complaints from applicants for employment or from applicants for admission to postsecondary educational institutions.	N	N		

2064	§104.8 Notice	Federal	Statute	(a) A recipient that employs fifteen or more persons shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of section 504 and this part. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its program or activity. The notification shall also include an identification of the responsible employee designated pursuant to §104.7(a). A recipient shall make the initial notification required by this paragraph within 90 days of the effective date of this part. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publication, and distribution of memoranda or other written communications. (b) If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) of this section. A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications. [45 FR 30936, May 9, 1980, as amended at 65 FR 68054, Nov. 13, 2000]	N	N		
2065	§104.9 Administrative requirements for small recipients	Federal	Statute	The Assistant Secretary may require any recipient with fewer than fifteen employees, or any class of such recipients, to comply with §§104.7 and 104.8, in whole or in part, when the Assistant Secretary finds a violation of this part or finds that such compliance will not significantly impair the ability of the recipient or class of recipients to provide benefits or services.	N	N		
2066	§104.10 Effect of state or local law or other requirements and effect of employment opportunities	Federal	Statute	(a) The obligation to comply with this part is not obviated or alleviated by the existence of any state or local law or other requirement that, on the basis of handicap, imposes prohibitions or limits upon the eligibility of qualified handicapped persons to receive services or to practice any occupation or profession. (b) The obligation to comply with this part is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for handicapped persons than for nonhandicapped persons.	N	N		
2067	Subpart B—Employment Practices §104.11 Discrimination prohibited	Federal	Statute	(a) General. (1) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity to which this part applies. (2) A recipient that receives assistance under the Education of the Handicapped Act shall take positive steps to employ and advance in employment qualified handicapped persons in programs or activities assisted under that Act. (3) A recipient shall make all decisions concerning employment under any program or activity to which this part applies in a manner which ensures that discrimination on the basis of handicap does not occur and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap. (4) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this paragraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeships. (b) Specific activities. The provisions of this subpart apply to: (1) Recruitment, advertising, and the processing of applications for	Y	Y	Other service or product our agency must/may provide	Take positive steps to employ and advance employment qualified handicapped persons or programs
2068	§104.12 Reasonable accommodation	Federal	Statute	(a) A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program or activity. (b) Reasonable accommodation may include: (1) Making facilities used by employees readily accessible to and usable by handicapped persons, and (2) Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions. (c) In determining pursuant to paragraph (a) of this section whether an accommodation would impose an undue hardship on the operation of a recipient's program or activity, factors to be considered include: (1) The overall size of the recipient's program or activity with respect to number of employees, number and type of facilities, and size of budget; (2) The type of the recipient's operation, including the composition and structure of the recipient's workforce; and (3) The nature and cost of the accommodation needed.	N	N		
2069	§104.13 Employment criteria	Federal	Statute	(a) A recipient may not make use of any employment test or other selection criterion that screens out or tends to screen out handicapped persons or any class of handicapped persons unless: (1) The test score or other selection criterion, as used by the recipient, is shown to be job-related for the position in question, and (2) Alternative job-related tests or criteria that do not screen out or tend to screen out as many handicapped persons are not shown by the Director to be available. (b) A recipient shall select and administer tests concerning employment so as best to ensure that, when administered to an applicant or employee who has a handicap that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those	N	N		

2070	§104.14 Preemployment inquiries	Federal	Statute	(a) Except as provided in paragraphs (b) and (c) of this section, a recipient may not conduct a preemployment medical examination or may not make preemployment inquiry of an applicant as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. A recipient may, however, make preemployment inquiry into an applicant's ability to perform job-related functions. (b) When a recipient is taking remedial action to correct the effects of past discrimination pursuant to §104.6 (a), when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity pursuant to §104.6(b), or when a recipient is taking affirmative action pursuant to section 503 of the Act, the recipient may invite applicants for employment to indicate whether and to what extent they are handicapped, Provided, That: (1) The recipient states clearly on any written questionnaire used for this purpose or makes clear orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative action efforts; and (2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential as provided in paragraph (d) of this section, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with this part.	N	N		
2071	C—Accessibility §104.21 Discrimination prohibited	Federal	Statute	No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.	N	N		
2072	§104.22 Existing facilities	Federal	Statute	(a) Accessibility. A recipient shall operate its program or activity so that when each part is viewed in its entirety, it is readily accessible to handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons. (b) Methods. A recipient may comply with the requirements of paragraph (a) of this section through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of health, welfare, or other social services at alternate accessible sites, alteration of existing facilities and construction of new facilities in conformance with the requirements of §104.23, or any other methods that result in making its program or activity accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph (a) of this section, a recipient shall give priority to those methods that serve handicapped persons in the most integrated setting appropriate. (c) Small health, welfare, or other social service providers. If a recipient with fewer than fifteen employees that provides health, welfare, or other social services finds, after consultation with a handicapped person seeking its services, that there is no method of complying with paragraph (a) of this section other than making a significant alteration in its existing facilities, the recipient may, as an alternative, refer the handicapped person to other providers of those	Y	Y	Other service or product our agency must/may provide	Design and contruct facilities to be handicapped accessbile
2073	§104.23 New construction	Federal	Statute	(a) Design and construction. Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by handicapped persons, if the construction was commenced after the effective date of this part. (b) Alteration. Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of this part in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by handicapped persons. (c) Conformance with Uniform Federal Accessibility Standards. (1) Effective as of January 18, 1991, design, construction, or alteration of buildings in conformance with sections 3-8 of the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR subpart 101-19.6) shall be deemed to comply with the requirements of this section with respect to those buildings. Departures from particular technical and scoping requirements of UFAS by the use of other methods are permitted where substantially equivalent or greater access to and usability of the building is provided. (2) For purposes of this section, section 4.1.6(1)(g) of UFAS shall be interpreted to exempt from the requirements of UFAS only mechanical rooms and other spaces that, because of their intended use, will not require accessibility to the public or beneficiaries or result in the employment or residence therein of	Y	Y	Other service or product our agency must/may provide	Design and contruct facilities to be handicapped accessbile
2074	Subpart D—Preschool, Elementary, and Secondary Education §104.31 Application of this subpart	Federal	Statute	Subpart D applies to preschool, elementary, secondary, and adult education programs or activities that receive Federal financial assistance and to recipients that operate, or that receive Federal financial assistance for the operation of, such programs or activities. [45 FR 30936, May 9, 1980, as amended at 65 FR 68055, Nov. 13, 2000]	N	N		
2075	§104.32 Location and notification	Federal	Statute	A recipient that operates a public elementary or secondary education program or activity shall annually: (a) Undertake to identify and locate every qualified handicapped person residing in the recipient's jurisdiction who is not receiving a public education; and (b) Take appropriate steps to notify handicapped persons and their parents or guardians of the recipient's duty under this subpart. [45 FR 30936, May 9, 2000, as amended at 65 FR 68054, Nov. 13, 2000]	N	N		

2076	§104.33 Free appropriate public education	Federal	Statute	(a) General. A recipient that operates a public elementary or secondary education program or activity shall provide a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction, regardless of the nature or severity of the person's handicap. (b) Appropriate education. (1) For the purpose of this subpart, the provision of an appropriate education is the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of handicapped persons as adequately as the needs of nonhandicapped persons are met and (ii) are based upon adherence to procedures that satisfy the requirements of §§104.34, 104.35, and 104.36. (2) Implementation of an Individualized Education Program developed in accordance with the Education of the Handicapped Act is one means of meeting the standard established in paragraph (b)(1)(i) of this section. (3) A recipient may place a handicapped person or refer such a person for aid, benefits, or services other than those that it operates or provides as its means of carrying out the requirements of this subpart. If so, the recipient remains responsible for ensuring that the requirements of this subpart are met with respect to any handicapped person so placed or referred. (c) Free education—(1) General. For the purpose of this section, the provision of a free education is the provision of educational and related services without cost to the handicapped person or to his or her parents or guardian, except for	Y	Y	Other service or product our agency must/may provide	Implentation of IEPs and providing FAPE to all handicapped persons
2077	§104.34 Educational setting	Federal	Statute	(a) Academic setting. A recipient to which this subpart applies shall educate, or shall provide for the education of, each qualified handicapped person in its jurisdiction with persons who are not handicapped to the maximum extent appropriate to the needs of the handicapped person. A recipient shall place a handicapped person in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever a recipient places a person in a setting other than the regular educational environment pursuant to this paragraph, it shall take into account the proximity of the alternate setting to the person's home. (b) Nonacademic settings. In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in §104.37(a)(2), a recipient shall ensure that handicapped persons participate with nonhandicapped persons in such activities and services to the maximum extent appropriate to the needs of the handicapped person in question. (c) Comparable facilities. If a recipient, in compliance with paragraph (a) of this section, operates a facility that is identifiable as being for handicapped persons, the recipient shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the recipient.	N	N		
2078	§104.35 Evaluation and placement	Federal	Statute	(a) Preplacement evaluation. A recipient that operates a public elementary or secondary education program or activity shall conduct an evaluation in accordance with the requirements of paragraph (b) of this section of any person who, because of handicap, needs or is belived to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement. (b) Evaluation procedures. A recipient to which this subpart applies shall establish standards and procedures for the evaluation and placement of persons who, because of handicap, need or are believed to need special education or related services which ensure that: (1) Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer; (2) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and (3) Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the	Y	Y	Other service or product our agency must/may provide	Establish standards and procedures for evaluation and placement of handicapped persons in order to provide appropriate services
2079	§104.36 Procedural safeguards	Federal	Statute	A recipient that operates a public elementary or secondary education program or activity shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of handicap, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of section 615 of the Education of the Handicapped Act is one means of meeting this requirement. [45 FR 30936, May 9, 1980, as amended at 65 FR 68054, Nov. 13, 2000]	N	N		
2080	§104.37 Nonacademic services	Federal	Statute	(a) General. (1) A recipient to which this subpart applies shall provide non-academic and extracurricular services and activities in such manner as is necessary to afford handicapped students an equal opportunity for participation in such services and activities. (2) Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipients, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by the recipient and assistance in making available outside employment. (b) Counseling services. A recipient to which this subpart applies that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of handicap. The recipient shall ensure that qualified handicapped students are not counseled toward more restrictive career objectives than are nonhandicapped students with similar interests and abilities. (c) Physical education and athletics. (1) In providing physical education courses and athletics and similar aid, benefits, or services to any of its students, a recipient to which this subpart applies may not discriminate on the basis of handicap. A recipient that offers physical education courses or that operates or sponsors interscholastic, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation.	Y	Y	Other service or product our agency must/may provide	Afford opportunities for extra curricular activiies for handicapped persons

2081	§104.38 Preschool and adult education	Federal	Statute	A recipient to which this subpart applies that provides preschool education or day care or adult education may not, on the basis of handicap, exclude qualified handicapped persons and shall take into account the needs of such persons in determining the aid, benefits or services to be provided. [65 FR 68055, Nov. 13, 2000]	N	N		
2082	§104.39 Private education	Federal	Statute	(a) A recipient that provides private elementary or secondary education may not, on the basis of handicap, exclude a qualified handicapped person if the person can, with minor adjustments, be provided an appropriate education, as defined in §104.33(b)(1), within that recipient's program or activity. (b) A recipient to which this section applies may not charge more for the provision of an appropriate education to handicapped persons than to nonhandicapped persons except to the extent that any additional charge is justified by a substantial increase in cost to the recipient. (c) A recipient to which this section applies that provides special education shall do so in accordance with the provisions of §§104.35 and 104.36. Each recipient to which this section applies is subject to the provisions of §§104.34, 104.37, and 104.38. [45 FR 30936, May 9, 1980, as amended at 65 FR 68055, Nov. 13, 2000]	N	N		
2083	Subpart E—Postsecondary Education §104.41 Application of this subpart	Federal	Statute	Subpart E applies to postsecondary education programs or activities, including postsecondary vocational education programs or activities, that receive Federal financial assistance and to recipients that operate, or that receive Federal financial assistance for the operation of, such programs or activities. [45 FR 30936, May 9, 1980, as amended at 65 FR 68055, Nov. 13, 2000]	N	N		
2084	§104.42 Admissions and recruitment	Federal	Statute	(a) General. Qualified handicapped persons may not, on the basis of handicap, be denied admission or be subjected to discrimination in admission or recruitment by a recipient to which this subpart applies. (b) Admissions. In administering its admission policies, a recipient to which this subpart applies: (1) May not apply limitations upon the number or proportion of handicapped persons who may be admitted; (2) May not make use of any test or criterion for admission that has a disproportionate, adverse effect on handicapped persons or any class of handicapped persons unless (i) the test or criterion, as used by the recipient, has been validated as a predictor of success in the education program or activity in question and (ii) alternate tests or criteria that have a less disproportionate, adverse effect are not shown by the Assistant Secretary to be available. (3) Shall assure itself that (i) admissions tests are selected and administered so as best to ensure that, when a test is administered to an applicant who has a handicap that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the applicant's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure); (ii) admissions tests that are designed for persons with impaired sensory, manual, or speaking skills are offered as	N	N		
2085	§104.43 Treatment of students; general	Federal	Statute	(a) No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular, or other postsecondary education aid, benefits, or services to which this subpart applies. (b) A recipient to which this subpart applies that considers participation by students in education programs or activities not operated wholly by the recipient as part of, or equivalent to, and education program or activity operated by the recipient shall assure itself that the other education program or activity, as a whole, provides an equal opportunity for the participation of qualified handicapped persons. (c) A recipient to which this subpart applies may not, on the basis of handicap, exclude any qualified handicapped student from any course, course of study, or other part of its education program or activity. (d) A recipient to which this subpart applies shall operate its program or activity in the most integrated setting appropriate. [45 FR 30936, May 9, 1980, as amended at 65 FR 68055, Nov. 13, 2000]	Y	Y	Other service or product our agency must/may provide	May not exclude any qualified handicapped students on the basis of their handicap from participipation or beenfits. May not discriminate.
2086	§104.44 Academic adjustments	Federal	Statute	(a) Academic requirements. A recipient to which this subpart applies shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped applicant or student. Academic requirements that the recipient can demonstrate are essential to the instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted. (b) Other rules. A recipient to which this subpart applies may not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of handicapped students in the recipient's education program or activity. (c) Course examinations. In its course examinations or other procedures for evaluating students' academic achievement, a recipient to which this subpart applies shall provide such methods for evaluating the achievement of students who have a handicap that impairs sensory, manual, or speaking skills as will best ensure that the results of the evaluation represents the student's achievement in the course, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where such skills are the factors that the test purports to	Y	Y	Other service or product our agency must/may provide	Provide for necessary academic requirements to ensure handicapped persons are not being discriminated against.
2087	§104.45 Housing	Federal	Statute	(a) Housing provided by the recipient. A recipient that provides housing to its nonhandicapped students shall provide comparable, convenient, and accessible housing to handicapped students at the same cost as to others. At the end of the transition period provided for in subpart C, such housing shall be available in sufficient quantity and variety so that the scope of handicapped students' choice of living accommodations is, as a whole, comparable to that of nonhandicapped students. (b) Other housing. A recipient that assists any agency, organization, or person in making housing available to any of its students shall take such action as may be necessary to assure itself that such housing is, as a whole, made available in a manner that does not result in discrimination on the basis of handicap.	N	N		

2088	§104.46 Financial and employment assistance to students	Federal	Statute	(a) Provision of financial assistance. (1) In providing financial assistance to qualified handicapped persons, a recipient to which this subpart applies may not, (i) On the basis of handicap, provide less assistance than is provided to nonhandicapped persons, limit eligibility for assistance, or otherwise discriminate or (ii) Assist any entity or person that provides assistance to any of the recipient's students in a manner that discriminates against qualified handicapped persons on the basis of handicap. (2) A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established under wills, trusts, bequests, or similar legal instruments that require awards to be made on the basis of factors that discriminate or have the effect of discriminating on the basis of handicap only if the overall effect of the award of scholarships, fellowships, and other forms of financial assistance is not discriminatory on the basis of handicap. (b) Assistance in making available outside employment. A recipient that assists any agency, organization, or person in providing employment opportunities to any of its students shall assure itself that such employment opportunities, as a whole, are made available in a manner that would not violate subpart B if they were provided by the recipient.	N	N		
2089	§104.47 Nonacademic services	Federal	Statute	(a) Physical education and athletics. (1) In providing physical education courses and athletics and similar aid, benefits, or services to any of its students, a recipient to which this subpart applies may not discriminate on the basis of handicap. A recipient that offers physical education courses or that operates or sponsors intercollegiate, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation in these activities. (2) A recipient may offer to handicapped students physical education and athletic activities that are separate or different only if separation or differentiation is consistent with the requirements of §104.43(d) and only if no qualified handicapped student is denied the opportunity to compete for teams or to participate in courses that are not separate or different. (b) Counseling and placement services. A recipient to which this subpart applies that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of handicap. The recipient shall ensure that qualified handicapped students are not counseled toward more restrictive career objectives than are nonhandicapped students with similar interests and abilities. This requirement does not preclude a recipient from providing factual information about licensing and certification requirements that may present obstacles to handicapped persons in their pursuit of particular careers. (c) Social organizations. A recipient that provides significant assistance to fraternities, sororities, or similar organizations shall assure itself that the	N	N		
2090	Subpart F—Health, Welfare, and Social Services §104.51 Application of this subpart	Federal	Statute	Subpart F applies to health, welfare, and other social service programs or activities that receive Federal financial assistance and to recipients that operate, or that receive Federal financial assistance for the operation of, such programs or activities. [45 FR 30936, May 9, 1980, as amended at 65 FR 68055, Nov. 13, 2000]	N	N		
2091	§104.52 Health, welfare, and other social services	Federal	Statute	(a) General. In providing health, welfare, or other social services or benefits, a recipient may not, on the basis of handicap: (1) Deny a qualified handicapped person these benefits or services; (2) Afford a qualified handicapped person an opportunity to receive benefits or services that is not equal to that offered nonhandicapped persons; (3) Provide a qualified handicapped person with benefits or services that are not as effective (as defined in §104.4(b)) as the benefits or services provided to others; (4) Provide benefits or services in a manner that limits or has the effect of limiting the participation of qualified handicapped persons; or (5) Provide different or separate benefits or services to handicapped persons except where necessary to provide qualified handicapped persons with benefits and services that are as effective as those provided to others. (b) Notice. A recipient that provides notice concerning benefits or services or written material concerning waivers of rights or consent to treatment shall take such steps as are necessary to ensure that qualified handicapped persons, including those with impaired sensory or speaking skills, are not denied effective notice because of their handicap.	N	N		
2092	§104.53 Drug and alcohol addicts	Federal	Statute	A recipient to which this subpart applies that operates a general hospital or outpatient facility may not discriminate in admission or treatment against a drug or alcohol abuser or alcoholic who is suffering from a medical condition, because of the person's drug or alcohol abuse or alcoholism.	N	N		
2093	§104.54 Education of institutionalized persons	Federal	Statute	A recipient to which this subpart applies and that operates or supervises a program or activity that provides aid, benefits or services for persons who are institutionalized because of handicap shall ensure that each qualified handicapped person, as defined in §104.3(k)(2), in its program or activity is provided an appropriate education, as defined in §104.33(b). Nothing in this section shall be interpreted as altering in any way the obligations of recipients under subpart D. [45 FR 30936, May 9, 1980, as amended at 65 FR 68055, Nov. 13, 2000]	N	N		
2094	Subpart G—Procedures §104.61 Procedures	Federal	Statute	The procedural provisions applicable to title VI of the Civil Rights Act of 1964 apply to this part. These procedures are found in §§100.6-100.10 and part 101 of this title.	N	N		

2095	Appendix A to Part 104—Analysis of Final Regulation	Federal	Statute	Subpart A—General Provisions Definitions—1. Recipient. Section 104.23 contains definitions used throughout the regulation. One comment requested that the regulation specify that nonpublic elementary and secondary schools that are not otherwise recipients do not become recipients by virtue of the fact their students participate in certain federally funded programs. The Secretary believes it unnecessary to amend the regulation in this regard, because almost identical language in the Department's regulations implementing title VI and title IX of the Education Amendments of 1972 has consistently been interpreted so as not to render such schools recipients. These schools, however, are indirectly subject to the substantive requirements of this regulation through the application of §104.4(b)(iv), which prohibits recipients from assisting agencies that discriminate on the basis of handicap in providing services to beneficiaries of the recipients' programs. 2. Federal financial assistance. In §104.3(h), defining federal financial assistance, a clarifying change has been made: procurement contracts are specifically excluded. They are covered, however, by the Department of Labor's regulation under section 503. The Department has never considered such contracts to be contracts of assistance; the explicit exemption has been added only to avoid possible confusion. The proposed regulation's exemption of contracts of insurance or guaranty has been retained. A number of comments argued for its deletion on the ground	N	N		
2096	Appendix A to Part 104—Analysis of Final Regulation continued…	Federal	Statute	The Secretary wishes to reassure recipients that inclusion of addicts and alcoholics within the scope of the regulation will not lead to the consequences feared by many commenters. It cannot be emphasized too strongly that the statute and the regulation apply only to discrimination against qualified handicapped persons solely by reason of their handicap. The fact that drug addiction and alcoholism may be handicaps does not mean that these conditions must be ignored in determining whether an individual is qualified for services or employment opportunities. On the contrary, a recipient may hold a drug addict or alcoholic to the same standard of performance and behavior to which it holds others, even if any unsatisfactory performance or behavior is related to the person's drug addiction or alcoholism. In other words, while an alcoholic or drug addict may not be denied services or disqualified from employment solely because of his or her condition, the behavioral manifestations of the condition may be taken into account in determining whether he or she is qualified. With respect to the employment of a drug addict or alcoholic, if it can be shown that the addiction or alcoholism prevents successful performance of the job, the person need not be provided the employment opportunity in question. For example, in making employment decisions, a recipient may judge addicts and alcoholics on the same basis it judges all other applicants and employees. Thus, a recipient may consider—for all applicants including drug addicts and alcoholics—past personnel records, absenteeism, disruptive, abusive, or dangerous behavior, violations of rules and unsatisfactory work performance. Moreover, employers may enforce rules prohibiting the possession or use of	N	N		
2097	Appendix A to Part 104—Analysis of Final Regulation continued…	Federal	Statute	It is important that both handicapped persons and the public at large be aware of the obligations of recipients under section 504. Both the Department and recipients have responsibilities in this regard. Indeed the Department intends to undertake a major public information effort to inform persons of their rights under section 504 and this regulation. In §104.8 the Department has sought to impose a clear obligation on major recipients to notify beneficiaries and employees of the requirements of section 504, without dictating the precise way in which this notice must be given. At the same time, we have avoided imposing requirements on small recipients (those with fewer than fifteen employees) that would create unnecessary and counterproductive paper work burdens on them and unduly stretch the enforcement resources of the Department. Section 104.8(a), as simplified, requires recipients with fifteen or more employees to take appropriate steps to notify beneficiaries and employees of the recipient's obligations under section 504. The last sentence of §104.8(a) has been revised to list possible, rather than required, means of notification. Section 104.8(b) requires recipients to include a notification of their policy of nondiscrimination in recruitment and other general information materials. In response to a number of comments, §104.8 has been revised to delete the requirements of publication in local newspapers, which has proved to be both troublesome and ineffective. Several commenters suggested that notification on separate forms be allowed until present stocks of publications and forms are depleted. The final regulation explicitly allows this method of compliance. The	Y	Y	Other service or product our agency must/may provide	Responsibilities to provide services for handicapped persons
2098	Appendix A to Part 104—Analysis of Final Regulation continued…	Federal	Statute	17. Tests and selection criteria. Revised §104.13(a) prohibits employers from using test or other selection criteria that screen out or tend to screen out handicapped persons unless the test or criterion is shown to be job-related and alternative tests or criteria that do not screen out or tend to screen out as many handicapped persons are not shown by the Assistant Secretary to be available. This paragraph is an application of the principle established under title VII of the Civil Rights Act of 1964 in Griggs v. Duke Power Company, 401 U.S. 424 (1971). Under the proposed section, a statistical showing of adverse impact on handicapped persons was required to trigger an employer's obligation to show that employment criteria and qualifications relating to handicap were necessary. This requirement was changed because the small number of handicapped persons taking tests would make statistical showings of “disproportionate, adverse effect” difficult and burdensome. Under the altered, more workable provision, once it is shown that an employment test substantially limits the opportunities of handicapped persons, the employer must show the test to be job-related. A recipient is no longer limited to using predictive validity studies as the method for demonstrating that a test or other selection criterion is in fact job-related. Nor, in all cases, are predictive validity studies sufficient to demonstrate that a test or criterion is job-related. In addition, §104.13(a) has been revised to place the burden on the Assistant Secretary, rather than the recipient, to identify alternate tests. Section 104.13(b) requires that a recipient take into account that some tests and criteria depend upon sensory, manual, or speaking skills that may not	Y	Y	Other service or product our agency must/may provide	Responsibilities to provide services for handicapped persons

2099	Appendix A to Part 104—Analysis of Final Regulation continued...	Federal	Statute	Subpart D—Preschool, Elementary, and Secondary Education Subpart D sets forth requirements for nondiscrimination in preschool, elementary, secondary, and adult education programs and activities, including secondary vocational education programs. In this context, the term "adult education" refers only to those educational programs and activities for adults that are operated by elementary and secondary schools. The provisions of Subpart D apply to state and local educational agencies. Although the subpart applies, in general, to both public and private education programs and activities that are federally assisted, §§104.32 and 104.33 apply only to public programs and §104.39 applies only to private programs; §§104.35 and 104.36 apply both to public programs and to those private programs that include special services for handicapped students. Subpart B generally conforms to the standards established for the education of handicapped persons in Mills v. Board of Education of the District of Columbia, 348 F. Supp. 866 (D.D.C. 1972), Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania, 344 F. Supp. 1257 (E.D. 1971), 343 F. Supp. 279 (E.D. Pa. 1972), and Lebanks v. Spears, 60, F.R.D. 135 (E.D. La. 1973), as well as in the Education of the Handicapped Act, as amended by Pub. L. 94-142 (the EHA). The basic requirements common to those cases, to the EHA, and to this regulation are (1) that handicapped persons, regardless of the nature or severity of their handicap, be provided a free appropriate public education, (2) that	Y	Y	Other service or product our agency must/may provide	Responsibilities to provide services for handicapped persons
2100	Appendix A to Part 104—Analysis of Final Regulation continued...	Federal	Statute	The proposed regulation would have required a complete individual reevaluation of the student each year. The Department has concluded that it is inappropriate in the section 504 regulation to require full reevaluations on such a rigid schedule. Accordingly, §104.35(c) requires periodic reevaluations and specifies that reevaluations in accordance with the EHA will constitute compliance. The proposed regulation implementing the EHA allows reevaluation at three-year intervals except under certain specified circumstances. Under §104.36, a recipient must establish a system of due process procedures to be afforded to parents or guardians before the recipient takes any action regarding the identification, evaluation, or educational placement of a person who, because of handicap, needs or is believed to need special education or related services. This section has been revised. Because the due process procedures of the EHA, incorporated by reference in the proposed section 504 regulation, are inappropriate for some recipients not subject to that Act, the section now specifies minimum necessary procedures: notice, a right to inspect records, an impartial hearing with a right to representation by counsel, and a review procedure. The EHA procedures remain one means of meeting the regulation's due process requirements, however, and are recommended to recipients as a model. 26. Nonacademic services. Section 104.37 requires a recipient to provide nonacademic and extracurricular services and activities in such manner as is necessary to afford handicapped students an equal opportunity for participation. Because these services and activities are part of a recipient's	Y	Y	Other service or product our agency must/may provide	Responsibilities to provide services for handicapped persons
2101	Appendix A to Part 104—Analysis of Final Regulation continued...	Federal	Statute	Subpart F—Health, Welfare, and Social Services Subpart F applies to recipients that operate health, welfare, and social service programs. The Department received fewer comments on this subpart than on others. Although many commented that subpart F lacked specificity, these commenters provided neither concrete suggestions nor additions. Nevertheless, some changes have been made, pursuant to comment, to clarify the obligations of recipients in specific areas. In addition, in an effort to reduce duplication in the regulation, the section governing recipients providing health services has been consolidated with the section regulating providers of welfare and social services. Since the separate provisions that appeared in the proposed regulation were almost identical, no substantive change should be inferred from their consolidation. Several commenters asked whether subpart F applies to vocational rehabilitation agencies whose purpose is to assist in the rehabilitation of handicapped persons. To the extent that such agencies receive financial assistance from the Department, they are covered by subpart F and all other relevant subparts of the regulation. Nothing in this regulation, however, precludes such agencies from servicing only handicapped persons. Indeed, §104.4(c) permits recipients to offer services or benefits that are limited by federal law to handicapped persons or classes of handicapped persons. Many comments suggested requiring state social service agencies to take an	Y	Y	Other service or product our agency must/may provide	Responsibilities to provide services for handicapped persons
2102	Title 34: Education PART 105—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN	Federal	Statute					
2103	§105.1 Purpose	Federal	Statute	The purpose of this part is to effectuate section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.	N	N		
2104	§105.2 Application	Federal	Statute	This part applies to all programs or activities conducted by the Department, except for programs or activities conducted outside the United States that do not involve individuals with handicaps in the United States.	N	N		
2105	§105.3 Definitions	Federal	Statute	For purposes of this part, the following definitions apply: Auxiliary aids means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the Department. For example, auxiliary aids useful for persons with impaired vision include readers, materials in braille, audio recordings, and other similar services and devices. Auxiliary aids useful for persons with impaired hearing include telephone handset amplifiers, telephones compatible with hearing aids, telecommunication devices for deaf persons (TDDs), interpreters, notetakers, written materials, and other similar services and devices. Complete complaint means a written statement that contains the complainant's name and address and describes the Department's alleged discriminatory action in sufficient detail to inform the Department of the nature and date of the alleged violation of section 504. It must be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties must describe or identify (by name, if possible) the alleged victims of discrimination. Facility means all or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other conveyances, or other real or personal property. Historic preservation programs means programs conducted by the Department	N	N		

2106	§§105.4-105.9 [Reserved]	Federal	Statute					
2107	§105.10 Self-evaluation	Federal	Statute	(a) The Department shall, within one year of the effective date of this part, evaluate its current policies and practices, and the effects thereof, that do not or may not meet the requirements of this part, and, to the extent modification of any of those policies and practices is required, the Department shall proceed to make the necessary modifications. (b) The Department shall provide an opportunity to interested persons, including individuals with handicaps or organizations representing individuals with handicaps to participate in the self-evaluation process by submitting comments (both oral and written). (c) The Department shall, for at least 3 years following completion of the self-evaluation, maintain on file, and make available for public inspection— (1) A description of areas examined and any problems identified; and (2) A description of any modifications made.	N	N		
2108	§105.11 Notice	Federal	Statute	The Department shall make available, to employees, applicants, participants, beneficiaries, and other interested persons, information regarding the provisions of this part and its applicability to the programs or activities conducted by the Department, and make that information available to them in such manner as the Secretary finds necessary to apprise those persons of the protections against discrimination assured them by section 504 and the	N	N		
2109	§§105.12-105.19 [Reserved]	Federal	Statute					
2110	§105.20 General prohibitions against discrimination	Federal	Statute	(a) No qualified individual with handicaps shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under, any program or activity conducted by the Department. (b)(1) The Department, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap— (i) Deny a qualified individual with handicaps the opportunity to participate in or benefit from the aid, benefit, or service; (ii) Afford a qualified individual with handicaps an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others; (iii) Provide a qualified individual with handicaps with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others; (iv) Provide different or separate aid, benefits, or services to individuals with handicaps or to any class of individuals with handicaps than is provided to others unless that action is necessary to provide qualified individuals with handicaps with aid, benefits, or services that are as effective as those provided	N	N		
2111	§§105.21-105.29 [Reserved]	Federal	Statute					
2112	§105.30 Employment	Federal	Statute	No qualified individual with handicaps shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity conducted by the Department. As provided in §105.41(b), the definitions, requirements, and procedures of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, shall apply to employment in federally conducted programs or activities.	N	N		
2113	§105.31 Program accessibility: Discrimination prohibited	Federal	Statute	Except as otherwise provided in §105.32, no qualified individual with handicaps shall, because the Department's facilities are inaccessible to or unusable by individuals with handicaps, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity conducted by the Department.	N	N		
2114	§105.32 Program accessibility: Existing facilities	Federal	Statute	(a) General. The Department shall operate each program or activity so that the program or activity, viewed in its entirety, is readily accessible to and usable by individuals with handicaps. This paragraph does not— (1) Necessarily require the Department to make each of its existing facilities accessible to and usable by individuals with handicaps; (2) In the case of historic preservation programs, require the Department to take any action that would result in a substantial impairment of significant historic features of an historic property; or (3)(i) Require the Department to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. (ii) The Department has the burden of proving that compliance with §105.32(a) would result in that alteration or those burdens. (iii) The decision that compliance would result in that alteration or those burdens must be made by the Secretary after considering all of the Department's resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. (iv) If an action would result in that alteration or those burdens, the Department	N	N		
2115	§105.33 Program accessibility: New construction and alterations	Federal	Statute	Each building or part of a building that is constructed or altered by, on behalf of, or for the use of, the Department must be designed, constructed, or altered so as to be readily accessible to and usable by individuals with handicaps. The definitions, requirements, and standards of the Architectural Barriers Act (42 U.S.C. 4151-4157), as established in 41 CFR 101-19.600 to 101-19.607, apply to buildings covered by this section.	N	N		
2116	§§105.34-105.39 [Reserved]	Federal	Statute					

2117	§105.40 Communications	Federal	Statute	(a) The Department shall take appropriate steps to ensure effective communication with applicants, participants, personnel of other Federal entities, and members of the public, as follows: (1)(i) The Department shall furnish appropriate auxiliary aids if necessary to afford an individual with handicaps an equal opportunity to participate in, and enjoy the benefits of, a program or activity conducted by the Department. (ii) In determining what type of auxiliary aid is necessary, the Department shall give primary consideration to the request of the individual with handicaps. (iii) The Department need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature. (2) If the Department communicates with applicants and beneficiaries by telephone, telecommunication devices for deaf persons (TDDs) or equally effective telecommunication systems must be used. (b) The Department shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities. (c) The Department shall provide signs at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The international symbol for accessibility	N	N		
2118	§105.41 Compliance procedures	Federal	Statute	(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in programs and activities conducted by the Department. (b) As provided in §105.30, the Department shall process complaints alleging violations of section 504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR part 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791). (c) The Deputy Under Secretary for Management is responsible for coordinating implementation of this section. Complaints may be sent to the U.S. Department of Education, Office of Management, Federal Building No. 6, 400 Maryland Avenue SW., Washington, DC 20202. (d) The Department shall accept and investigate all complete complaints for which it has jurisdiction. All complete complaints must be filed within 180 days of the alleged act of discrimination. The Department may extend this time period for good cause. (e) If the Department receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate government entity. (f) The Department shall notify the Architectural and Transportation Barriers	N	N		
2119	§105.42 Effective date	Federal	Statute	The effective date of this part is October 9, 1990.	N	N		
2120	Title 34: Education PART 106—NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE	Federal	Statute					
2121	Subpart A—Introduction §106.1 Purpose and effective date	Federal	Statute	The purpose of this part is to effectuate title IX of the Education Amendments of 1972, as amended by Pub. L. 93-568, 88 Stat. 1855 (except sections 904 and 906 of those Amendments) which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in this part. This part is also intended to effectuate section 844 of the Education Amendments of 1974, Pub. L. 93-380, 88 Stat. 484. The effective date of this part shall be July 21, 1975. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682, as amended by Pub. L. 93-568, 88 Stat. 1855, and sec. 844, Education Amendments of 1974, 88 Stat. 484, Pub. L. 93-380)	N	N		
2122	§106.2 Definitions	Federal	Statute	As used in this part, the term: (a) Title IX means title IX of the Education Amendments of 1972, Pub. L. 92-318, as amended by section 3 of Pub. L. 93-568, 88 Stat. 1855, except sections 904 and 906 thereof; 20 U.S.C. 1681, 1682, 1683, 1685, 1686. (b) Department means the Department of Education. (c) Secretary means the Secretary of Education. (d) Assistant Secretary means the Assistant Secretary for Civil Rights of the Department. (e) Reviewing Authority means that component of the Department delegated authority by the Secretary to appoint, and to review the decisions of, administrative law judges in cases arising under this part. (f) Administrative law judge means a person appointed by the reviewing authority to preside over a hearing held under this part. (g) Federal financial assistance means any of the following, when authorized or extended under a law administered by the Department: (1) A grant or loan of Federal financial assistance, including funds made available for:	N	N		

2123	§106.3 Remedial and affirmative action and self-evaluation	Federal	Statute	(a) Remedial action. If the Assistant Secretary finds that a recipient has discriminated against persons on the basis of sex in an education program or activity, such recipient shall take such remedial action as the Assistant Secretary deems necessary to overcome the effects of such discrimination. (b) Affirmative action. In the absence of a finding of discrimination on the basis of sex in an education program or activity, a recipient may take affirmative action to overcome the effects of conditions which resulted in limited participation therein by persons of a particular sex. Nothing herein shall be interpreted to alter any affirmative action obligations which a recipient may have under Executive Order 11246. (c) Self-evaluation. Each recipient education institution shall, within one year of the effective date of this part: (1) Evaluate, in terms of the requirements of this part, its current policies and practices and the effects thereof concerning admission of students, treatment of students, and employment of both academic and non-academic personnel working in connection with the recipient's education program or activity; (2) Modify any of these policies and practices which do not or may not meet the requirements of this part; and (3) Take appropriate remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to these	N	N		
2124	§106.4 Assurance required	Federal	Statute	(a) General. Every application for Federal financial assistance shall as condition of its approval contain or be accompanied by an assurance from the applicant or recipient, satisfactory to the Assistant Secretary, that the education program or activity operated by the applicant or recipient and to which this part applies will be operated in compliance with this part. An assurance of compliance with this part shall not be satisfactory to the Assistant Secretary if the applicant or recipient to whom such assurance applies fails to commit itself to take whatever remedial action is necessary in accordance with §106.3(a) to eliminate existing discrimination on the basis of sex or to eliminate the effects of past discrimination whether occurring prior or subsequent to the submission to the Assistant Secretary of such assurance. (b) Duration of obligation. (1) In the case of Federal financial assistance extended to provide real property or structures thereon, such assurance shall obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used to provide an education program or activity. (2) In the case of Federal financial assistance extended to provide personal property, such assurance shall obligate the recipient for the period during which it retains ownership or possession of the property. (3) In all other cases such assurance shall obligate the recipient for the period during which Federal financial assistance is extended.	N	N		
2125	§106.5 Transfers of property	Federal	Statute	If a recipient sells or otherwise transfers property financed in whole or in part with Federal financial assistance to a transferee which operates any education program or activity, and the Federal share of the fair market value of the property is not upon such sale or transfer properly accounted for to the Federal Government both the transferor and the transferee shall be deemed to be recipients, subject to the provisions of subpart B of this part. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		
2126	§106.6 Effect of other requirements	Federal	Statute	(a) Effect of other Federal provisions. The obligations imposed by this part are independent of, and do not alter, obligations not to discriminate on the basis of sex imposed by Executive Order 11246, as amended; sections 704 and 855 of the Public Health Service Act (42 U.S.C. 292d and 298b-2); Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); the Equal Pay Act (29 U.S.C. 206 and 206(d)); and any other Act of Congress or Federal regulation. (Authority: Secs. 901, 902, 905, Education Amendments of 1972, 86 Stat. 373, 374, 375; 20 U.S.C. 1681, 1682, 1685) (b) Effect of State or local law or other requirements. The obligation to comply with this part is not obviated or alleviated by any State or local law or other requirement which would render any applicant or student ineligible, or limit the eligibility of any applicant or student, on the basis of sex, to practice any occupation or profession. (c) Effect of rules or regulations of private organizations. The obligation to comply with this part is not obviated or alleviated by any rule or regulation of any organization, club, athletic or other league, or association which would render any applicant or student ineligible to participate or limit the eligibility or participation of any applicant or student, on the basis of sex, in any education program or activity operated by a recipient and which receives Federal financial assistance. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374;	Y	Y	Other service or product our agency must/may provide	Obligation to comply
2127	§106.7 Effect of employment opportunities	Federal	Statute	The obligation to comply with this part is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for members of one sex than for members of the other sex. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		
2128	§106.8 Designation of responsible employee and adoption of grievance procedures	Federal	Statute	(a) Designation of responsible employee. Each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to such recipient alleging its noncompliance with this part or alleging any actions which would be prohibited by this part. The recipient shall notify all its students and employees of the name, office address and telephone number of the employee or employees appointed pursuant to this paragraph. (b) Complaint procedure of recipient. A recipient shall adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by this part. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374;	N	N		

2129	§106.9 Dissemination of policy	Federal	Statute	(a) Notification of policy. (1) Each recipient shall implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex in the educational program or activity which it operates, and that it is required by title IX and this part not to discriminate in such a manner. Such notification shall contain such information, and be made in such manner, as the Assistant Secretary finds necessary to apprise such persons of the protections against discrimination assured them by title IX and this part, but shall state at least that the requirement not to discriminate in the education program or activity extends to employment therein, and to admission thereto unless Subpart C does not apply to the recipient, and that inquiries concerning the application of title IX and this part to such recipient may be referred to the employee designated pursuant to §106.8, or to the Assistant Secretary. (2) Each recipient shall make the initial notification required by paragraph (a)(1) of this section within 90 days of the effective date of this part or of the date this part first applies to such recipient, whichever comes later, which notification shall include publication in: (i) Local newspapers; (ii) Newspapers and magazines operated by such recipient or by student,	N	N		
2130	Subpart B—Coverage §106.11 Application	Federal	Statute	Except as provided in this subpart, this part 106 applies to every recipient and to the education program or activity operated by such recipient which receives Federal financial assistance.	N	N		
2131	§106.12 Educational institutions controlled by religious organizations	Federal	Statute	(a) Application. This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization. (b) Exemption. An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Assistant Secretary a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		
2132	§106.13 Military and merchant marine educational institutions	Federal	Statute	This part does not apply to an educational institution whose primary purpose is the training of individuals for a military service of the United States or for the merchant marine. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		
2133	§106.14 Membership practices of certain organizations	Federal	Statute	(a) Social fraternities and sororities. This part does not apply to the membership practices of social fraternities and sororities which are exempt from taxation under section 501(a) of the Internal Revenue Code of 1954, the active membership of which consists primarily of students in attendance at institutions of higher education. (b) YMCA, YWCA, Girl Scouts, Boy Scouts and Camp Fire Girls. This part does not apply to the membership practices of the Young Men's Christian Association, the Young Women's Christian Association, the Girl Scouts, the Boy Scouts and Camp Fire Girls. (c) Voluntary youth service organizations. This part does not apply to the membership practices of voluntary youth service organizations which are exempt from taxation under section 501(a) of the Internal Revenue Code of 1954 and the membership of which has been traditionally limited to members of one sex and principally to persons of less than nineteen years of age. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682; sec. 3(a) of P.L. 93-568, 88 Stat. 1862 amending Sec. 901)	N	N		
2134	§106.15 Admissions	Federal	Statute	(a) Admissions to educational institutions prior to June 24, 1973, are not covered by this part. (b) Administratively separate units. For the purposes only of this section, §§106.16 and 106.17, and subpart C, each administratively separate unit shall be deemed to be an educational institution. (c) Application of subpart C. Except as provided in paragraphs (d) and (e) of this section, subpart C applies to each recipient. A recipient to which subpart C applies shall not discriminate on the basis of sex in admission or recruitment in violation of that subpart. (d) Educational institutions. Except as provided in paragraph (e) of this section as to recipients which are educational institutions, subpart C applies only to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education. (e) Public institutions of undergraduate higher education. Subpart C does not apply to any public institution of undergraduate higher education which traditionally and continually from its establishment has had a policy of admitting only students of one sex. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		
2135	§106.16 Educational institutions eligible to submit transition plans	Federal	Statute	(a) Application. This section applies to each educational institution to which subpart C applies which: (1) Admitted only students of one sex as regular students as of June 23, 1972; or (2) Admitted only students of one sex as regular students as of June 23, 1965, but thereafter admitted as regular students, students of the sex not admitted prior to June 23, 1965. (b) Provision for transition plans. An educational institution to which this section applies shall not discriminate on the basis of sex in admission or recruitment in violation of subpart C unless it is carrying out a transition plan approved by the Secretary as described in §106.17, which plan provides for the elimination of such discrimination by the earliest practicable date but in no event later than June 23, 1979. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		

2136	§106.17 Transition plans	Federal	Statute	(a) Submission of plans. An institution to which §106.16 applies and which is composed of more than one administratively separate unit may submit either a single transition plan applicable to all such units, or a separate transition plan applicable to each such unit. (b) Content of plans. In order to be approved by the Secretary a transition plan shall: (1) State the name, address, and Federal Interagency Committee on Education (FICE) Code of the educational institution submitting such plan, the administratively separate units to which the plan is applicable, and the name, address, and telephone number of the person to whom questions concerning the plan may be addressed. The person who submits the plan shall be the chief administrator or president of the institution, or another individual legally authorized to bind the institution to all actions set forth in the plan. (2) State whether the educational institution or administratively separate unit admits students of both sexes, as regular students and, if so, when it began to do so. (3) Identify and describe with respect to the educational institution or administratively separate unit any obstacles to admitting students without discrimination on the basis of sex. (4) Describe in detail the steps necessary to eliminate as soon as practicable	N	N		
2137	Subpart C—Discrimination on the Basis of Sex in Admission and Recruitment Prohibited §106.21 Admission	Federal	Statute	(a) General. No person shall, on the basis of sex, be denied admission, or be subjected to discrimination in admission, by any recipient to which this subpart applies, except as provided in §§106.16 and 106.17. (b) Specific prohibitions. (1) In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this subpart applies shall not: (i) Give preference to one person over another on the basis of sex, by ranking applicants separately on such basis, or otherwise; (ii) Apply numerical limitations upon the number or proportion of persons of either sex who may be admitted; or (iii) Otherwise treat one individual differently from another on the basis of sex. (2) A recipient shall not administer or operate any test or other criterion for admission which has a disproportionately adverse effect on persons on the basis of sex unless the use of such test or criterion is shown to predict validly success in the education program or activity in question and alternative tests or criteria which do not have such a disproportionately adverse effect are shown to be unavailable. (c) Prohibitions relating to marital or parental status. In determining whether a person satisfies any policy or criterion for admission, or in making any offer of	N	N		
2138	§106.22 Preference in admission	Federal	Statute	A recipient to which this subpart applies shall not give preference to applicants for admission, on the basis of attendance at any educational institution or other school or entity which admits as students only or predominantly members of one sex, if the giving of such preference has the effect of discriminating on the basis of sex in violation of this subpart. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		
2139	§106.23 Recruitment	Federal	Statute	(a) Nondiscriminatory recruitment. A recipient to which this subpart applies shall not discriminate on the basis of sex in the recruitment and admission of students. A recipient may be required to undertake additional recruitment efforts for one sex as remedial action pursuant to §106.3(a), and may choose to undertake such efforts as affirmative action pursuant to §106.3(b). (b) Recruitment at certain institutions. A recipient to which this subpart applies shall not recruit primarily or exclusively at educational institutions, schools or entities which admit as students only or predominantly members of one sex, if such actions have the effect of discriminating on the basis of sex in violation of this subpart. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		
2140	Subpart D—Discrimination on the Basis of Sex in Education Programs or Activities Prohibited §106.31 Education programs or activities	Federal	Statute	(a) General. Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance. This subpart does not apply to actions of a recipient in connection with admission of its students to an education program or activity of (1) a recipient to which subpart C does not apply, or (2) an entity, not a recipient, to which subpart C would not apply if the entity were a recipient. (b) Specific prohibitions. Except as provided in this subpart, in providing any aid, benefit, or service to a student, a recipient shall not, on the basis of sex: (1) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service; (2) Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner; (3) Deny any person any such aid, benefit, or service; (4) Subject any person to separate or different rules of behavior, sanctions, or other treatment;	N	N		

2141	§106.32 Housing	Federal	Statute	(a) Generally. A recipient shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing, except as provided in this section (including housing provided only to married students). (b) Housing provided by recipient. (1) A recipient may provide separate housing on the basis of sex. (2) Housing provided by a recipient to students of one sex, when compared to that provided to students of the other sex, shall be as a whole: (i) Proportionate in quantity to the number of students of that sex applying for such housing; and (ii) Comparable in quality and cost to the student. (c) Other housing. (1) A recipient shall not, on the basis of sex, administer different policies or practices concerning occupancy by its students of housing other than provided by such recipient. (2) A recipient which, through solicitation, listing, approval of housing, or otherwise, assists any agency, organization, or person in making housing available to any of its students, shall take such reasonable action as may be necessary to assure itself that such housing as is provided to students of one sex, when compared to that provided to students of the other sex, is as a whole:	Y	Y	Other service or product our agency must/may provide	No discrimination
2142	§106.33 Comparable facilities	Federal	Statute	A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374)	N	N		
2143	§106.34 Access to classes and schools	Federal	Statute	(a) General standard. Except as provided for in this section or otherwise in this part, a recipient shall not provide or otherwise carry out any of its education programs or activities separately on the basis of sex, or require or refuse participation therein by any of its students on the basis of sex. (1) Contact sports in physical education classes. This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact. (2) Ability grouping in physical education classes. This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex. (3) Human sexuality classes. Classes or portions of classes in elementary and secondary schools that deal primarily with human sexuality may be conducted in separate sessions for boys and girls. (4) Choruses. Recipients may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex. (b) Classes and extracurricular activities—(1) General standard. Subject to the requirements in this paragraph, a recipient that operates a nonvocational coeducational elementary or secondary school may provide nonvocational	Y	Y	Other service or product our agency must/may provide	Provide specific programs and activities (i.e. physical education classes, human sexuaity courses, chouruses, extracurricular activities, etc.)
2144	§106.35 Access to institutions of vocational education	Federal	Statute	A recipient shall not, on the basis of sex, exclude any person from admission to any institution of vocational education operated by that recipient. (Authority: 20 U.S.C. 1681, 1682) [71 FR 62543, Oct. 25, 2006]	N	N		
2145	§106.36 Counseling and use of appraisal and counseling materials	Federal	Statute	(a) Counseling. A recipient shall not discriminate against any person on the basis of sex in the counseling or guidance of students or applicants for admission. (b) Use of appraisal and counseling materials. A recipient which uses testing or other materials for appraising or counseling students shall not use different materials for students on the basis of their sex or use materials which permit or require different treatment of students on such basis unless such different materials cover the same occupations and interest areas and the use of such different materials is shown to be essential to eliminate sex bias. Recipients shall develop and use internal procedures for ensuring that such materials do not discriminate on the basis of sex. Where the use of a counseling test or other instrument results in a substantially disproportionate number of members of one sex in any particular course of study or classification, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination in the instrument or its application. (c) Disproportion in classes. Where a recipient finds that a particular class contains a substantially disproportionate number of individuals of one sex, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in counseling or appraisal materials or by counselors. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	Y	Y	Other service or product our agency must/may provide	No discrimination when it comes to counseling or guidance of students or applicants for admissions.
2146	§106.37 Financial assistance	Federal	Statute	(a) General. Except as provided in paragraphs (b) and (c) of this section, in providing financial assistance to any of its students, a recipient shall not: (1) On the basis of sex, provide different amount or types of such assistance, limit eligibility for such assistance which is of any particular type or source, apply different criteria, or otherwise discriminate; (2) Through solicitation, listing, approval, provision of facilities or other services, assist any foundation, trust, agency, organization, or person which provides assistance to any of such recipient's students in a manner which discriminates on the basis of sex; or (3) Apply any rule or assist in application of any rule concerning eligibility for such assistance which treats persons of one sex differently from persons of the other sex with regard to marital or parental status. (b) Financial aid established by certain legal instruments. (1) A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established pursuant to domestic or foreign wills, trusts, bequests, or similar legal instruments or by acts of a foreign government which requires that awards be made to members of a particular sex specified therein; Provided, That the overall effect of the award of such sex-restricted scholarships, fellowships, and other forms of financial assistance does not discriminate on the basis of sex.	N	N		

2147	§106.38 Employment assistance to students	Federal	Statute	(a) Assistance by recipient in making available outside employment. A recipient which assists any agency, organization or person in making employment available to any of its students: (1) Shall assure itself that such employment is made available without discrimination on the basis of sex; and (2) Shall not render such services to any agency, organization, or person which discriminates on the basis of sex in its employment practices. (b) Employment of students by recipients. A recipient which employs any of its students shall not do so in a manner which violates subpart E of this part. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		
2148	§106.39 Health and insurance benefits and services	Federal	Statute	In providing a medical, hospital, accident, or life insurance benefit, service, policy, or plan to any of its students, a recipient shall not discriminate on the basis of sex, or provide such benefit, service, policy, or plan in a manner which would violate Subpart E of this part if it were provided to employees of the recipient. This section shall not prohibit a recipient from providing any benefit or service which may be used by a different proportion of students of one sex than of the other, including family planning services. However, any recipient which provides full coverage health service shall provide gynecological care. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		
2149	§106.40 Marital or parental status	Federal	Statute	(a) Status generally. A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex. (b) Pregnancy and related conditions. (1) A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient. (2) A recipient may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician. (3) A recipient which operates a portion of its education program or activity separately for pregnant students, admittance to which is completely voluntary on the part of the student as provided in paragraph (b)(1) of this section shall ensure that the separate portion is comparable to that offered to non-pregnant students. (4) A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital	N	N		
2150	§106.41 Athletics	Federal	Statute	(a) General. No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis. (b) Separate teams. Notwithstanding the requirements of paragraph (a) of this section, a recipient may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport. For the purposes of this part, contact sports include boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact. (c) Equal opportunity. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available the Director will consider, among other factors: (1) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;	N	N		
2151	§106.42 Textbooks and curricular material	Federal	Statute	Nothing in this regulation shall be interpreted as requiring or prohibiting or abridging in any way the use of particular textbooks or curricular materials. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		
2152	§106.43 Standards for measuring skill or progress in physical education classes	Federal	Statute	If use of a single standard of measuring skill or progress in physical education classes has an adverse effect on members of one sex, the recipient shall use appropriate standards that do not have that effect. (Authority: 20 U.S.C. 1681, 1682) [71 FR 62543, Oct. 25, 2006]	N	N		
2153	Subpart E—Discrimination on the Basis of Sex in Employment in Education Programs or Activities Prohibited	Federal	Statute					

2154	§106.51 Employment	Federal	Statute	(a) General. (1) No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection therefor, whether full-time or part-time, under any education program or activity operated by a recipient which receives Federal financial assistance. (2) A recipient shall make all employment decisions in any education program or activity operated by such recipient in a nondiscriminatory manner and shall not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex. (3) A recipient shall not enter into any contractual or other relationship which directly or indirectly has the effect of subjecting employees or students to discrimination prohibited by this subpart, including relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of the recipient. (4) A recipient shall not grant preferences to applicants for employment on the basis of attendance at any educational institution or entity which admits as students only or predominantly members of one sex, if the giving of such preferences has the effect of discriminating on the basis of sex in violation of this part. (b) Application. The provisions of this subpart apply to:	N	N		
2155	§106.52 Employment criteria	Federal	Statute	A recipient shall not administer or operate any test or other criterion for any employment opportunity which has a disproportionately adverse effect on persons on the basis of sex unless: (a) Use of such test or other criterion is shown to predict validly successful performance in the position in question; and (b) Alternative tests or criteria for such purpose, which do not have such disproportionately adverse effect, are shown to be unavailable. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		
2156	§106.53 Recruitment	Federal	Statute	(a) Nondiscriminatory recruitment and hiring. A recipient shall not discriminate on the basis of sex in the recruitment and hiring of employees. Where a recipient has been found to be presently discriminating on the basis of sex in the recruitment or hiring of employees, or has been found to have in the past so discriminated, the recipient shall recruit members of the sex so discriminated against so as to overcome the effects of such past or present discrimination. (b) Recruitment patterns. A recipient shall not recruit primarily or exclusively at entities which furnish as applicants only or predominantly members of one sex if such actions have the effect of discriminating on the basis of sex in violation of this subpart. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		
2157	§106.54 Compensation	Federal	Statute	A recipient shall not make or enforce any policy or practice which, on the basis of sex: (a) Makes distinctions in rates of pay or other compensation; (b) Results in the payment of wages to employees of one sex at a rate less than that paid to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		
2158	§106.55 Job classification and structure	Federal	Statute	A recipient shall not: (a) Classify a job as being for males or for females; (b) Maintain or establish separate lines of progression, seniority lists, career ladders, or tenure systems based on sex; or (c) Maintain or establish separate lines of progression, seniority systems, career ladders, or tenure systems for similar jobs, position descriptions, or job requirements which classify persons on the basis of sex, unless sex is a bona-fide occupational qualification for the positions in question as set forth in §106.61. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		
2159	§106.56 Fringe benefits	Federal	Statute	(a) Fringe benefits defined. For purposes of this part, fringe benefits means: Any medical, hospital, accident, life insurance or retirement benefit, service, policy or plan, any profit-sharing or bonus plan, leave, and any other benefit or service of employment not subject to the provision of §106.54. (b) Prohibitions. A recipient shall not: (1) Discriminate on the basis of sex with regard to making fringe benefits available to employees or make fringe benefits available to spouses, families, or dependents of employees differently upon the basis of the employee's sex; (2) Administer, operate, offer, or participate in a fringe benefit plan which does not provide either for equal periodic benefits for members of each sex, or for equal contributions to the plan by such recipient for members of each sex; or (3) Administer, operate, offer, or participate in a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex or which otherwise discriminates in benefits on the basis of sex. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		

2160	§106.57 Marital or parental status	Federal	Statute	(a) General. A recipient shall not apply any policy or take any employment action: (1) Concerning the potential marital, parental, or family status of an employee or applicant for employment which treats persons differently on the basis of sex; or (2) Which is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit. (b) Pregnancy. A recipient shall not discriminate against or exclude from employment any employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom. (c) Pregnancy as a temporary disability. A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom and any temporary disability resulting therefrom as any other temporary disability for all job related purposes, including commencement, duration and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment. (d) Pregnancy leave. In the case of a recipient which does not maintain a leave	N	N		
2161	§106.58 Effect of State or local law or other requirements	Federal	Statute	(a) Prohibitory requirements. The obligation to comply with this subpart is not obviated or alleviated by the existence of any State or local law or other requirement which imposes prohibitions or limits upon employment of members of one sex which are not imposed upon members of the other sex. (b) Benefits. A recipient which provides any compensation, service, or benefit to members of one sex pursuant to a State or local law or other requirement shall provide the same compensation, service, or benefit to members of the other sex. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		
2162	§106.59 Advertising	Federal	Statute	A recipient shall not in any advertising related to employment indicate preference, limitation, specification, or discrimination based on sex unless sex is a bona-fide occupational qualification for the particular job in question. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		
2163	§106.60 Pre-employment inquiries	Federal	Statute	(a) Marital status. A recipient shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is “Miss or Mrs.” (b) Sex. A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682	N	N		
2164	§106.61 Sex as a bona-fide occupational qualification	Federal	Statute	A recipient may take action otherwise prohibited by this subpart provided it is shown that sex is a bona-fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section which is based upon alleged comparative employment characteristics or stereotyped characterizations of one or the other sex, or upon preference based on sex of the recipient, employees, students, or other persons, but nothing contained in this section shall prevent a recipient from considering an employee's sex in relation to employment in a locker room or toilet facility used only by members of one sex.	N	N		
2165	Subpart F—Procedures [Interim] §106.71 Procedures	Federal	Statute	The procedural provisions applicable to title VI of the Civil Rights Act of 1964 are hereby adopted and incorporated herein by reference. These procedures may be found at 34 CFR 100.6-100.11 and 34 CFR, part 101. (Authority: Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)	N	N		
2166	Subject Index to Title IX Preamble and Regulation1	Federal	Statute	1Preamble paragraph numbers are in brackets [ ]. A Access to Course Offerings [43, 55, 56, 57, 58]; 106.34 Access to Schools Operated by LEA's, [44]; 106.35 Admissions, [5, 6, 30]; 106.15, 106.21 Affirmative and remedial action, [16, 17, 24]; 106.3(a); (b) Administratively separate units, [30]; 106.15(b) 106.2(o) Educational Institutions, [30], 106.15(d), 106.2(n) General, 106.21(a), 106.2(p), Prohibitions relating to marital and parental status, [32, 36]; 106.21(c) Professional schools, [30], 106.2(m) Public institutions of undergraduate higher education, 106.15(e) Recruitment, [34, 35]; 106.23	N	N		
2167	Appendix A to Part 106—Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in	Federal	Statute	Editorial Note: For the text of these guidelines, see 34 CFR part 100, appendix B. [44 FR 17168, Mar. 21, 1979]	N	N		
2168	Title 34: Education PART 108—EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES FOR THE BOY SCOUTS OF AMERICA AND	Federal	Statute					
2169	§108.1 Purpose	Federal	Statute	The purpose of this part is to implement the Boy Scouts of America Equal Access Act, 20 U.S.C. 7905. (Authority: 20 U.S.C. 7905)	N	N		

2170	§108.2 Applicability	Federal	Statute	This part applies to any public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or limited public forum and that receives funds made available through the Department. (Authority: 20 U.S.C. 7905)	N	N		
2171	§108.3 Definitions	Federal	Statute	The following definitions apply to this part: (a) Act means the Boy Scouts of America Equal Access Act, section 9525 of the Elementary and Secondary Education Act of 1965, as amended by section 901 of the No Child Left Behind Act of 2001, Pub. L. 107-110, 115 Stat. 1425, 1981-82 (20 U.S.C. 7905). (b) Boy Scouts means the organization named “Boy Scouts of America,” which has a Federal charter and which is listed as an organization in title 36 of the United States Code (Patriotic and National Observances, Ceremonies, and Organizations) in Subtitle II (Patriotic and National Organizations), Part B (Organizations), Chapter 309 (Boy Scouts of America). (c) Covered entity means any public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or limited public forum and that receives funds made available through the Department. (d) Department means the Department of Education. (e) Designated open forum means that an elementary school or secondary school designates a time and place for one or more outside youth or community groups to meet on school premises or in school facilities, including during the hours in which attendance at the school is compulsory, for reasons other than to provide the school's educational program.	N	N		
2172	§108.4 Effect of State or local law	Federal	Statute	The obligation of a covered entity to comply with the Act and this part is not obviated or alleviated by any State or local law or other requirement. (Authority: 20 U.S.C. 7905)	N	N		
2173	§108.5 Compliance obligations	Federal	Statute	(a) The obligation of covered entities to comply with the Act and this part is not limited by the nature or extent of their authority to make decisions about the use of school premises or facilities. (b) Consistent with the requirements of §108.6, a covered entity must provide equal access to any group that is officially affiliated with the Boy Scouts or is officially affiliated with any other Title 36 youth group. A covered entity may require that any group seeking equal access inform the covered entity whether the group is officially affiliated with the Boy Scouts or is officially affiliated with any other Title 36 youth group. A covered entity's failure to request this information is not a defense to a covered entity's noncompliance with the Act or this part. (Authority: 20 U.S.C. 7905)	N	N		
2174	§108.6 Equal access	Federal	Statute	(a) General. Consistent with the requirements of paragraph (b) of this section, no covered entity shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts or officially affiliated with any other Title 36 youth group that requests to conduct a meeting within that covered entity's designated open forum or limited public forum. No covered entity shall deny that access or opportunity or discriminate for reasons including the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts or of the Title 36 youth group. (b) Specific requirements—(1) Meetings. Any group officially affiliated with the Boy Scouts or officially affiliated with any other Title 36 youth group that requests to conduct a meeting in the covered entity's designated open forum or limited public forum must be given equal access to school premises or facilities to conduct meetings. (2) Benefits and services. Any group officially affiliated with the Boy Scouts or officially affiliated with any other Title 36 youth group that requests to conduct a meeting as described in paragraph (b)(1) of this section must be given equal access to any other benefits and services provided to one or more outside youth or community groups that are allowed to meet in that same forum. These benefits and services may include, but are not necessarily limited to, school-related means of communication, such as bulletin board notices and literature distribution, and recruitment. (3) Fees. Fees may be charged in connection with the access provided under the	N	N		
2175	§108.7 Voluntary sponsorship	Federal	Statute	Nothing in the Act or this part shall be construed to require any school, agency, or school served by an agency to sponsor any group officially affiliated with the Boy Scouts or with any other Title 36 youth group. (Authority: 20 U.S.C. 7905)	N	N		
2176	§108.8 Assurances	Federal	Statute	An applicant for funds made available through the Department to which this part applies must submit an assurance that the applicant will comply with the Act and this part. The assurance shall be in effect for the period during which funds made available through the Department are extended. The Department specifies the form of the assurance, including the extent to which assurances will be required concerning the compliance obligations of subgrantees, contractors and subcontractors, and other participants, and provisions that give the United States a right to seek its judicial enforcement. An applicant may incorporate this assurance by reference in subsequent applications to the Department. (Approved by the Office of Management and Budget under control number 1870-0503) (Authority: 20 U.S.C. 7905)	N	N		
2177	§108.9 Procedures	Federal	Statute	The procedural provisions applicable to title VI of the Civil Rights Act of 1964, which are found in 34 CFR 100.6 through 100.11 and 34 CFR part 101, apply to this part, except that, notwithstanding these provisions and any other provision of law, no funds made available through the Department shall be provided to any school, agency, or school served by an agency that fails to comply with the Act or this part. (Authority: 20 U.S.C. 7905)	N	N		
2178	Title 34: Education PART 110—NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES	Federal	Statute					

2179	Subpart A—General §110.1 What is the purpose of ED's age discrimination regulations?	Federal	Statute	The purpose of these regulations is to set out ED's rules for implementing the Age Discrimination Act of 1975. The Act prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act permits federally assisted programs or activities, and recipients of Federal funds, to continue to use age distinctions and factors other than age that meet the requirements of the Act. (Authority: 42 U.S.C. 6101-6103) [58 FR 40197, July 27, 1993, as amended at 65 FR 68056, Nov. 13, 2000]	N	N		
2180	§110.2 To what programs or activities do these regulations apply?	Federal	Statute	(a) These regulations apply to any program or activity receiving Federal financial assistance from ED. (b) These regulations do not apply to— (1) An age distinction contained in that part of a Federal, State, or local statute or ordinance adopted by an elected, general purpose legislative body that— (i) Provides any benefits or assistance to persons based on age; (ii) Establishes criteria for participation in age-related terms; or (iii) Describes intended beneficiaries or target groups in age-related terms; or (2) Any employment practice of any employer, employment agency, labor organization, or any labor-management joint apprenticeship training program, except any program or activity receiving Federal financial assistance for employment under the Job Training Partnership Act (29 U.S.C. 1501 et seq.). (Authority: 42 U.S.C. 6103)	N	N		
2181	§110.3 What definitions apply?	Federal	Statute	The following definitions apply to these regulations: Act means the Age Discrimination Act of 1975, as amended (Title III of Pub. L. 94-135). Action means any act, activity, policy, rule, standard, or method of administration, or the use of any policy, rule, standard, or method of administration. Age means how old a person is, or the number of years from the date of a person's birth. Age distinction means any action using age or an age-related term. Age-related term means a word or words that necessarily imply a particular age or range of ages (e.g., “children,” “adult,” “older persons,” but not “student” or “grade”). Agency means a Federal department or agency that is empowered to extend financial assistance. Applicant for Federal financial assistance means one who submits an application, request, or plan required to be approved by a Department official or by a recipient as a condition to becoming a recipient or subrecipient. Department means the United States Department of Education.	N	N		
2182	Subpart B—Standards for Determining Age Discrimination §110.10 Rules against age discrimination	Federal	Statute	The rules stated in this section are subject to the exceptions contained in §§110.12 and 110.13 of these regulations. (a) General rule. No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. (b) Specific rules. A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements, use age distinctions or take any other actions that have the effect, on the basis of age, of— (1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under a program or activity receiving Federal financial assistance; or (2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance. (c) Other forms of discrimination. The specific forms of age discrimination listed in paragraph (b) of this section do not necessarily constitute a complete list. (Authority: 42 U.S.C. 6101-6103)	N	N		
2183	§110.11 Definitions of “normal operation” and “statutory objective.”	Federal	Statute	For purposes of these regulations, the terms normal operation and statutory objective have the following meanings: (a) Normal operation means the operation of a program or activity without significant changes that would impair its ability to meet its objectives. (b) Statutory objective means any purpose of a program or activity expressly stated in any Federal statute, State statute, or local statute or ordinance adopted by an elected, general purpose legislative body. (Authority: 42 U.S.C. 6103)	N	N		
2184	§110.12 Exceptions to the rules against age discrimination: Normal operation or statutory objective of any program or activity.	Federal	Statute	A recipient is permitted to take an action otherwise prohibited by §110.10 if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if— (a) Age is used as a measure or approximation of one or more other characteristics; (b) The other characteristic or characteristics must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity; (c) The other characteristic or characteristics can be reasonably measured or approximated by the use of age; and (d) The other characteristic or characteristics are impractical to measure directly on an individual basis. (Authority: 42 U.S.C. 6103)	N	N		

2185	§110.13 Exceptions to the rules against age discrimination: Reasonable factors other than age.	Federal	Statute	A recipient is permitted to take an action otherwise prohibited by §110.10 that is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective. (Authority: 42 U.S.C. 6103)	N	N		
2186	§110.14 Burden of proof	Federal	Statute	The burden of proving that an age distinction or other action falls within the exceptions outlined in §§110.12 and 110.13 is on the recipient of Federal financial assistance. (Authority: 42 U.S.C. 6104)	N	N		
2187	§110.15 Affirmative action by recipients	Federal	Statute	Even in the absence of a finding of discrimination, a recipient may take affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age. (Authority: 42 U.S.C. 6103)	N	N		
2188	§110.16 Special benefits for children and the elderly	Federal	Statute	If a recipient operating a program or activity provides special benefits to the elderly or to children, the use of age distinctions is presumed to be necessary to the normal operation of the program or activity, notwithstanding the provisions of §110.12. (Authority: 42 U.S.C. 6103) [58 FR 40197, July 27, 1993, as amended at 65 FR 68057, Nov. 13, 2000]	N	N		
2189	§110.17 Age distinctions contained in ED's regulations	Federal	Statute	Any age distinction contained in regulations issued by ED is presumed to be necessary to the achievement of a statutory objective of the program or activity to which the regulations apply, notwithstanding the provisions of §110.12. (Authority: 42 U.S.C. 6103) [58 FR 40197, July 27, 1993, as amended at 65 FR 68057, Nov. 13, 2000]	N	N		
2190	Subpart C—Duties of ED Recipients §110.20 General responsibilities	Federal	Statute	Each ED recipient has primary responsibility for ensuring that its program or activity is in compliance with the Act and these regulations and shall take steps to eliminate violations of the Act. A recipient also has responsibility to maintain records, provide information, and to afford ED access to its records to the extent required for ED to determine whether the recipient is in compliance with the Act and these regulations. (Authority: 42 U.S.C. 6103) [58 FR 40197, July 27, 1993, as amended at 65 FR 68057, Nov. 13, 2000]	Y	Y	Other service or product our agency must/may provide	Ensure program activity is in compliance with Act
2191	§110.21 Notice to subrecipients	Federal	Statute	If the recipient initially receiving funds makes the funds available to a subrecipient, the recipient shall notify the subrecipient of its obligations under the Act and these regulations. (Authority: 42 U.S.C. 6103)	N	N		
2192	§110.22 Information requirements	Federal	Statute	Each recipient shall— (a) Provide ED with information that ED determines is necessary to ascertain whether the recipient is in compliance with the Act and these regulations; and (b) Permit reasonable access by ED to the books, records, accounts, reports, and other recipient facilities and sources of information to the extent ED determines is necessary to ascertain whether a recipient is in compliance with the Act and these regulations. (Authority: 42 U.S.C. 6103)	Y	Y	Report our agency must/may provide	
2193	§110.23 Assurances required	Federal	Statute	(a) Assurances. An applicant for Federal financial assistance to which these regulations apply shall sign a written assurance, on a form specified by ED, that the program or activity will be operated in compliance with these regulations. An applicant may incorporate this assurance by reference in subsequent applications to ED. (b) Duration of obligation. (1) In the case of Federal financial assistance extended in the form of real property or to provide real property or structures on the property, the assurance will obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for the purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. (2) In the case of Federal financial assistance extended to provide personal property, the assurance will obligate the recipient for the period during which it retains ownership or possession of the property. (3) In all other cases the assurance will obligate the recipient for the period during which Federal financial assistance is extended. (c) Covenants. (1) If Federal financial assistance is provided in the form of real property or interest in the property from ED, the instrument effecting or recording this transfer must contain a covenant running with the land to assure nondiscrimination for the period during which the real property is used for a	Y	Y	Distribute funding to another entity	
2194	§110.24 Recipient assessment of age distinctions	Federal	Statute	(a) As part of a compliance review under §110.30 or a complaint investigation under §110.31, ED may require a recipient employing the equivalent of 15 or more full-time employees to complete a written self-evaluation, in a manner specified by ED, of any age distinction imposed in its program or activity receiving Federal financial assistance from ED to assess the recipient's compliance with the Act. (b) Whenever an assessment indicates a violation of the Act or these regulations, the recipient shall take corrective action.	N	N		
2195	§110.25 Designation of responsible employee, notice, and grievance procedures	Federal	Statute	(a) Designation of responsible employee. Each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the Act and these regulations, including investigation of any complaints that the recipient receives alleging any actions that are prohibited by the Act and these regulations. (b) Notice. A recipient shall notify its beneficiaries, in a continuing manner, of information regarding the provisions of the Act and these regulations. The notification must also identify the responsible employee by name or title, address, and telephone number. (c) Grievance procedures. A recipient shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Act or these regulations. (Authority: 42 U.S.C. 6103) [58 FR 40197, July 27, 1993, as amended at 65 FR 68057, Nov. 13, 2000]	N	N		

2196	Subpart D—Investigation, Conciliation, and Enforcement Procedures §110.30 Compliance reviews	Federal	Statute	(a) ED may conduct compliance reviews, pre-award reviews, and other similar procedures that permit ED to investigate and correct violations of the Act and of these regulations. ED may conduct these reviews in the absence of a complaint against a recipient. The review may be as comprehensive as necessary to determine whether a violation of these regulations occurred. (b) If a compliance review or pre-award review indicates a violation of the Act or these regulations, ED attempts to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, ED arranges for enforcement as described in §110.35. (Authority: 42 U.S.C. 6103)	N	N		
2197	§110.31 Complaints	Federal	Statute	(a) Any person, individually or as a member of a class or on behalf of others, may file a complaint with ED alleging discrimination prohibited by the Act or by these regulations based on an action occurring on or after July 1, 1979. A complainant shall file a complaint within 180 days from the date the complainant first had knowledge of the alleged discrimination. However, for good cause shown, ED may extend this time limit. (b) ED attempts to facilitate the filing of complaints, if possible, by— (1) Accepting as a complete complaint any written statement that identifies the parties involved and the date the complainant first had knowledge of the alleged violation, describes generally the action or practice complained of, and is signed by the complainant; (2) Freely permitting a complainant to add information to the complaint to meet the requirements of a complete complaint; (3) Widely disseminating information regarding the obligations of recipients under the Act and these regulations; (4) Notifying the complainant and the recipient of their rights and obligations under the complaint procedure, including the right to have a representative at all stages of the complaint procedure; and (5) Notifying the complainant and the recipient (or their representatives) of their	N	N		
2198	§110.32 Mediation	Federal	Statute	(a) ED promptly refers to the Federal Mediation and Conciliation Service or to the mediation agency designated by the Secretary of Health and Human Services, all complaints that— (1) Fall within the jurisdiction of the Act and these regulations, unless the age distinction complained of is clearly within an exemption under §110.2(b); and (2) Contain all information necessary for further processing. (b) Both the complainant and the recipient shall participate in the mediation process to the extent necessary to reach an agreement or to make an informed judgment that an agreement is not possible. The recipient and the complainant need not meet with the mediator at the same time, and the meeting may be conducted by telephone or other means of effective dialogue if a personal meeting between the party and the mediator is impractical. (c) If the complainant and the recipient reach an agreement, the mediator shall prepare a written statement of the agreement and have the complainant and recipient sign it. The mediator shall send a copy of the agreement to ED. ED takes no further action on the complaint unless informed that the complainant or the recipient fails to comply with the agreement, at which time ED reinstates the complaint. (d) The mediator shall protect the confidentiality of all information obtained in the course of the mediation process. No mediator shall testify in any	N	N		
2199	§110.33 Investigation	Federal	Statute	(a) Initial investigation. ED investigates complaints that are unresolved after mediation or reopened because of a violation of the mediation agreement. ED uses methods during the investigation to encourage voluntary resolution of the complaint, including discussions with the complainant and recipient to establish the facts and, if possible, resolve the complaint to the mutual satisfaction of the parties. ED may seek the assistance of any involved State, local, or other Federal agency. (b) Formal investigation, conciliation, and hearing. If ED cannot resolve the complaint during the early stages of the investigation, ED completes the investigation of the complaint and makes formal findings. If the investigation indicates a violation of the Act or these regulations, ED attempts to achieve voluntary compliance. If ED cannot obtain voluntary compliance, ED begins enforcement as described in §110.35. (Authority: 42 U.S.C. 6103) [58 FR 40197, July 27, 1993, as amended at 65 FR 68057, Nov. 13, 2000]	N	N		
2200	§110.34 Prohibition against intimidation or retaliation	Federal	Statute	A recipient may not engage in acts of intimidation or retaliation against any person who— (a) Attempts to assert a right protected by the Act or these regulations; or (b) Cooperates in any mediation, investigation, hearing, or other part of ED's investigation, conciliation, and enforcement process. (Authority: 42 U.S.C. 6103)	N	N		
2201	§110.35 Compliance procedure	Federal	Statute	(a) ED may enforce the Act and these regulations under §110.35(a) (1) or (2) through— (1) Termination of, or refusal to grant or continue, a recipient's Federal financial assistance from ED for a program or activity in which the recipient has violated the Act or these regulations. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an administrative law judge. (2) Any other means authorized by law, including, but not limited to— (i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations of the recipient created by the Act or these regulations; or (ii) Use of any requirement of or referral to any Federal, State, or local government agency that will have the effect of correcting a violation of the Act or of these regulations. (b) ED limits any termination or refusal under §110.35(a)(1) to the particular recipient and to the particular program or activity ED finds in violation of the Act or these regulations. ED will not base any part of a termination on a finding with respect to any program or activity that does not receive Federal financial assistance from ED.	N	N		

2202	§110.36 Hearings, decisions, and post-termination proceedings	Federal	Statute	(a) The following ED procedural provisions applicable to Title VI of the Civil Rights Act of 1964 also apply to ED's enforcement of these regulations: 34 CFR 100.9 and 100.10 and 34 CFR part 101. (b) Action taken under section 305 of the Act is subject to judicial review as provided by section 306 of the Act. (Authority: 42 U.S.C. 6104-6105)	N	N		
2203	§110.37 Procedure for disbursal of funds to an alternate recipient	Federal	Statute	(a) If the Secretary withholds funds from a recipient under these regulations, the Secretary may disburse the funds withheld directly to an alternate recipient: any public or nonprofit private organization or agency, or State or political subdivision of the State. (b) The Secretary requires any alternate recipient to demonstrate— (1) The ability to comply with the Act and these regulations; and (2) The ability to achieve the goals of the Federal statute authorizing the Federal financial assistance. (Authority: 42 U.S.C. 6104) [58 FR 40197, July 27, 1993, as amended at 65 FR 68057, Nov. 13, 2000]	N	N		
2204	§110.38 Remedial action by recipients	Federal	Statute	If ED finds that a recipient has discriminated on the basis of age, the recipient shall take any remedial action that ED may require to overcome the effects of the discrimination. If another recipient exercises control over the recipient that has discriminated or if the entity that has discriminated is a subrecipient, both recipients or recipient and subrecipient may be required to take remedial	N	N		
2205	§110.39 Exhaustion of administrative remedies	Federal	Statute	(a) A complainant may file a civil action following the exhaustion of administrative remedies under the Act. Administrative remedies are exhausted if— (1) One hundred eighty days have elapsed since the complainant filed the complaint with ED, and ED has made no finding with regard to the complaint; or (2) ED issues any finding in favor of the recipient. (b) If ED fails to make a finding within 180 days or issues a finding in favor of the recipient, ED promptly— (1) Advises the complainant of this fact; (2) Advises the complainant of his or her right to bring a civil action for injunctive relief; and (3) Informs the complainant— (i) That a civil action can be brought only in a United States district court for the district in which the recipient is found or transacts business; (ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that these costs must be demanded in the complaint filed with the court;	N	N		

Agency Name:	Department of Education			Fiscal Year 2017-2018				
				Accountability Report				
Agency Code:	63	Section:	001					
				Legal Standards Template				

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who your agency must or may serve? (Y/N)	Does the law specify a product or service your agency must or may provide?	*If yes, what type of service or product?*	*If other service or product, please specify what service or product.*
2206	PART A--ALLOTMENT AND ALLOCATION SEC. 111. RESERVATIONS AND STATE ALLOTMENT	Federal	Statute	(a) Reservations and State allotment (1) ReservationsFrom the sum appropriated under section 2307 of this title for each fiscal year, the Secretary shall reserve— (A) 0.13 percent to carry out section 2325 of this title; and (B) 1.50 percent to carry out section 2326 of this title, of which— (i) 1.25 percent of the sum shall be available to carry out section 2326(b) of this title; and (ii) 0.25 percent of the sum shall be available to carry out section 2326(h) of this title. (2) State allotment formulaSubject to paragraphs (3), (4), and (5), from the remainder of the sum appropriated under section 2307 of this title and not reserved under paragraph (1) for a fiscal year, the Secretary shall allot to a State for the fiscal year— (A) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 15 to 19 inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; (B) an amount that bears the same ratio to 20 percent of the sum being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; (C) an amount that bears the same ratio to 15 percent of the sum being allotted as the product of the population aged 25 to 65, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and (D) an amount that bears the same ratio to 15 percent of the sum being allotted as the amounts allotted to the State under subparagraphs (A), (B), and (C) for such years	Y	Y	Distribute funding to another entity	
2207	SEC. 112. WITHIN STATE ALLOCATION	Federal	Statute	(a) In generalFrom the amount allotted to each State under section 2321 of this title for a fiscal year, the eligible agency shall make available— (1) not less than 85 percent for distribution under section 2351 or 2352 of this title, of which not more than 10 percent of the 85 percent may be used in accordance with subsection (c); (2) not more than 10 percent to carry out State leadership activities described in section 2344 of this title, of which— (A) an amount equal to not more than 1 percent of the amount allotted to the State under section 2321 of this title for the fiscal year shall be made available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and (B) not less than $60,000 and not more than $150,000 shall be available for services that prepare individuals for non-traditional fields; and (3) an amount equal to not more than 5 percent, or $250,000, whichever is greater, for administration of the State plan, which may be used for the costs of— (A) developing the State plan; (B) reviewing a local plan; (C) monitoring and evaluating program effectiveness; (D) assuring compliance with all applicable Federal laws; (E) providing technical assistance; and (F) supporting and developing State data systems relevant to the provisions of this chapter. (b) Matching requirement Each eligible agency receiving funds made available under subsection (a)(3) shall match, from non-Federal sources and on a dollar-for-dollar basis, the funds received	Y	Y	Distribute funding to another entity	
2208	SEC. 113. ACCOUNTABILITY	Federal	Statute	(a) Purpose The purpose of this section is to establish and support State and local performance accountability systems, comprised of the activities described in this section, to assess the effectiveness of the State and the eligible recipients of the State in achieving statewide progress in career and technical education, and to optimize the return of investment of Federal funds in career and technical education activities. (b) State performance measures (1) In generalEach eligible agency, with input from eligible recipients, shall establish performance measures for a State that consist of— (A) the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2); (B) any additional indicators of performance (if any) identified by the eligible agency under paragraph (2)(C); and (C) a State adjusted level of performance described in paragraph (3)(A) for each core indicator of performance, and State levels of performance described in paragraph (3)(B) for each additional indicator of performance. (2) Indicators of performance (A) Core indicators of performance for career and technical education students at the secondary levelEach eligible agency shall identify in the State plan core indicators of performance for career and technical education students at the secondary level that are valid and reliable, and that include, at a minimum, measures of each of the following: (i) Student attainment of the challenging State academic standards, as adopted by a State in accordance with section 6311(b)(1) of this title and measured by the State determined levels of achievement on the academic assessments described in section	Y	Y	Report our agency must/may provide	
2209	SEC. 114. NATIONAL ACTIVITIES	Federal	Statute	(a) Program performance information (1) In general The Secretary shall collect performance information about, and report on, the condition of career and technical education and on the effectiveness of State and local programs, services, and activities carried out under this subchapter in order to provide the Secretary and Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of career and technical education. The Secretary shall report annually to Congress on the Secretary's aggregate analysis of performance information collected each year pursuant to this subchapter, including an analysis of performance data regarding special populations. (2) Compatibility The Secretary shall, to the extent feasible, ensure that the performance information system is compatible with other Federal information systems. (3) Assessments As a regular part of its assessments, the National Center for Education Statistics shall collect and report information on career and technical education for a nationally representative sample of students. Such assessment may include international comparisons in the aggregate. (b) Miscellaneous provisions (1) Collection of information at reasonable cost The Secretary shall take such action as may be necessary to secure at reasonable cost the information required by this subchapter. To ensure reasonable cost, the Secretary, in consultation with the National Center for Education Statistics, the Office of Career, Technical, and Adult Education, and an entity assisted under section 2328	Y	Y	Report our agency must/may provide	
2210	SEC. 115. ASSISTANCE FOR THE OUTLYING AREAS	Federal	Statute	`(a) Outlying Areas- From funds reserved pursuant to section 111(a)(1)(A), the Secretary shall--  `(1) make a grant in the amount of $660,000 to Guam; `(2) make a grant in the amount of $350,000 to each of American Samoa and the Commonwealth of the North	N	N		

2211	SEC. 116. NATIVE AMERICAN PROGRAMS	Federal	Statute	`(a) Definitions- In this section:  `(1) ALASKA NATIVE- The term `Alaska Native' means a Native as such term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).  `(2) BUREAU-FUNDED SCHOOL- The term `Bureau-funded school' h	N	N		
2212	SEC. 117. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS	Federal	Statute	`(a) Grants Authorized- The Secretary shall, subject to the availability of appropriations, make grants pursuant to this section to tribally controlled postsecondary career and technical institutions that are not receiving Federal support under the Tribal	N	N		
2213	SEC. 118. OCCUPATIONAL AND EMPLOYMENT INFORMATION	Federal	Statute	`(a) National Activities- From funds appropriated under subsection (g), the Secretary, in consultation with appropriate Federal agencies, is authorized--  `(1) to provide assistance to an entity to enable the entity-- `(A) to provide technical assistance	N	N		
2214	PART B--STATE PROVISIONS SEC. 121. STATE ADMINISTRATION	Federal	Statute	(a) Eligible agency responsibilities. The responsibilities of an eligible agency under this subchapter shall include— (1) coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this subchapter, including preparation for non-traditional fields; (2) consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, teacher and faculty preparation programs, representatives of businesses (including small businesses), labor organizations, eligible recipients, State and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under this subchapter; (3) convening and meeting as an eligible agency (consistent with State law and procedure for the conduct of such meetings) at such time as the eligible agency determines necessary to carry out the eligible agency's responsibilities under this subchapter, but not less than 4 times annually; and (4) the adoption of such procedures as the eligible agency considers necessary to— (A) implement State level coordination with the activities undertaken by the State boards under section 3111 of title 29; and (B) make available to the one-stop delivery system under section 3151 of title 29 within the State a listing of all school dropout, postsecondary education, and adult programs assisted under this subchapter. (b) Exception Except with respect to the responsibilities set forth in subsection (a), the eligible agency may delegate any of the other responsibilities of the eligible agency that involve the administration, operation, or supervision of activities assisted under this	Y	Y	Other service or product our agency must/may provide	Development, coordination, submission, and implementation of the State plan
2215	SEC. 122. STATE PLAN	Federal	Statute	(a) State plan (1) In general Each eligible agency desiring assistance under this subchapter for any fiscal year shall prepare and submit to the Secretary a State plan for a 6-year period, together with such annual revisions as the eligible agency determines to be necessary, except that, during the period described in section 2303 of this title, each eligible agency may submit a transition plan that shall fulfill the eligible agency's obligation to submit a State plan under this section for the first fiscal year following August 12, 2006. (2) RevisionsEach eligible agency— (A) may submit such annual revisions of the State plan to the Secretary as the eligible agency determines to be necessary; and (B) shall, after the second year of the 6-year period, conduct a review of activities assisted under this subchapter and submit any revisions of the State plan that the eligible agency determines necessary to the Secretary. (3) Hearing process The eligible agency shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups (including charter school authorizers and organizers consistent with State law, employers, labor organizations, parents, students, and community organizations), an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the eligible agency's response to such recommendations shall be included in the State plan. (b) Plan development (1) In generalThe eligible agency shall—	Y	Y	Report our agency must/may provide; Other service or product our agency must/may provide	Development, coordination, submission, and implementation of the State plan
2216	SEC. 123. IMPROVEMENT PLANS	Federal	Statute	(a) State program improvement (1) Plan If a State fails to meet at least 90 percent of an agreed upon State adjusted level of performance for any of the core indicators of performance described in section 2323(b)(3) of this title, the eligible agency shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 2323(c)(2) of this title) in consultation with the appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible agency failed to so meet the State adjusted level of performance for any of the core indicators of performance. (2) Technical assistance If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 2342 of this title, or is not making substantial progress in meeting the purposes of this chapter, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement the improvement activities consistent with the requirements of this chapter. (3) Subsequent action (A) In generalThe Secretary may, after notice and opportunity for a hearing, withhold from an eligible agency all, or a portion, of the eligible agency's allotment under paragraphs (2) and (3) of section 2322(a) of this title if the eligible agency— (i) fails to implement an improvement plan as described in paragraph (1); (ii) fails to make any improvement in meeting any of the State adjusted levels of performance for the core indicators of performance identified under paragraph (1) within the first program year of implementation of its improvement plan described in	Y	Y	Report our agency must/may provide; Other service or product our agency must/may provide	Development, coordination, submission, and implementation of the State plan
2217	SEC. 124. STATE LEADERSHIP ACTIVITIES	Federal	Statute	(a) General authority From amounts reserved under section 2322(a)(2) of this title, each eligible agency shall conduct State leadership activities. (b) Required uses of fundsThe State leadership activities described in subsection (a) shall include— (1) an assessment of the career and technical education programs carried out with funds under this subchapter, including an assessment of how the needs of special populations are being met and how the career and technical education programs are designed to enable special populations to meet State adjusted levels of performance and prepare the special populations for further education, further training, or for high skill, high wage, or high demand occupations; (2) developing, improving, or expanding the use of technology in career and technical education that may include— (A) training of career and technical education teachers, faculty, career guidance and academic counselors, and administrators to use technology, including distance learning; (B) providing career and technical education students with the academic and career and technical skills (including the mathematics and science knowledge that provides a strong basis for such skills) that lead to entry into technology fields, including non-traditional fields; or (C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs; (3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for career and technical education teachers, faculty, administrators, and career guidance and	Y	Y	Report our agency must/may provide; Other service or product our agency must/may provide	Conduct state leadership activities; implementation of State plan

2218	PART C--LOCAL PROVISIONS SEC. 131. DISTRIBUTION OF FUNDS TO SECONDARY EDUCATION PROGRAMS	Federal	Statute	(a) Distribution rulesExcept as provided in section 2353 of this title and as otherwise provided in this section, each eligible agency shall distribute the portion of funds made available under section 2322(a)(1) of this title to carry out this section to local educational agencies within the State as follows: (1) Thirty percentThirty percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 5 through 17, inclusive, who reside in the school district served by such local educational agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding fiscal year, as determined on the basis of the most recent satisfactory— (A) data provided to the Secretary by the Bureau of the Census for the purpose of determining eligibility under title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.]; or (B) student membership data collected by the National Center for Education Statistics through the Common Core of Data survey system. (2) Seventy percent Seventy percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 5 through 17, inclusive, who reside in the school district served by such local educational agency and are from families below the poverty level for the preceding fiscal year, as determined on the basis of the most recent satisfactory data used under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6333(c)(1)(A)], compared to the total number of such individuals who reside in the school districts served by all the local educational agencies in the State for such preceding fiscal year. (3) AdjustmentsEach eligible agency, in making the allocations under paragraphs (1)	Y	Y	Distribute funding to another agency	
2219	SEC. 132. DISTRIBUTION OF FUNDS FOR POSTSECONDARY EDUCATION PROGRAMS	Federal	Statute	`(a) Allocation-  `(1) IN GENERAL- Except as provided in subsections (b) and (c) and section 133, each eligible agency shall distribute the portion of the funds made available under section 112(a)(1) to carry out this section for any fiscal year to eligib	N	N		
2220	SEC. 133. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION	Federal	Statute	`(a) Special Rule for Minimal Allocation-  `(1) GENERAL AUTHORITY- Notwithstanding the provisions of sections 131 and 132 and in order to make a more equitable distribution of funds for programs serving the areas of greatest economic need, for any program	N	N		
2221	SEC. 134. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS	Federal	Statute	(a) Local plan required Any eligible recipient desiring financial assistance under this part shall, in accordance with requirements established by the eligible agency (in consultation with such other educational training entities as the eligible agency determines to be appropriate) submit a local plan to the eligible agency. Such local plan shall cover the same period of time as the period of time applicable to the State plan submitted under section 2342 of this title. (b) ContentsThe eligible agency shall determine the requirements for local plans, except that each local plan shall— (1) describe how the career and technical education programs required under section 2355(b) of this title will be carried out with funds received under this subchapter; (2) describe how the career and technical education activities will be carried out with respect to meeting State and local adjusted levels of performance established under section 2323 of this title; (3) describe how the eligible recipient will— (A) offer the appropriate courses of not less than 1 of the career and technical programs of study described in section 2342(c)(1)(A) of this title; (B) improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education programs to ensure learning in— (i) a well-rounded education (as defined in section 7801 of this title); and (ii) career and technical education subjects; (C) provide students with strong experience in, and understanding of, all aspects of an	Y	Y	Report our agency must/may provide	
2222	SEC. 135. LOCAL USES OF FUNDS	Federal	Statute	(a) General authority Each eligible recipient that receives funds under this part shall use such funds to improve career and technical education programs. (b) Requirements for uses of fundsFunds made available to eligible recipients under this part shall be used to support career and technical education programs that— (1) strengthen the academic and career and technical skills of students participating in career and technical education programs, by strengthening the academic and career and technical education components of such programs through the integration of academics with career and technical education programs through a coherent sequence of courses, such as career and technical programs of study described in section 2342(c)(1)(A) of this title, to ensure learning in— (A) a well-rounded education (as defined in section 7801 of this title); and (B) career and technical education subjects; (2) link career and technical education at the secondary level and career and technical education at the postsecondary level, including by offering the relevant elements of not less than 1 career and technical program of study described in section 2342(c)(1)(A) of this title; (3) provide students with strong experience in and understanding of all aspects of an industry, which may include work-based learning experiences; (4) develop, improve, or expand the use of technology in career and technical education, which may include— (A) training of career and technical education teachers, faculty, and administrators to use technology, which may include distance learning; (B) providing career and technical education students with the academic and career and technical skills (including the mathematics and science knowledge that provides a	Y	Y	Distribute funding to another entity	
2223	SEC. 201. STATE ALLOTMENT AND APPLICATION	Federal	Statute	(a) In general For any fiscal year, the Secretary shall allot the amount made available under section 2376 of this title among the States in the same manner as funds are allotted to States under paragraph (2) of section 2321(a) of this title. (b) Payments to eligible agencies The Secretary shall make a payment in the amount of a State's allotment under subsection (a) to the eligible agency that serves the State and has an application approved under subsection (c). (c) State applicationEach eligible agency desiring an allotment under this subchapter shall submit, as part of its State plan under section 2342 of this title, an application that— (1) describes how activities under this subchapter will be coordinated, to the extent practicable, with activities described in the State plan submitted under section 2342 of this title; and (2) contains such information as the Secretary may require.	Y	Y	Distribute funding to another entity	
2224	SEC. 202. CONSOLIDATION OF FUNDS	Federal	Statute	(a) In general An eligible agency receiving an allotment under sections 2321 and 2371 of this title may choose to consolidate all, or a portion of, funds received under section 2371 of this title with funds received under section 2321 of this title in order to carry out the activities described in the State plan submitted under section 2342 of this title. (b) Notification requirement Each eligible agency that chooses to consolidate funds under this section shall notify the Secretary, in the State plan submitted under section 2342 of this title, of the eligible agency's decision to consolidate funds under this section. (c) Treatment of consolidated funds Funds consolidated under this section shall be considered as funds allotted under section 2321 of this title and shall be distributed in accordance with section 2322 of this title.	Y	Y	Other service or product our agency must/may provide	Notify Secretary if consolidation of funds occurs

2225	SEC. 203. TECH PREP PROGRAM	Federal	Statute	(a) Grant program authorized (1) In generalFrom amounts made available to each eligible agency under section 2371 of this title, the eligible agency, in accordance with the provisions of this subchapter, shall award grants, on a competitive basis or on the basis of a formula determined by the eligible agency, for tech prep programs described in subsection (c). The grants shall be awarded to consortia between or among— (A) a local educational agency, an intermediate educational agency, educational service agency, or area career and technical education school, serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and (B)(i) a nonprofit institution of higher education that— (I)(aa) offers a 2-year associate degree program or a 2-year certificate program; and (bb) is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965 [20 U.S.C. 1002], including— (AA) an institution receiving assistance under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.); and (BB) a tribally controlled postsecondary career and technical institution; or (II) offers a 2-yearapprenticeship program that follows secondary education instruction, if such nonprofit institution of higher education is not prohibited from receiving assistance under part B of title IV of the Higher Education Act of 1965 [20 U.S.C. 1071 et seq.] pursuant to the provisions of section 435(a)(2) of such Act [20 U.S.C. 1085(a)(2)]; or (ii) a proprietary institution of higher education that offers a 2-year associate degree program and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965 [20 U.S.C. 1002], if such proprietary institution of	Y	Y	Distribute funding to another entity	
2226	SEC. 204. CONSORTIUM APPLICATIONS	Federal	Statute	`(a) In General- Each consortium that desires to receive a grant under this title shall submit an application to the eligible agency at such time and in such manner as the eligible agency shall require.  `(b) Plan- Each application submitted under this se	N	N		
2227	SEC. 205. REPORT	Federal	Statute	Each eligible agency that receives an allotment under this title annually shall prepare and submit to the Secretary a report on the effectiveness of the tech prep programs assisted under this title, including a description of how grants were awarded within the state.	Y	Y	Report our agency must/may provide	
2228	SEC. 206. AUTHORIZATION OF APPROPRIATIONS	Federal	Statute	There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2007 and each of the 5 succeeding fiscal years.	N	N		

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				Accountability Report				
Agency Code:	63	Section:	001					
				Legal Standards Template				

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who your agency must or may serve? (Y/N)	Does the law specify a product or service your agency must or may provide?	*If yes, what type of service or product?*	*If other service or product, please specify what service or product.*
2229	TITLE III--GENERAL PROVISIONS PART A--FEDERAL ADMINISTRATIVE PROVISIONS SEC. 311. FISCAL REQUIREMENTS	Federal	Statute	`(a) Supplement Not Supplant- Funds made available under this Act for career and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out career and technical education activities and tech prep progr	N	N		
2230	SEC. 312. AUTHORITY TO MAKE PAYMENTS.	Federal	Statute	Any authority to make payments or to enter into contracts under this Act shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.	N	N		
2231	SEC. 313. CONSTRUCTION	Federal	Statute	Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of a private, religious, or home school, regardless of whether a home school is treated as a private school or home school under State law	N	N		
2232	SEC. 314. VOLUNTARY SELECTION AND PARTICIPATION	Federal	Statute	`No funds made available under this Act shall be used--  `(1) to require any secondary school student to choose or pursue a specific career path or major; or `(2) to mandate that any individual participate in a career and technical education program, inc	N	N		
2233	SEC. 315. LIMITATION FOR CERTAIN STUDENTS	Federal	Statute	No funds received under this Act may be used to provide career and technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under this Act may be used by such students.	N	N		
2234	SEC. 316. FEDERAL LAWS GUARANTEEING CIVIL RIGHTS	Federal	Statute	Nothing in this Act shall be construed to be inconsistent with applicable Federal law prohibiting discrimination on the basis of race, color, sex, national origin, age, or disability in the provision of Federal programs or services.	N	N		
2235	SEC. 317. PARTICIPATION OF PRIVATE SCHOOL PERSONNEL AND CHILDREN	Federal	Statute	`(a) Personnel- An eligible agency or eligible recipient that uses funds under this Act for in-service and preservice career and technical education professional development programs for career and technical education teachers, administrators, and other p	Y	Y	Other service or product our agency must/may provide	Specific services must be provided
2236	SEC. 318. LIMITATION ON FEDERAL REGULATIONS	Federal	Statute	The Secretary may issue regulations under this Act only to the extent necessary to administer and ensure compliance with the specific requirements of this Act.	N	N		
2237	PART B--STATE ADMINISTRATIVE PROVISIONS SEC. 321. JOINT FUNDING	Federal	Statute	`(a) General Authority- Funds made available to eligible agencies under this Act may be used to provide additional funds under an applicable program if--  `(1) such program otherwise meets the requirements of this Act and the	Y	Y	Distribute funding to another entity	
2238	SEC. 322. PROHIBITION ON USE OF FUNDS TO INDUCE OUT-OF-STATE RELOCATION OF BUSINESSES.	Federal	Statute	`No funds provided under this Act shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another State if such relocation will result in a reduction in the number of	N	N		
2239	SEC. 323. STATE ADMINISTRATIVE COSTS	Federal	Statute	`(a) General Rule- Except as provided in subsection (b), for each fiscal year for which an eligible agency receives assistance under this Act, the eligible agency shall provide, from non-Federal sources for the costs the eligible agency incurs for the adm	Y	Y	Distribute funding to another entity	
2240	SEC. 324. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS	Federal	Statute	`(a) Attendance Costs Not Treated as Income or Resources- The portion of any student financial assistance received under this Act that is made available for attendance costs described in subsection (b) shall not be considered as income or resources in det	N	N		
2241	SEC. 2. TECHNICAL AMENDMENTS TO OTHER LAWS	Federal	Statute	(a) Immigration and Nationality Act- Section 245A(h)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(C)) is amended by striking `Carl D. Perkins Vocational and Technical Education Act of 1998' and inserting `The Carl D. Perkins Career a	N	N		
2242	SEC. 132. DISTRIBUTION OF FUNDS FOR POSTSECONDARY EDUCATION PROGRAMS	Federal	Statute	`(a) Allocation-  `(1) IN GENERAL- Except as provided in subsections (b) and (c) and section 133, each eligible agency shall distribute the portion of the funds made available under section 112(a)(1) to carry out this section for any fiscal year to eligib	Y	Y	Distribute funding to another entity	
2243	SEC. 133. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION	Federal	Statute	`(a) Special Rule for Minimal Allocation-  `(1) GENERAL AUTHORITY- Notwithstanding the provisions of sections 131 and 132 and in order to make a more equitable distribution of funds for programs serving the areas of greatest economic need, for any program	N	N		
2244	SEC. 134. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS	Federal	Statute	`(a) Local Plan Required- Any eligible recipient desiring financial assistance under this part shall, in accordance with requirements established by the eligible agency (in consultation with such other educational training entities as the eligible agency	Y	Y	Distribute funding to another entity	
2245	SEC. 135. LOCAL USES OF FUNDS	Federal	Statute	`(a) General Authority- Each eligible recipient that receives funds under this part shall use such funds to improve career and technical education programs.  `(b) Requirements for Uses of Funds- Funds made available to eligible recipients under this part	Y	Y	Distribute funding to another entity	
2246	SEC. 201. STATE ALLOTMENT AND APPLICATION	Federal	Statute	`(a) In General- For any fiscal year, the Secretary shall allot the amount made available under section 206 among the States in the same manner as funds are allotted to States under paragraph (2) of section 111(a).  `(b) Payments to Eligible Agencies- The	N	N		
2247	SEC. 202. CONSOLIDATION OF FUNDS	Federal	Statute	`(a) In General- An eligible agency receiving an allotment under sections 111 and 201 may choose to consolidate all, or a portion of, funds received under section 201 with funds received under section 111 in order to carry out the activities described in	Y	Y	Distribute funding to another entity	
2248	SEC. 203. TECH PREP PROGRAM	Federal	Statute	`(a) Grant Program Authorized-  `(1) IN GENERAL- From amounts made available to each eligible agency under section 201, the eligible agency, in accordance with the provisions of this title, shall award grants, on a competitive basis or on the basis of a f	Y	Y	Distribute funding to another entity	
2249	SEC. 204. CONSORTIUM APPLICATIONS	Federal	Statute	`(a) In General- Each consortium that desires to receive a grant under this title shall submit an application to the eligible agency at such time and in such manner as the eligible agency shall require.	N	N		
2250	SEC. 205. REPORT	Federal	Statute	Each eligible agency that receives an allotment under this title annually shall prepare and submit to the Secretary a report on the effectiveness of the tech prep programs assisted under this title, including a description of how grants were awarded within	Y	Y	Report our agency must/may provide	
2251	SEC. 206. AUTHORIZATION OF APPROPRIATIONS	Federal	Statute	There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2007 and each of the 5 succeeding fiscal years.	N	N		