



SOUTH CAROLINA'S EDUCATION FLEXIBILITY GUIDE

POSSIBILITIES FOR STUDENT-CENTERED LEARNING



DISCLAIMER

This is not a legal document and should not be used as such. Neither the list of areas of flexibility nor information summarizing legislative mandates and administrative rules is exhaustive. The information provided should also not be considered a complete synopsis of the state's requirements or a district's obligations. Passages quoted from the legislative and administrative codes reflect text made available through the website of the South Carolina Legislature and the South Carolina Department of Education as of early July 2021. Please consult official versions of the requirements.

PREFACE:

South Carolina is home to innovators and change-makers who inspire us to imagine what is possible when all children achieve the world-class skills and characteristics outlined in the Profile of the South Carolina Graduate. The Profile of the South Carolina Graduate is a promise that educators, families, communities, and industry will work together to ensure all students are prepared for learning, life, and work.

As we strive to deliver on the promise for all South Carolina students, we recognize that local context matters. As teachers shift classroom practices and strategies to provide more student-centered learning experiences, the existing educational system and policies must change. In South Carolina, we have flexibility. Flexibility to re-imagine what is possible as we consider our communities' unique resources, opportunities, and partnerships. Flexibility to design supports that value individual students' talents and needs on their path to achieving the Profile of the South Carolina Graduate. We are thrilled to provide this guide as a starting point for individual assistance to districts as they explore new options and opportunities to make learning student-centered and ensure ALL our students achieve the Profile of the South Carolina Graduate.

This guide is meant to be an inventory and overview of the education flexibilities available to districts and schools. The Office of Federal and State Accountability is here to partner with you to take a deeper dive into identifying the best way to leverage what is available and combine flexibilities to help implement your student-centered learning vision that meets the unique needs of your students and communities. We encourage you to reach out to our team for more in-depth support!



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INTRODUCTION

Leading Through Student-Centered Learning: Vision for Success

Across South Carolina, educators and education policymakers have established a shared vision for all students, beginning with Pre-K education and continuing through college and careers. The Profile of the South Carolina Graduate (PSCG) describes this vision in detail and outlines the world-class knowledge, world-class skills, and life and career characteristics necessary for success. Its adoption propelled South Carolina to be a national leader in student-centered learning.

State education leaders believe that flexibility inspires and enables the innovative mindset necessary for student-centered learning to take root.

At a time when no teacher or student has been spared the need to quickly adjust to disruption and change, the state, districts, and schools have continued to keep their focus on expanding learner-centered practices, partnerships, and support. For most, the work of becoming an innovative system began well before the pandemic, paving the way for the strategic use of flexibility offered through state laws and policies.

Within basic parameters established at the state level, districts and schools can develop their own goals, set expectations for student success, and design instructional programs. They can take full advantage of flexibility (including but not limited to a waiver of state requirements) and support from coaches, professional development offerings, and other state-developed resources.

This guide is designed to help South Carolina district and school leaders create their own approach to student-centered learning, leveraging strong foundations state leaders have put in place, strategically using flexibility for innovation, and drawing on lessons learned through the pandemic.

This Guide:

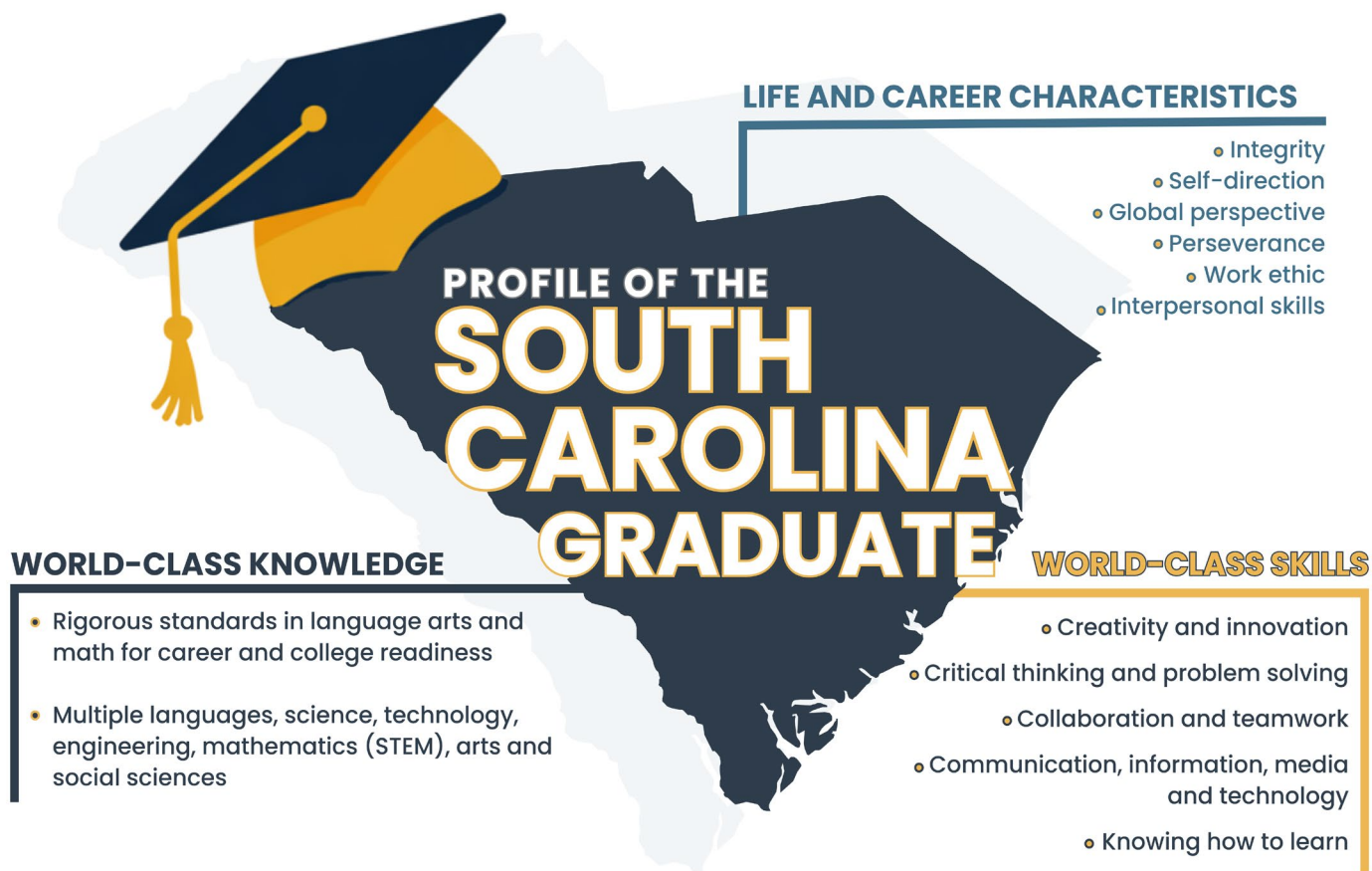
- Highlights foundations put in place by state leaders to enable student-centered learning.
- Describes several pathways local leaders might use to maximize flexibility for innovation.
- Creates clarity across an array of exemptions, options, and waiver opportunities available to districts and schools but building understanding of:
 - What flexibility currently exists
 - How that flexibility can be used
- Suggests specific next steps to help districts plan for tailoring the learning experience to meeting each learner's unique strengths, needs, interests, and goals.

FOUNDATIONS FOR STUDENT-CENTERED LEARNING

This section highlights two components in South Carolina that create a compass for student-centered learning.

Profile of the South Carolina Graduate (PSCG)

Created through collaboration with districts, schools, and other stakeholders, the PSCG is designed to be used by educators to bring the state's standards to life for each learner. The PSCG outlines the cognitive, personal, and interpersonal competencies a student needs to develop for success after graduation. These expectations are defined as World-Class Knowledge, World-Class Skills, and Life and Career Characteristics.



© SCASA Superintendents' Roundtable

Adopted by: SC State Board of Education, SC Department of Education, SC Education Oversight Committee, SC Arts Alliance, SC Arts in Basic Curriculum Steering Committee, SCASCD, SC Chamber of Commerce, SC Council on Competitiveness, SC School Boards Association, TransformSC Schools and Districts.

FOUNDATIONS FOR STUDENT-CENTERED LEARNING

Competencies for the PSCG

To make the PSCG more tangible and actionable, the state developed competencies that, along with the SC Academic Standards, define the critical components of world-class knowledge, world-class skills, and life and career characteristics. They are student-facing by design and created to improve instruction and student support.



PROFILE OF A SOUTH CAROLINA GRADUATE COMPETENCY FRAMEWORK



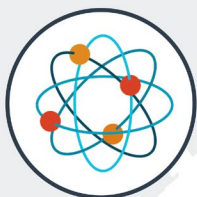
**READ
CRITICALLY**



**EXPRESS
IDEAS**



**INVESTIGATE
THROUGH
INQUIRY**



**REASON
QUANTITATIVELY**



**USE
SOURCES**



**DESIGN
SOLUTIONS**



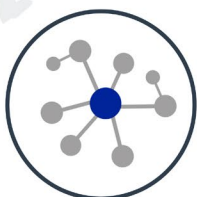
**LEARN
INDEPENDENTLY**



**NAVIGATE
CONFLICT**



**LEAD
TEAMS**



**BUILD
NETWORKS**



**SUSTAIN
WELLNESS**



**ENGAGE AS A
CITIZEN**

Districts and schools may adopt the PSCG Competencies, adapt them to local needs, or use them to inspire locally developed competencies. For some, the best place to start is with a pilot (in select schools, grades, cohorts, or classrooms); others might start with implementation districtwide.

A waiver from state regulations may be available to support the use of the competencies. In addition, state regulations permit a locally approved waiver to allow a student to demonstrate proficiency instead of course completion (i.e., 120 hours per unit) in certain circumstances.

FLEXIBILITY-FOCUSED PATHWAYS TO STUDENT-CENTERED LEARNING

South Carolina offers many opportunities for local districts and schools to decide what is best for their students. Where specific action is required or the state prescribes design decisions, two types of flexibility might provide space for local innovation — innovation that can be pursued through various entry points or pathways.

Flexibility within State Statutes and Regulations

This type of flexibility may be exercised without needing approval by the State Board of Education (SBE), State Superintendent, or the South Carolina Department of Education (SCDE), subject to conditions or other requirements prescribed in statute or regulation. It is generally not time-limited, though it may be subsequently changed or eliminated through state action. This flexibility includes:

OPTIONS

These are often established as explicit permission or authorization for a specific local action (as opposed to, or sometimes in concert with, a mandate), in addition to local decision-making authority delegated to district and school leaders.

ALTERNATIVES

Some requirements establish a general rule or default approach, while specifying one or more different methods available in certain circumstances.

EXEMPTIONS

In some circumstances, a district or school that meets specific criteria is relieved of the obligation to comply with the requirement.

Flexibility Subject to State Approval

This type of flexibility is based on a waiver of (or exemption from) state requirements and is only available by request, subject to compliance with established criteria and/or conditions. This flexibility includes:

LEGISLATIVE MANDATE WAIVERS

The SBE may waive requirements established in South Carolina laws in certain circumstances.

ADMINISTRATIVE RULE WAIVERS

In certain circumstances, the SBE may waive requirements established in a rule of the SCDE. The recently amended statutory authority allowing for the designation of Schools of Innovation offers local boards and districts an expansive opportunity for flexibility, including the possible waiver of many state statutes and regulations. The SCDE Office of Federal and State Accountability facilitates other waiver requests. Districts must submit a request using the [SCDE Online Waiver Form](#).

- Requests for waivers of any regulatory impediment to District Strategic or School Renewal Plans are to be submitted at least 60 days before the SBE meeting date on which such request is to be considered. [See p. 15 for more information on District Strategic Plans and School Renewal Plans]
- Districts may contact waivers@ed.sc.gov with questions about the waiver process or to explore whether a waiver is needed.

The Policy and Legislative (PL) Committee of the SBE reviews waiver requests and recommends approval or denial. [See Memorandum – New Waiver Request Procedures (10-3-19) for additional information.] Once a waiver of regulatory requirements has been approved, the SBE may delegate to the State Superintendent the authority to approve a waiver for similarly situated school districts and schools. The SCDE publishes a Waiver Request Log, and the SBE maintains a list of requests submitted.

The SCDE supports innovations that increase student achievement. A significant component of the SCDE’s support is assisting local boards in maximizing flexibility for innovation, including student-centered learning.

Pathways to Student-Centered Learning

A district’s pathway to taking full advantage of the different types of flexibility offered by the state will be shaped by local context and the strategies being implemented to increase student achievement. The building blocks of any pathway might include one or more of the following:

Innovation Approaches

- Use of Competency-based Education
- Designation as a School of Innovation
- Establishment of Proficiency-Based Systems

Continuous Improvement Efforts

- District Strategic Plans and School Renewal Plans
 - Innovation leveraging local decision making
 - Waiver of state requirements

Instructional Program Design

- Innovation leveraging local decision making

FINDING AND USING FLEXIBILITY WITHIN STATE MANDATES AND PROGRAMS

Flexibility may be found in these and other areas, as described below:

- Competency-based Learning
- Schools of Innovation
- Innovation in High Schools: Graduation Requirements and Proficiency-Based Systems
- District Strategic Plan and School Renewal Plans
- Instructional Program Design

Competency-Based Learning

Established during the 125th session of the General Assembly [2023-2024 Bill 3295 Competency-Based Education], a competency-based system in South Carolina must align with the Profile of the South Carolina Graduate and include the following core principles:

(1) Learning outcomes must emphasize competencies that include:

(a) application and creation of World Class Knowledge; and

(b) the development and application of the World Class Skills and Life and Career Characteristics identified in the Profile of the South Carolina Graduate.

(2) Competencies with explicit, measurable, and transferable student learning objectives provide transparency and guide students, with customized support from teachers, as the students pursue their inquiries, understanding, and ownership of learning.

(3) A student shall master competencies along a personalized and flexible pathway before he may advance. A student may demonstrate his mastery of competencies through his performance of the competencies, application of the competencies, or both.

(4) Assessments must be meaningful and used to personalize learning experiences with a student.

(5) A student must receive timely and personalized support based on his individual learning needs.

(S.C. Code Ann. § Section 59-19-360. Competency-based Education.)

WAIVERS

Local Education Authorities (LEAs) may seek a waiver of state regulations to support competency-based approaches to the extent that competency-based strategies are incorporated within a district strategic plan or school renewal plan, and state regulations are identified that impede implementation of the plan(s).

- SBE Regulation 43-261 states, “Upon request of a district board of trustees or its designee, the State Board of Education may waive any regulation that would impede the implementation of an approved district strategic plan or school renewal plan.” [SC SBE Regulation 43-261. District and School Planning]
- See p. 7 for waiver process and application information.

If a district is seeking to implement a Competency-Based Education waiver, see the regulations below.

§ Section 59-19-360.

(A) (1) If a district or school is seeking to implement competency-based education, the State Board of Education may exempt the school from state laws, policies, and regulations that hinder the implementation of certain competency-based practices. A district that wishes to obtain an exemption may submit a waiver application to the State Board of Education in a format developed by the State Department of Education. To be considered, a waiver application must:

- (a) be approved by the local school district board of trustees;
- (b) be aligned to the district strategic plan; and
- (c) provide for the implementation of the strategies described in the waiver application for all students in the school, which may be implemented in phases over a period of five or fewer years.

(2) A district must show evidence of the meaningful steps already taken to engage parents and community stakeholders. A district also must include a continued plan to seek parental outreach and consultation using guidelines approved by the State Board of Education when submitting a waiver application for approval by its local board of trustees and the State Board of Education, or the application may not be considered.

(3) A district whose waiver application is approved may request additional exemptions and may request amendments to its current approved waiver on a rolling basis.

(B) Competency-based education is designed to improve educational outcomes for students by advancing their mastery of concepts and skills.

State regulation allows for local waivers only for students with excessive absences approved by the local school board [S.C. SBE Regulation 43-274]. For high schools, students may demonstrate proficiency as determined by the local school district to receive one unit of credit instead of attending at least 120 hours per unit. Specific requirements must be met to receive these types of waivers:

- Local school boards may approve these types of waivers on a case-by-case basis; and
- The general request for the proficiency-based credit must be made through a specific process explained in regulation. [SC SBE Regulation 43-234. Defined Program, Grades 9-12 and Graduation Requirements]

SCHOOLS OF INNOVATION

To create “new, innovative, and more flexible ways of educating children”, a local board of trustees may establish or designate one or more Schools of Innovation within the district. Initially created by the state legislature as Schools of Choice, Schools of Innovation are exempt from “applicable state statutes and regulations which govern other schools in the district.”

Note: A district may not designate all schools in the district as Schools of Innovation.

STEPS TO FLEXIBILITY FOR SCHOOLS OF INNOVATION

1

The local board of trustees must:

- Identify each state statute, state regulation, and local district policy for which exemption is sought and specify how the desired exemption “will support academic achievement for students and the Profile of the Graduate.”
- Approve each exemption by a two-thirds affirmative vote.
- Disclose the financial model to be used.

2

Then, the district superintendent must:

- Submit information on the local board’s action, as described above, to the state for approval by a two-thirds vote of the SBE.

3

Annually thereafter, before July 1, each School of Innovation must report to the Office of Federal and State Accountability information including:

- Demonstration of compliance with the specified financial model.
- Disclosure of full financial statements.
- Reporting on the academic achievement of students.

Flexibility Overview:

In addition to the expansive waiver/exemption opportunity authorized in state statute, a local board can work with district leaders and stakeholders to define even more innovative approaches to be taken by the district or schools.

INNOVATION IN HIGH SCHOOL: PROFICIENCY-BASED SYSTEMS

Graduation Requirements and Credit Accumulation

The state's graduation requirements are based on the successful completion of 24 credits in designated subjects, and one unit of credit totals a minimum of 120 hours of instruction for an academic standards-based course. [S.C. Code Ann. § 59-39-100 Issuance of uniform diplomas by accredited high school...] In addition, a student "must pass a classroom examination on the provisions and principles of the United States Constitution, the Declaration of Independence, the Federalist papers, and American institutions and ideals." [S.C. SBE Regulation 43-234. Defined Program, Grades 9-12 and Graduation Requirements]

Flexibility Overview:

South Carolina offers districts, schools, and students options for various exceptions that may allow flexibility in meeting graduation requirements. This includes partial units of credit, locally designed subject area courses, personalized pathways, accelerated programs, and a waiver specifically for students new to the state and in the 12th grade upon enrollment.

OPTIONS

The following options are available to schools and districts:

- **PARTIAL UNIT OF CREDIT** – Districts have some possibilities in awarding credit for courses completed (i.e., a one-fourth unit of credit may be awarded for a course requiring a minimum of 30 hours of instruction for high school credit). [SBE Regulation 43-234. Defined Program, Grades 9-12 and Graduation Requirements]
- **LOCALLY DESIGNED SUBJECT AREA COURSES** – SBE Regulation 43-234 allows schools with grades 9–12 to award credit for a locally designed subject area course if the course is aligned with current state academic standards for the particular subject area and approved by the local board of trustees. The course will then be reviewed for approval by the State Superintendent of Education.
- **PERSONALIZED PATHWAYS** – Schools and districts can provide students with personalized pathways for earning diplomas, which may include earning endorsements for specific courses of study. [S.C. Code Ann. §59-39-100. Issuance of uniform diplomas by accredited high school...]
- **ACCELERATED PROGRAMS** – High schools in the state are required to offer accelerated programs for students where "if a student demonstrates sufficient ability, upon approval of the administrative head of such school, the student may be allowed to undertake such courses of study as will enable the student to graduate at the end of 11 years." [S.C. Code Ann. §59- 39-110. Accelerated program of study]
- **THE SOUTH CAROLINA HIGH SCHOOL CREDENTIAL** – Students with disabilities can demonstrate their ability to transition into the work community. Established during the 122nd Session of the General Assembly [2017-2018 Bill 462: Uniform high school diplomas – South Carolina Legislature Online], and as mandated by the legislature, the Credential – developed by the SCDE, the Vocational Rehabilitation Department, the Department of Employment and Workforce, businesses, and stakeholders – is aligned with the PSCG and requires the use of rubrics and guidelines to identify and assess the employability skills of students. The Individualized Education Program (IEP) team determines an appropriate course of study for a student with disabilities to earn the Credential.

WAIVERS

The SBE can provide a district with flexibility in applying the graduation requirements for a student who moves into the state during the 12th grade year.

1

WAIVER OF COURSES – This waiver is limited to “specific courses required for graduation if those courses were not specifically required for graduation in the student’s most recent state of residence” [S.C. Code Ann. §59-5-160. Graduation of children who are new to South Carolina]. The SBE may not waive the number of courses required in English language arts, math, and science.

2

AUTHORIZING ALTERNATIVE MEANS FOR COMPLETION OF COURSEWORK – If a student does not have enough course credit to achieve a South Carolina diploma, the SBE may provide an alternative means to complete coursework so that the student may graduate on time. [S.C. Code Ann. § 59-5-160. Graduation of children new to South Carolina].

Proficiency-Based Systems

School districts may apply to create a proficiency-based system by submitting a plan to the SCDE. The plan must be developed in accordance with SBE regulations, including:

- Documentation of procedures for “establishing and developing a proficiency-based system, including the method for determining proficiency.”
- Provisions for holding the district accountable by ensuring that the “academic standards and the individual learning needs of the students are addressed.” [SBE Regulation 43-234. Defined Program, Grades 9-12 and Graduation Requirements]

Once approved by the SCDE, this designation remains in effect for the duration of the district strategic plan or school renewal plan.

Flexibility Overview:

The proficiency- based system option allows high schools and districts an exemption to the hours of instruction and credit requirements for credit accumulation and graduation.

OPTIONS

Districts may use this proficiency-based system for initial credit, credit through prior knowledge, or credit recovery. Almost every South Carolina district uses this proficiency-based system designation for credit or content recovery. Districts are beginning to explore the concept of credit by demonstrated mastery. They are encouraged to contact the Office of Federal and State Accountability for resources or support to explore proficiency-based systems.

WAIVERS

To the extent a district’s strategic plan or school’s renewal plan addresses or is used to implement a proficiency-based system, a waiver might be used to obtain flexibility from state requirements created through administrative rules of the SBE.

- SBE Regulation 43-261 states, “Upon request of a district board of trustees or its designee, the State Board of Education may waive any regulation that would impede the implementation of an approved district strategic plan or school renewal plan.” [SBE Regulation 43-261. District and School Planning]
- See p. 7 for waiver process and application information.

District Strategic Plan and School Renewal Plans

South Carolina schools and districts must “design a comprehensive long-range plan with annual updates.” These plans must be developed every five years and updated annually. Performance goals must address:

Student achievement

Teacher/administrator quality

School climate

Gifted and Talented (district only)

Long-range plans must also “contain performance goals, interim performance goals, and timelines for progress.” [S.C. Code Ann. § 59-139-10. Districts and schools to design a plan...]

Flexibility Overview:

Within the statutes regarding district strategic and school renewal plans, districts and schools have been given some options, as well as an opportunity to request a waiver from regulations of the SBE.

OPTIONS

Statute requires the academic assistance component of plans to “address alternatives to year-long and pull-out remediation of students.” In doing so, schools and districts have options enumerated in statute, including extended day and/or weekend programs; class acceleration; and more.

WAIVERS

To the extent a district’s strategic plan or school’s renewal plan identifies changes to be made to the instructional program, a waiver might be used to obtain flexibility from state requirements created through administrative rules of the SBE.

- SBE Regulation 43-261 provides that “Upon request of a district board of trustees or its designee, the State Board of Education may waive any regulation that would impede the implementation of an approved district strategic plan or school renewal plan.” [SBE Regulation 43-261. District and School Planning]
- See p. 7 for waiver process and application information.

District Strategic Plan	School Renewal Plan	
Requirements	<p>Priorities. The focus – including through establishment of priorities and prioritization of efforts – must be on:</p> <ol style="list-style-type: none"> 1. Raising student achievement levels for all students. 2. Prevention of academic problems. 3. Reducing achievement gaps identified on annual report cards. <p>Required Components. As further described in the regulations, each plan must include:</p> <ol style="list-style-type: none"> 1. Comprehensive Needs Assessment. 2. Performance Goals. 3. Interim Performance Goals. 4. Strategies and Action Plans. 5. Coordination of Funding. 6. Evaluation of the Strategies. 7. Evidence of Comprehensive Consensus Building. 8. Assurances. 	
Plan Length	5-year	
Other Required Components	<p>The plan must also:</p> <ol style="list-style-type: none"> 1. Include the accountability system that directs an annual needs assessment. 2. Report how the district supports schools, students, and families. 	
Waiver Options	The SBE may waive any regulation that would impede the implementation of an approved plan. Districts and schools should consider this flexibility as they begin planning development.	
Plan Development Process	<ul style="list-style-type: none"> ● Districts are urged to use the SCDE Model Planning Process. ● Plans must be developed collaboratively by a broad-based group of stakeholders using a consensus process. The stakeholder group must include teachers, administrators/principals, parents/guardians, and community representatives. ● The planning process must demonstrate a commitment to continuous improvement and respond to state and federal accountability requirements. 	<ul style="list-style-type: none"> ● Schools are urged to use the SCDE Model Planning Process. ● A Cognia plan, which includes the required components listed above, may be substituted for a school renewal plan. ● Stakeholders must be actively involved in the planning process, including teachers, administrators/principals, parents/ guardians, and community representatives. ● The School Improvement Council must actively participate in plan development.
Local Approval	The local board of trustees must review and approve all plans and annual updates.	
State Submission Deadlines	The following items are due annually by April 30: the Initial District Strategic and School Renewal Plan (DSSR) or Annual DSSR Update, Proficiency-Based Systems Plan, and district calendar.	
SCDE Plan Approval	<p>5-year plans are reviewed by peer review panels convened by the SCDE. Panels may:</p> <ol style="list-style-type: none"> 1. Approve the plan; 2. Provisionally approve the plan pending suggested modifications; or 3. Disapprove the plan. 	
Effective Date	July 1 (of year of submission)	

Instructional Program Design

State statute specifies subjects that must be taught in all public schools, [S.C. Code Ann. Title 59-Chapter 29 Subjects of Instruction] including “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 other such branches as the state board may from time to time direct.”

Legislative mandates regarding the instructional program extend to the following:

- “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...” [S.C. Code Ann. § 59-29-20. Required subjects: nature and effect of alcoholic drinks and narcotics]
- “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.” [S.C. Code Ann. § 59-29-50. Required subjects: traffic laws]
- “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.” [S.C. Code Ann. § 59- 29-60. Required subjects: program of safety instruction]

Flexibilities and Educator Qualifications, Duties, and Workloads

State regulations provide for educator qualifications, duties, and workloads. Exceptions are provided within the regulations for certain instructors; for example, the total teaching load for music teachers may be flexible when the entire band, chorus, and orchestra require rehearsals of their entire enrollment.

Flexibility Overview:

Despite the requirements in state statute regarding specific subjects that must be taught to all students, statute also provides for some areas of flexibility, specifically described as alternatives or exemptions (or local waivers), and options.

ALTERNATIVES AND/OR EXEMPTIONS

Students are required to participate in physical education, training, and instruction. [S.C. Code 59-29-80. Required subjects: courses in physical education; alternatives; exemptions.] State statute provides several options and exemptions, including local waivers:

- **PHYSICAL FITNESS** – Statute allows for modified courses for students who are “physically or mentally unable or unfit to take the course or courses prescribed for normal pupils.”
- **MILITARY OR NAVAL ROTC** – Students also have the option to participate in a military or naval ROTC program sponsored by the military services of the United States in place of the physical education requirement.
- **MARCHING BAND** – Instruction in marching band that is based on South Carolina Standards for the Visual and Performing Arts and that incorporates the Standards for Physical Education must be accepted for physical education instruction, “provided the district first shall submit a plan to the Department documenting that all South Carolina Academic Standards for Physical Education are met in the proposed marching band instruction, and upon approval of the plan by the department, this instruction may be offered and considered to be the equivalent of physical education instruction.”

OPTIONS

Local decision-making includes a number of options for the instructional program created by statute:

- “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.” [S.C. Code Ann. §59-29-110. Instruction in military science and tactics]
- “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....” [S.C. Code Ann. §59-29-230. Old and New Testament era courses]
- “...As part of the high school curriculum regarding the United States government required credit, students are required to take the civics test,...but are not required to obtain a minimum score. ... This requirement does not apply to a student who is exempted in accordance with the student’s individualized education program plan.” [S.C. Code Ann. § 59-29-240. Civics test required; report]

State regulations detail additional options. For example, schools may award credit for courses approved by the district, even if that school does not offer that course, so long as the student receives prior approval [SBE Regulation 43-234. Defined Program, Grades 9-12 and Graduation Requirements]. Regulations also provide for awarding credit for an American Sign Language course as the required unit in a foreign language. [SBE Regulation 43-234. Defined Program, Grades 9-12 and Graduation Requirements]

WAIVERS

To the extent a district’s strategic plan or school’s renewal plan identifies changes to be made to the instructional program, a waiver might be used to obtain flexibility from state requirements created through administrative rules of the SBE .

- SBE Regulation 43-261 states, “Upon request of a district board of trustees or its designee, the State Board of Education may waive any regulation that would impede the implementation of an approved district strategic plan or school renewal plan.” [SBE Regulation 43-261. District and School Planning]
- See p. 7 for waiver process and application information.

Minimum Days of Instruction and School Calendars

Often, the most significant barriers (or perceived barriers) to personalized learning are requirements establishing minimum days of instruction to be provided as a condition for receipt of state aid. In South Carolina, state statute establishes the requirements regarding the school term (beginning date, length, and use of make-up days), the minimum days of instruction, and the length of each school day. [S.C. Code Ann. § 59-1-425 Beginning and length of school term; make-up days; waiver; instructional days; SBE Regulation 43-234. Defined Program, Grades 9-12 and Graduation Requirements]

These requirements include:

- A statutory school term of 190 days annually, which includes a minimum of 180 days of instruction over a period of 9 months.
- An opening date for students, not before the third Monday in August, except for those schools that operate on a “year-round modified school calendar.”
- Four days for professional development based on educational standards, as required in statute. [S.C. Code Ann. § 59-1-425. Beginning and length of school term; make-up days; waiver; instructional days]

Flexibility Overview:

Local waivers, options, and SBE waivers are available to schools and districts wanting to create flexibility in the minimum days of instruction and school calendars. Significant discretion is given to local school boards in creating a yearly school calendar. Further, schools have options to vary the number of minutes in the instructional week.

ALTERNATIVES AND/OR EXEMPTIONS

LOCAL WAIVER REGARDING MAKE-UP DAYS – State statute provides an alternative or exemption for school districts regarding make-up days. School districts must provide three make-up days, if needed. South Carolina Code provides for a local waiver that would allow the local board of trustees to lengthen the hours of school operation, operate schools on Saturdays, or provide a waiver of up to three days. A local waiver may be granted when authorized by a majority vote of the local school board and may be subject to additional requirements and conditions. [S.C. Code Ann. § 59-1-425. Beginning and length of school term; make-up days; waiver; instructional days]

E-LEARNING DAYS FOR MAKE-UP DAYS – All school districts have the option to use E-Learning days for make-up days. The allowance of E-Learning for make-up days is now a flexibility option available to all districts, pursuant to the action of the Education Oversight Committee, and managed by the SCDE. [SC 2021-2022 Appropriation Act. Part 1B Section 1A - H630 - Department of Education. 1A- 69 (SDE-EIA: Digital Learning Plan)]

OPTIONS

State statute provides for several options for achieving compliance with instructional day requirements:

- A local school board has the authority to establish an annual school calendar for teachers, staff, and students. [S.C. Code Ann. § 59- 19-90. General powers and duties of school trustees. See also South Carolina Department of Education. Memorandum: School Calendars (2021)]
- “The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district.” Any flexibility here must meet specific statutory requirements and be approved by the local board of trustees. [S.C. Code Ann. § 59- 1-425. Beginning and length of school term; make-up days; waiver; instructional days]
 - See also SBE Regulation 43-234 (VI.C. Length of School Day) and South Carolina Department of Education. Memorandum: Instructional Time, Early Release/Half Days (2017)

WAIVERS

Two SBE waiver opportunities are available:

1

SBE WAIVER OF MAKE-UP DAYS REQUIREMENT – The SBE provides for a waiver regarding make- up days as follows:

“The State Board of Education may waive the requirements of making up days beyond the three days forgiven by the local school district, not to exceed three additional days missed because of snow, extreme weather conditions, or other disruptions requiring schools to close. Such a waiver may only be considered and granted upon the request of the local board of trustees through a majority vote of that local school board. The State Department annually, before July first, shall provide the General Assembly with a detailed report of information from each district...(E) The instructional day for secondary students must be at a minimum of six hours a day, or its equivalent weekly, excluding lunch. The school day for elementary students must be at a minimum of six hours a day, or its equivalent weekly, including lunch. (F) Elementary and secondary schools may reduce the length of the instructional day to not less than three hours for not more than three days each school year for staff development, teacher conferences, or for the purpose of administering end-of-semester and end-of-year examinations.” [S.C. Code Ann. § 59-1-425. Beginning and length of school term; make-up days; waiver; instructional days]

2

SBE WAIVER OF SCHOOL OPENING DATE REQUIREMENT – The SBE also has the option, pursuant to statute, to grant a waiver for an “educational purpose.”

“The State Board of Education may waive the school opening date requirement...for an educational purpose...The state board may grant the waiver for an educational purpose for that specific school or defined program to the extent that the state board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the opening date set forth in this subsection. Waiver requests for educational purposes may not be used to accommodate system-wide class scheduling preferences. Nothing in this subsection prohibits a district from offering supplemental or additional educational programs or activities outside of the calendar adopted under this section.” [S.C. Code Ann. § 59-1-425. Beginning and length of school term; make-up days; waiver; instructional days]

SOUTH CAROLINA'S EDUCATION FLEXIBILITY GUIDE

