

SOUTH
CAROLINA'S

Education Flexibility

GUIDE

POSSIBILITIES TO
PERSONALIZE LEARNING



DISCLAIMER

This is not a legal document and is not to be relied on 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, they need the existing educational system and policies to shift with them. In South Carolina, we have flexibility. Flexibility to re-imagine what is possible as we consider the unique resources, opportunities, and partnerships in our communities. Flexibility to design supports that value both the talents and the needs of individual students on their path to achieving the *Profile of the South Carolina Graduate*. We know that for learning to be meaningful it must be personal, so we are thrilled to provide this guide as a starting point for individual assistance to districts as they explore new options and opportunities to personalize learning 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 Offices of Personalized Learning and Federal & State Accountability are 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 personalized 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!

Stephanie DiStasio

Director, Office of Personalized Learning
South Carolina Department of Education
<https://personalizesc.ed.sc.gov>

Dr. Sarah Longshore

Director, Office of Federal & State
Accountability
South Carolina Department of Education
<https://ed.sc.gov/districts-schools/state-accountability/>

Contents

1. Introduction	1
Leading Through Personalization: Vision for Success	1
About This Guide	2
2. Foundations for Personalized Learning	3
<i>Profile of the South Carolina Graduate (PSCG)</i>	3
Competencies for the PSCG	4
Framework for Personalized Learning	6
3. Flexibility-Focused Pathways to Personalized Learning	7
Flexibility within State Statutes and Regulations	7
Flexibility Subject to State Approval	7
Pathways to Personalized Learning	8
District Pathways to Personalized Learning	9
4. Finding and Using Flexibility within State Mandates and Programs	10
Competency-Based Learning	10
Schools of Innovation	11
Innovation in High Schools: Graduation Requirements and Proficiency-Based Systems	12
District Strategic Plan and School Renewal Plans	15
Instructional Program Design	17
Minimum Days of Instruction and School Calendars	19
5. Leveraging COVID Flexibility	22
6. Next Steps	23

Introduction

Leading Through Personalization: Vision for Success

Across South Carolina, educators and education policymakers have established a common 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 the position of a national leader in personalized learning and gave rise to the goal of transforming education into an “*equitable, personalized competency-based learning system*.”¹

State education leaders believe that flexibility inspires and enables the innovative mindset necessary for personalized 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 supports. 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.

Every South Carolina district and school can not only embark on a personalized learning agenda, but also make it an integral part of continuous improvement efforts through the use of strong feedback loops and collaboration. At scale, these practices can drive improvement across the state. Working within basic parameters established at the state level, districts and schools are free to establish their own goals, set expectations for student success, and design instructional programs. Through PersonalizeSC, they can take full advantage of flexibility (including but not limited to a waiver of state requirements) and specialized assistance – even personalized learning coaches, a web-based learning community, extensive professional development offerings, and other state-developed resources.

PersonalizeSC

PersonalizeSC is more than just an office within the SCDE; it is a collaborative effort to “*challenge the educational status quo in South Carolina through learner-centered practices, partnerships, and supports*” through a vision and definition of personalized learning.

VISION: All students graduate prepared for success in college, careers, and citizenship. Districts will have available a system of personalized and digital learning that supports students in a safe learning environment to meet the *Profile of the South Carolina Graduate*.

DEFINITION: South Carolina defines personalized learning as “*a belief, mindset, and approach to learning and instruction that prioritizes tailoring the learning experience to meeting each learner’s unique strengths, needs, interests, and goals.*”

¹ South Carolina Department of Education. PersonalizeSC: About. <https://personalizesc.ed.sc.gov/about/>

About This Guide

This guide is designed to help South Carolina district and school leaders create their own approach to personalized 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 personalized 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 Personalized Learning

Today, personalized learning is taking root across the state due in large part to foundations put in place in recent years. The three pillars established in South Carolina that create a compass for personalized learning are highlighted in this section.

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 individual learner. The PSCG specifies 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.



Districts are using the PSCG to redesign instructional programs, to transform instruction through professional development and collaboration, and as the pillars on which strategic planning and continuous improvement efforts are aligned.

For the SCDE, especially PersonalizeSC, the PSCG is the north star which guides transformative work like the PSCG competencies and personalized learning framework highlighted below.

Competencies for the PSCG

PersonalizeSC seeks to “transform education into an equitable, personalized competency-based learning system” [PersonalizeSC. About]. To that end, and in order 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 supports.

Profile of a South Carolina Graduate

COMPETENCY STATEMENTS

 READ CRITICALLY I can make meaning from diverse media to better understand the world around me.	 LEARN INDEPENDENTLY I can develop a plan, monitor my progress, and persevere through challenges to achieve my goal.
 EXPRESS IDEAS I can communicate through diverse formats for a range of purposes and audiences.	 NAVIGATE CONFLICT I can develop skills, strategies, and emotional awareness while navigating conflicts with others.
 INVESTIGATE THROUGH INQUIRY I can explore questions and build knowledge through inquiry.	 LEAD TEAMS I can effectively lead teams with clarity, purpose, and care.
 REASON QUANTITATIVELY I can work with numerical data, solve problems, and construct mathematical solutions.	 BUILD NETWORKS I can initiate relationships with diverse individuals and networks for a purpose, and sustain relationships with authenticity and care.
 USE SOURCES I can assess the credibility of sources and synthesize my new learning to build knowledge.	 SUSTAIN WELLNESS I can support my own physical, emotional, and social health in order to live a healthy and productive life.
 DESIGN SOLUTIONS I can engage in a systematic design process to develop data-informed solutions to authentic design challenges.	 ENGAGE AS A CITIZEN I can participate in my community, build my civic knowledge, and take action to improve my community.

The PSCG Competencies are being used by teachers to:

- Identify student needs and develop learner profiles;
- Plan curriculum and create personalized learning pathways, with input from students on their own vision for success, interests, and preferred learning style;
- Specify individualized learning targets and the ways in which student progress is measured, also engaging students in these decisions to encourage student ownership; and
- Use the continuous rating system to assess student progress.

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

A waiver from state regulations may be available to support use of the competencies, as described in Section 4. In addition, state regulations permit a locally-approved waiver to allow a student to demonstrate proficiency in lieu of course completion (i.e., 120 hours per unit) in certain circumstances.

Ready to put the PSCG Competencies to use for your district and schools? PersonalizeSC has lots of tools to help.

- PSCG Competencies Gist Statement - explaining what each competency is about
- PSCG Competency Full Continua - a full description of each competency
- PSCG Competency Sets by Competency - detail on the range of levels for each competency
- PSCG Competencies - Practitioner's Version - an editable document that is great for copying and pasting the language from the PSCG Competencies directly into any tool, such as a rubric, learning target, self-assessment tool, etc.
- PSCG & CASEL Competency Cross-Walk - a guide to help determine which PSCG Competencies provide opportunities to learn and practice the CASEL Competencies
- FAQ About Competency Based Learning in SC

Framework for Personalized Learning

Personalized learning is an educational framework that is used to support every student in achieving the knowledge, skills, and characteristics identified in the PSCG.

The **South Carolina Framework for Personalized, Competency-Based Learning** provides an easy-to-use structure for creating four critical components for tailoring each student's education experience to meet his or her unique strengths, needs, and goals:

- Fostering Student Ownership
- Developing Learner Profiles
- Creating Learning Pathways
- Adopting Flexible Learning Environments
- Competency-Based Learning



PersonalizeSC offers a self-paced Framework Foundations Series to assist every educator – no matter where you are in your school or system or how far along you are in the journey toward making personalized learning available to every student. Five modules, leading to ten credit hours of SCDE recertification credit cover critical framework questions common to every educator:

1. Why Personalized Learning?
2. Who is Driving the Learning In Your Classroom? Student Ownership
3. What Are the Benefits of Self-Aware Learners? Learner Profiles
4. Making Sense of Learning Pathways
5. Learning Anytime, Anywhere: Flexible Learning Environments



Schools and districts can make use of the four core framework components in any educational context. Framework components might also be explored in conjunction with use of the SCDE's 2020 Vision for Career and Technology Education in South Carolina. [[South Carolina Department of Education. 2020 Vision for Career and Technical Education in South Carolina](#)]

A waiver from state requirements may be available to support use of the framework. For example, see Section 4 [Finding and Using Flexibility within State Mandates and Programs] and other waiver opportunities highlighted in this Guide.

Flexibility-Focused Pathways

TO PERSONALIZED LEARNING

South Carolina offers many opportunities for local districts and schools to make their own decisions about what is best for their students, several of which are highlighted in Section 4. Where specific action is required or design decisions are prescribed by the state, two types of flexibility might provide space for local innovation — innovation that can be pursued through a variety of entry points or pathways.

Flexibility within State Statutes and Regulations

This type of flexibility may be exercised without the need for approval by the State Board of Education (SBE), State Superintendent, or the SCDE, subject to conditions or other requirements prescribed in statute or regulation. It is generally not time-limited, though 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 approaches available in certain circumstances.
- ⦿ **EXEMPTIONS** – In some circumstances, a district or school that meets certain 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, and subject to compliance with established criteria and/or conditions. This flexibility includes:

- ⦿ **LEGISLATIVE MANDATE WAIVERS** – In certain circumstances, the SBE may waive requirements established in South Carolina laws.
- ⦿ **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 that includes the possible waiver of many requirements of state statute and regulation. See Section 4 for information on Schools of Innovation. Other waiver requests are facilitated by the SCDE Office of Federal and State Accountability. Districts must submit a request using the [SCDE Online Waiver Form](#).

- Requests for waiver of any regulatory impediment to District Strategic or School Renewal Plans are to be submitted at least 60 days prior to 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 use this [form](#) to request a waiver of assessment requirements which would allow: (1) extension of the twenty-day testing window; and (2) administration of tests on paper rather than online. Any such request must be submitted no later than December 1 of the current school year.
- 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 provide for increased student achievement.² A significant component of the SCDE's support is assisting local boards in maximizing the use of flexibility for innovation, including personalized learning.

Pathways to Personalized 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:



INNOVATIVE 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 impeding plan implementation



INSTRUCTIONAL PROGRAM DESIGN

- [Innovation leveraging local decision-making](#)
- [Waiver of state requirements regarding school calendars, minimum days of instruction, and more](#)

² South Carolina Department of Education. Memorandum: New Waiver Request Procedures. <https://ed.sc.gov/index.cfm?LinkServID=F34652D4-AB7F-97E3-9BD2F0DABBF10F2B>

District Pathways to Personalized Learning

Two schools in the state provide examples of the ways in which districts can take advantage of this flexibility that is offered by the state through waivers – North Charleston High School and Meeting Street.

NORTH CHARLESTON HIGH SCHOOL

In 2021, North Charleston High School was granted a School of Innovation waiver to transform instruction through professional development and collaboration. This waiver allows North Charleston High School to have “*greater autonomy to create more innovative, engaging, and flexible ways of educating students*” in exchange for improving student outcomes.³ This high school’s waiver application specifies how they will use the PSCG to redesign their programs and transform instruction. This school will do the following:

“Empower Student Influencers through Student Think Tanks and the following:

- *Students will facilitate sessions during student and teacher conferences.*
- *Use the characteristics to identify acceleration students and influencers.*
- *Build the capacity of student leaders by identifying students who already exhibit the characteristics of the Profile of a S.C. Graduate in order to help build the capacity schoolwide.*

Empower all learners through the following strategies:

- *Infuse World-Class Skills and Life and Career Characteristics into the curriculum, so*

students and teachers collaborate to reflect on their strengths and areas of growth as they master state standards.

- *Create Individual Learner Profiles that track mastery of standards as well as World-Class Skills and Life and Career Characteristics.*
- *Allow students to have more opportunities to engage with experts in the community. This will support students in building these characteristics and get feedback from mentors.*
- *Foster learning agency through goal setting, student voice, and student choice. o Ensure each student is partnered with a trusted adult to build Academic Skills, World-Class Skills, and Life and Career Characteristics.”*

MEETING STREET ACADEMY

Meeting Street Academy in Spartanburg District 7 is a 2021 Blue Ribbon School. Meeting Street Academy is a public-private partnership school, operating as a public school by serving students in a particular attendance area and taking advantage of District 7 operational services. This school also follows regulations created by the SCDE and requires students to take all state-mandated assessments. This school does, however, provide for specific flexibility in several ways. For example, the school uses waivers from the SCDE for the hiring of educators and the school operates on an extended day and year calendar. The school is also given flexibility to create its own curriculum and make changes of the curriculum to best serve students. This school notes that through “*additional resources and educational flexibility... MSA and District 7 can leverage the power of partnership to serve South Carolina’s students in strategic and innovative ways.*” [Meeting Street. Defining a Public-Private Partnership]

³ Charleston County School District. School of Innovation Waiver Request for North Charleston High School. <https://ed.sc.gov/state-board/state-board-of-education/policy-legislative-pl/august-10-2021-policy-legislative-pl-committee-items/pl-02-attachment-charleston-county-school-district-school-of-innovation-waiver-request-for-north-charleston-high-school/>

Finding and Using Flexibility

WITHIN STATE MANDATES AND PROGRAMS

Flexibility for personalized learning 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
- ⦿ Minimum Days of Instruction and School Calendars



Competency-Based Learning

Using the PSCG Competencies and Framework for Personalized Learning, districts and schools can develop and implement competency-based learning approaches with state support and some flexibility, with the potential for even more flexibility to be made available in the not-too-distant future.



Existing waiver authority does not specifically reference Competency-Based Learning, but it is possible for a district or school to request flexibility through a waiver of some state requirements.

In 2020, HB3883 was filed in the South Carolina Legislature.⁴ This bill amends existing law and allows competency-based schools to identify needed flexibility through waiver requests. While this bill is still pending, it is clear that the state legislature wants all students to achieve the PSCG. With this bill, the legislature can create additional flexibility needed in order to accomplish the state's goals around the PSCG.

WAIVERS

Local Education Authorities (LEAs) may currently 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 there are state regulations identified that impede implementation of the plan(s).

⁴ House Bill 3883. South Carolina Legislature (2019). <https://www.scstatehouse.gov/billsearch.php?billNumbers=HB3883>

- 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.”* [[SC SBE Regulation 43-261. District and School Planning](#)]

- See p. 7 for waiver process and application information.

State regulation allows for local waivers only for students who have excessive absences that have been approved by the local school board [[SC SBE Regulation 43-274. Student Attendance](#)]. For high schools, students may demonstrate proficiency as determined by the local school district in order to receive one unit of credit, in lieu of attending at least 120 hours per unit. Certain requirements must be met in order 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”*⁵, 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, beginning in 2021, 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

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.

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.

Annually thereafter, before July 1, each School of Innovation must report to the SCDE information including:

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



⁵ SC Code Section 59-19-350(A). Schools of innovation exempt from state laws and regulations. <https://www.scstatehouse.gov/code/t59c019.php#59-19-350>



In addition to the expansive waiver/exemption opportunity authorized in state statute, which may extend to flexibility from state statutes, state regulations, and local policies, a local board, working with district and school leaders and stakeholders, has broad discretion in defining the innovative approaches to be taken by the school, establishing goals for student achievement, and personalizing learning for all students.



Innovation in High Schools: Graduation Requirements and 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 120 hours of instruction for an academic standards-based course. [SC Code 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."* [SC SBE Regulation 43-234. Defined Program, Grades 9-12 and Graduation Requirements]⁶



South Carolina offers districts, schools, and students options for a variety of exceptions that may allow for 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 who are new to the state and are in the 12th grade upon enrollment.

OPTIONS

The following options are available to schools and districts:

- **PARTIAL UNIT OF CREDIT** – Districts have some options 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). [SC 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.⁷

⁶ See also South Carolina Department of Education. High School Diploma. <https://ed.sc.gov/districts-schools/state-accountability/high-school-diploma/>

⁷ See also South Carolina Department of Education. Flexibility. <https://ed.sc.gov/districts-schools/state-accountability/flexibility/> and South Carolina Department of Education. Innovative Approaches: Locally Designed Subject Area Course Application. <https://ed.sc.gov/districts-schools/state-accountability/flexibility/innovative-course-application-2018-19-pdf/>

- **PERSONALIZED PATHWAYS** – Schools and districts have the option to provide students with personalized pathways for earning diplomas, which may include earning endorsements for certain courses of study. [[SC Code 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.”* [[SC Code 59-39-110. Accelerated program of study](#)]
- **THE SOUTH CAROLINA HIGH SCHOOL CREDENTIAL** – Students with disabilities have the option to 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. An appropriate course of study is determined by the Individualized Education Program (IEP) team 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”* [[SC Code 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. [[SC Code 59-5-160. Graduation of children who are 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.”* [SC SBE Regulation 43-234. Defined Program, Grades 9-12 and Graduation Requirements]

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



The proficiency-based system option allows high schools and districts an exception 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.⁸ Almost every district in South Carolina is using this proficiency-based system designation for credit or content recovery. Districts are beginning to explore the concept of credit by demonstrated mastery and are encouraged to reach out to the Office of Personalized Learning 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 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.”* [SC SBE Regulation 43-261. District and School Planning]
- See pp. 7-8 for waiver process and application information.



⁸ Credit recovery is defined as a *“course-specific, skills-based learning opportunity for students who have previously failed to master content or skills required to receive credit. The term ‘Credit Recovery’ refers to a block of instruction that is less than the entirety of the course. Credit Recovery targets specific components or a subset of the standards to address deficiencies necessary for student proficiency in the overall course.”* [South Carolina SBE. South Carolina Uniform Grading Policy (May 14, 2019)]



District Strategic Plan and School Renewal Plans

Schools and districts in South Carolina are required to “*design a comprehensive long-range plan with annual updates.*” These plans must be developed every five years and updated on an annual basis.⁹ Performance goals must address:

- Student achievement;
- Teacher/administrator quality; and
- School climate.

Long range plans must also “*contain performance goals, interim performance goals, and time lines for progress.*” [SC Code 59-139-10. Districts and schools to design 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, such as 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.*” [SC SBE Regulation 43-261. District and School Planning]
- See p. 7 for waiver process and application information.

State Board Regulations establish additional requirements and a process for plan development, submission, and approval. All such plans are required to “*coordinate and align improvement initiatives.*” [SC State Board of Education Regulation 43-261(A)(1). District and School Planning]

⁹ See also South Carolina Department of Education. District Strategic and School Renewal Plans. <https://ed.sc.gov/districts-schools/state-accountability/district-strategic-and-school-renewal-plans/>

	DISTRICT STRATEGIC PLAN	SCHOOL RENEWAL PLAN
Requirements	Priorities. The focus – including through establishment of priorities and prioritization of efforts – must be on: 1. Raising student achievement levels for all students. 2. Prevention of academic problems. 3. Reducing achievement gaps identified on annual report cards. Required Components. As further described in the regulations, each plan must include: 1. Comprehensive Needs assessment. 2. Performance Goals. 3. Interim Performance Goals. 4. Strategies and Action Plans. 5. Evaluation of the Strategies. 6. Evidence of Comprehensive Consensus Building. 7. Assurances. Coordination of Funding. Plans and updates must coordinate funding from local, state, federal, and private sources.	
Plan Length	5-year	
Other Required Components	The plan must also: 1. Include the accountability system that directs an annual needs assessment. 2. Report how the district supports schools, students, and families.	
Waiver Option	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 the plan development process.	
Plan Development Process	○ Districts are urged to use the <u>SCDE Model Planning Process</u>. ○ 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.	○ Schools are urged to use the <u>SCDE Model Planning Process</u>. ○ A Cognia plan which includes the required components listed above may be substituted for a school renewal plan. ○ Stakeholders, including teachers, administrators/principals, parents/guardians, and community representatives, must be actively involved in the planning process. ○ The School Improvement Council must actively participate in plan development.
Local Approval	All plans and annual updates must be reviewed and approved by the local board of trustees.	
State Submission Deadlines	April 30 – for each annual update and for submission of new plan at the end of each 5-year period.	
SCDE Plan Approval	5-year plans are reviewed by peer review panels convened by the SCDE. Panels may: 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, [SC Code 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.*”¹⁰

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...*” [SC Code 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.*” [SC Code 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.*” [SC Code 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 regulation 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.

A 2017-2018 appropriations bill also provided for the suspension of all school districts and special schools professional staffing ratios and expenditure regulations and guidelines except for 4-year old programs and programs serving students with disabilities who have IEPs. [2019-20 Appropriations Bill H. 630 Section 1B]

¹⁰ For information on instructional requirements, see also SC SBE Regulation 43-231. Defined Program for K-5. <https://ed.sc.gov/districts-schools/state-accountability/flexibility/sbe-regulation-43-231-defined-program-for-k-5/>; SC SBE Regulation 43-232. Defined Program for 6-8. <https://ed.sc.gov/districts-schools/state-accountability/flexibility/sbe-regulation-43-232-defined-program-for-6-8/>; SC SBE Regulation 43-234. Defined Program, Grades 9-12 and Graduation Requirements. <https://ed.sc.gov/districts-schools/state-accountability/flexibility/sbe-regulation-43-234/>; SC SBE Regulation 43-261. District and School Planning. <https://ed.sc.gov/index.cfm?LinkServID=62146E29-9C60-3DD6-10349BC4C02A93DE>.

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. [SC Code 59-29-80. Required subjects; courses in physical education; alternatives; exemptions] State statute provides for several alternatives 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.”* [SC Code 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....”* [SC Code 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.”* [SC Code 59-29-240. Civics test required; report]

State regulations detail additional options. For example, schools may award credit for courses that are approved by the district, even if that school does not offer that particular course, so long as the student receives prior approval. [SC 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. [SC 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 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."* [SC 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) as well as the minimum days of instruction, and the length of each school day. [SC Code 59-1-425 Beginning and length of school term; make-up days; waiver; instructional days; SC 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."*¹¹
- Three days for professional development based on educational standards, as required in statute.

[SC Code 59-1-425. Beginning and length of school term; make-up days; waiver; instructional days]



¹¹ South Carolina Department of Education. Memorandum: Year-Round Modified School Calendars (2019). <https://ed.sc.gov/newsroom/school-district-memoranda-archive/year-round-modified-school-calendars/year-round-modified-school-calendars-memo/>



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 for an alternative or exemption for school districts regarding make-up days. Schools districts are required to provide for three days that would be used as make-up days, if they are 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. [[SC Code 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. This flexibility was initially only available to participants in a SCDE pilot program. The allowance of E-Learning for make-up days is now a flexibility option available to all districts, pursuant to 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. [[SC Code 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 certain statutory requirements and be approved by the local board of trustees. [[SC Code 59-1-425. Beginning and length of school term; make-up days; waiver; instructional days](#)]
- See also [SC 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:

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 only may 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 six hours a day, or its equivalent weekly, excluding lunch. The school day for elementary students must be at a minimum 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.” [SC Code 59-1-425. Beginning and length of school term; make-up days; waiver; instructional days]

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.” [SC Code 59-1-425. Beginning and length of school term; make-up days; waiver; instructional days]



Leveraging COVID Flexibility

The SCDE created certain memoranda for schools, as a result of the COVID-19 pandemic, explaining flexibilities or waivers that may be available to schools during this emergency.

See [South Carolina Department of Education, District Memoranda Search Results: COVID](#) and [South Carolina Department of Education, Memo re: Waivers Granted for 2020-21 School Year \(2020\)](#)

Many of these waivers have since expired; however, it is clear that many districts began to explore waiver and flexibility options during COVID. There were some innovations that have come out of the pandemic and, while the blanket waiver is now gone, the waiver options spurred much innovative thinking in districts. This work is promising and, even without the blanket waivers, should be continued. [See [South Carolina Department of Education. Memorandum: Expiration of Waivers Granted for 2020-21 School Year](#)]



Next Steps

In early 2022, the Office of Personalized Learning, in collaboration with the Office of Federal & State Accountability, will convene a working group of interested district leaders to gather and develop resources to complement this guide. The goal will be to capture processes and approaches districts might consider if they choose to take advantage of the existing flexibility outlined in the guide. The samples and models created will be made available to all districts in the spirit of collaboration and partnership.

If you are interested in developing a vision for personalized learning and leveraging the flexibilities in this guide, please reach out to the SCDE for assistance on your journey. We offer a wide range of support options and resources we can customize to meet your needs.

The SCDE Office of Personalized Learning is constantly developing new resources and examples, so please explore <https://personalizesc.ed.sc.gov/>.

Follow the Office of Personalized Learning on social media for updates on professional development opportunities, inspiration, and support!

 [@PersonalizeSC](https://twitter.com/PersonalizeSC)  [@SCPPersonalize](https://www.instagram.com/SCPPersonalize)  [@personalizesc](https://www.pinterest.com/personalizesc)

THIS GUIDE WAS DEVELOPED IN COLLABORATION WITH



