

Document No. 4752  
**STATE BOARD OF EDUCATION**  
CHAPTER 43  
Statutory Authority: 1976 Code Section 59-39-100

**Synopsis:**

The South Carolina Board of Education is proposing to add a new regulation governing the State's Employability Credential recently enacted by the amended S.C. Code Ann. Section 59-39-100. This new regulation will promulgate the program components and criteria for a state-recognized Employability Credential for applicable students with disabilities for whom such a credential is appropriate. This credential is not a state high school diploma.

Notice of Drafting for the proposed new regulation was published in the *State Register* on June 23, 2017.

**Instructions:**

Print new regulation as shown below.

**Text:**

43-235. Employability Credential for Students with Disabilities.

**A. Introduction and Purpose.**

(1) This regulation, as governed by S.C. Code Ann. Section 59-39-100, will promulgate the program components and criteria for a state-recognized Employability Credential for applicable students with disabilities for whom such a credential is appropriate.

(2) Pursuant to the regulatory requirements of Section 59-39-100, beginning in the 2018–19 school year, students with disabilities entering grade nine may attain a uniform diploma through one of the recognized personalized pathways; or may attain a uniform Employability Credential. Nothing contained in this regulation restricts any student from obtaining a state high school diploma. Nothing contained in this regulation restricts local school boards of trustees from awarding students with a certificate of attendance for students with disabilities who do not meet the requirements for earning either a state high school diploma or an Employability Credential.

(3) Beginning no earlier than the end of the child's eighth grade academic school year, or later if deemed appropriate by the student's individualized education program (IEP) team, and updated annually thereafter, the IEP team must determine if the child's expected high school outcome will be to attain a state high school diploma or a state-recognized Employability Credential. The course of study identified in the IEP must match this determination.

(4) The South Carolina Department of Education (SCDE), as the state educational agency (SEA); all local educational agencies (LEAs); all state-operated programs (SOPs); and all other public programs providing special education and related services as outlined in the Individuals with Disabilities Education Act (IDEA) must follow and comply with all statutory and regulatory requirements of the IDEA as outlined in 20 U.S.C. Section 1400 et seq., and the Code of Federal Regulations (C.F.R.), Chapter 34, Part 300. In addition to the statutory and regulatory requirements, this regulation further delineates requirements for attaining a state-recognized Employability Credential.

**B. Definitions.**

## 60 FINAL REGULATIONS

(1) Employability Credential is defined as a state-recognized certificate which demonstrates a student has completed requirements indicating the student has developed skills and knowledge to prepare him or her for postsecondary employment and/or education as well as, community-based living, as appropriate.

(2) Work-based learning/training is defined as a paid or an unpaid opportunity to develop work skills, work expectations, and work behaviors. Work-based learning/training can occur in a school (e.g., school-based) and/or community setting (e.g., community-based).

(3) Competitive employment as described in 34 C.F.R. Section 361.5(b)(11) means work—

(a) To be in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting which is a setting that consists of individuals who are not disabled that are in comparable positions as the individual with a disability; and

(b) For which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

(4) Employability education is defined as instruction, services, and supports that will prepare the student to attain a job after completion of the Employability Credential. This will encompass career exploration, vocational education, functional skill development needed for the work place, and a focus on job-readiness skills. Employability education may include Career and Technical Education programs and services.

(5) Work readiness assessment is defined as a formal assessment (e.g., norm-referenced or criterion-referenced) that measures a student's skills set in relation to skills that are necessary for competitive employment in the community.

### C. Requirements.

(1) Minimal Course Requirements: The Employability Credential is designed for students with disabilities for whom the IEP team determines mastery of a career-based educational program (that includes academics, independent work experience, daily living skills, and self-determination skill competencies) is the most appropriate way to demonstrate his or her skills and provide a free appropriate public education (FAPE). To attain the Employability Credential, the student must meet the graduation requirements of one unit of physical education/health (or equivalent) and one unit of technology course; a student must adhere to the local attendance policy; and a student must complete a total of 24 earned units that include the following:

(a) Course work aligned with the South Carolina College and Career-Ready Standards for English Language Arts (four units), Mathematics (four units), Science (two units), and Social Studies (two units);

(b) Four units of Employability Education; and

(c) Six electives.

(2) Minimal Required Components: In addition to completing coursework outlined in Section A above, to receive an Employability Credential, a student must:

(a) Complete a career portfolio that includes a multimedia presentation project;

(b) Obtain work readiness assessment results that demonstrate the student is ready for competitive employment; and

(c) Complete work-based learning/training that totals at least 360 hours, in which:

(i) Work-based learning/training may be school-based, community-based, and/or paid or unpaid employment;

(ii) Work-based learning/training must be aligned with the student's interests, preferences, and postsecondary goals and individual graduation plan; and

(iii) Paid employment must be at a minimum wage or above and in compliance with the requirements of the Federal Fair Labor Standards Act.

(3) LEA/SOP Requirements.

(a) The LEA and SOP must develop and maintain policies and procedures related to the state-recognized Employability Credential. This must include mechanisms for monitoring students' progress toward attainment of the Employability Credential and mechanisms for monitoring proportionate numbers of Employability Credentials relative to the LEAs or SOPs' students with disabilities child count and graduation rate.

(b) The decision to accept the Employability Credential does not relieve the LEA or SOP from providing a FAPE to the student until age 21 as defined in R. 43-243(III)(C) or until the student receives a regular high school diploma as defined in S.C. Code Ann. Section 59-39-100.

(c) The LEA or SOP must explain and provide annual written notice to the parent, guardian, or adult student that the Employability Credential is not a state high school diploma. For the purposes of this part, an adult student is defined as a student who has reached the age of majority as defined in Reg.43-243(III)(F)(1).

(d) An IEP team's decision to identify the Employability Credential as the student's expected high school outcome must be based on data to include, but not be limited to, longitudinal information of student grades, standardized achievement assessments, informal and formal transition assessments, adaptive behavior assessments, and work readiness assessments. The decision must be made only after the IEP team considers a continuum of program options that may allow the student to pursue a diploma.

D. Monitoring, Enforcement, and Program Information.

(1) The SEA will develop and maintain policies, procedures, and guidance documents (to include a rubric and guidelines used to identify and assess the employability skills of the students) that are based on appropriate standards as related to the Employability Credential. Mechanisms for overseeing attainment of the Employability Credential shall be in place to monitor proportionate distribution of the Employability Credentials relative to the LEAs or SOPs' students with disabilities child count and to ensure that students with disabilities receive a FAPE.

(2) State Monitoring. As outlined in 34 C.F.R. Sections 300.600 et seq., and provided for by the IDEA, the state shall monitor the implementation of educational programs for students with disabilities.

(3) Enforcement. The state retains all rights for enforcement of this regulation and of all other applicable federal and state statutes, regulations, policies, and procedures related to the education of students with disabilities, including but not limited to the IDEA, the Every Student Succeeds Act, the Education Department General Administrative Regulation in 2 C.F.R. Section 200.300.

(4) The South Carolina State Board of Education authorizes the SCDE to develop and propose special education policies and procedures as necessary to meet these and other applicable federal requirements.

## 62 FINAL REGULATIONS

### **Fiscal Impact Statement:**

According to the South Carolina Department of Education's, Office of Special Education Services (OSSES), the direct fiscal impact will be costs associated with printing and issuing certificates state-wide and with reissuing certificates upon constituent requests. Estimating 20 percent of students with disabilities between the ages of seventeen and twenty-one (or 2,200 out of 11,000 students) at \$.89 per certificate (local level cost) plus an estimated art work fee of \$100 (state level cost) is approximately \$2,100. It is important to note that this cost is based on the current vendor's costs. This current vendor is on state contract for five years and the contract ends 2021, which is prior to the year in which Employability Credentials will be issued.

Possible indirect fiscal impact at the local level may include the need for an increased number of personnel (e.g., transition specialists or coordinators and job coaches to assist with school and community-based work experience/training); an increased number of buses to assist with transporting students to work-site locations; and an increase in funds to support school-based work experiences/training (e.g., school-based enterprises) including appropriate curricula and related instructional resources.

### **Statement of Rationale:**

South Carolina has roughly 100,000 students with disabilities serviced under the Individuals with Disabilities Education Act (IDEA), of which the majority are able to earn a state high school diploma. Given the varying levels of student achievement, as well as the inability to complete required high school coursework, there is a need to provide an alternative option for students with disabilities to demonstrate their ability to transition into the work community. The uniform state-recognized Employability Credential will be aligned to a newly created program of study for these students with disabilities whose Individualized Education Program (IEP) team determines this program of study is appropriate.

To align with the State's Profile of the South Carolina Graduate, an opportunity that will assist these students in acquiring skills necessary to be successful after high school is critical. The purpose of this statute and regulation is to provide equitable job-readiness opportunities for these students throughout the state, ensure they have evidence of employability skills, and honor the work they have undertaken in our public schools.

Some relevant research includes: Students employed at the time of high school exit are 5.1 times more likely to be engaged in post-school employment (NSTTAC, 2011); Students with prior work experience are significantly more likely to get a job than those that did not. In fact, those with paid vocational experience were 35 percent more likely to secure jobs (Fabian, 2007); and according to Cimera's research (2010), "... supported employment was cost efficient from the workers' perspective. That is, on average, individuals with intellectual disabilities who became successfully employed within their communities gained greater monetary benefits (i.e., wages earned) than the resulting monetary costs (i.e., forgone wages, taxes paid, reduction in subsidies)."

Document No. 4754  
**STATE BOARD OF EDUCATION**  
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-24-30, and 59-24-40

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

### **Synopsis:**

The State Board of Education proposes to amend R. 43-165.1 to realign and clarify language for three purposes: (1) to clarify that the evaluation instrument is available from the South Carolina Department of Education, (2) to clarify that approved alternative evaluation instruments can be used as part of the criteria for