

Office of the Ombudsman

The mission of the Ombudsman is to help parents, students and the community, resolve school-related problems for students enrolled in grades K-12 in South Carolina's public school system. The objectives are to provide information and counsel which may involve rights and available options, applicable state laws and regulations, and procedural guidelines to follow when filing a complaint.

The Ombudsman's role, authority, and jurisdiction:

- 1) Will try to resolve complaints fairly, and if possible, informally.
- 2) Will not act as an advocate for either side in a dispute.
- 3) Will not place blame, or attempt to determine who is guilty or innocent.
- 4) Will try to negotiate a "win-win" outcome for all parties involved.
- 5) Will serve as a resource to parents in non-legal regular or special education matters.
- 6) Will handle each case with confidentiality, neutrality, informality and independence.
- 7) Will not disclose personal information, discussions and interactions held between the ombudsman, parent, or school district officials.

If you do not find a response that adequately addresses your concern(s) after reviewing the Department's list of [Frequently Asked Questions](#), please contact:

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All telephone calls will be returned within a 24-48 hour period, unless the phone call was receiving during the weekend or on a designated state holiday.

FREQUENTLY ASKED QUESTIONS

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Who is eligible to attend 4K programs?

State-funded prekindergarten for four-year-olds serves children in the “most at-risk” category, where family income falls 100% below poverty level or the family is eligible for services such as Even Start, Head Start, state-funded family literacy programs, Social Security, food stamps, Medicaid or temporary assistance to needy families (TANF).

Children also qualify in cases of a documented developmental delay, an Individual Education Plan (IEP) requiring pre-kindergarten, incarceration of a parent, placement of student in a foster home, or the child is classified as homeless. Documentation of family or child “most at-risk” conditions must be kept on file for review. Children who participate in free and reduced meal programs at the center/school they attend may also qualify if income eligibility is verified on each child and records are kept on file for review.

Some districts use local funds to serve children who are not in the “at risk” category. Several districts serve all children who request services. A few districts charge a fee for non-qualifying children, but state regulations prohibit any fees for “at risk” children.

How old does a child have to be to attend 4K programs?

State law says that “students may enter kindergarten in the public schools of this State if they will attain the age of four on or before September first of the applicable school year.”

Who is eligible to attend 5K programs?

Attendance is mandatory for five-year-olds unless the parents sign a waiver at the local school district office indicating their desire not to send their child(ren) to kindergarten. Per [SC Code Ann. §59-23-20](#), “students may enter kindergarten in the public schools of this State if they will attain the age of five on or before September first of the applicable school year or have substantially initiated a public school kindergarten program in another state that has a different attendance age requirement from South Carolina.” If the parent signs a waiver for the child not to attend kindergarten when the child has reached the age of 5 on or before September 1 of the applicable school year, the student is not entitled to automatically return the following school term and enroll in kindergarten. When the child reaches the age of 6 on or before September 1 of the applicable school year, the student must enroll in the first grade.

What is the age of attendance for students in public schools enrolled in grades one through 12?

Per [SC Code Ann. §59-63-20](#), students may enter first grade in the public schools if they will attain the age of six on or before September first of the applicable school year, or have substantially begun a first grade program in another state that has a different attendance age requirement from South Carolina, or have attended a public school kindergarten program for one full school year.

“It is not lawful for any person who is less than five or more than twenty-one years of age to attend any of the public schools of this State, including kindergarten, except that:

- (1) persons over twenty-one years of age may attend night schools;
- (2) When a pupil is in the graduating class and becomes twenty-one years of age before graduation, the student is permitted to complete the term if otherwise qualified to do so;
- (3) four year-olds may attend optional child development programs and all three-year-old, four-year-old, and five-year-old children with disabilities in accordance with their individual education program (IEP), may participate in any public education preschool program, including optional child development programs.”

What are the qualifications for attendance in SC public schools?

Children within the ages prescribed by §59-63-20 shall be entitled to attend public schools of any school district, without charge, only if the child resides with its parent or legal guardian; the parent or legal guardian, with whom the child resides, is a resident of such school district; or the child owns real estate in the district having an assessed value of three hundred dollars or more, and the child has maintained a satisfactory scholastic record in accordance with scholastic standards of achievement prescribed by the trustees of the local board, and the child has not been guilty of infraction of the rules of conduct promulgated by the trustees of such school district.

What is the state law regarding bus transportation?

Per [SC Code Ann. §59-67-420](#), "the State, acting through the State Board of Education, assumes no obligation to transport any child to or from school who lives within one and one-half miles of the school he attends, nor to provide transportation services extending within a one-half mile radius of the residence of any child, nor to furnish transportation for any child who attends a grade in a school outside the pupil's district when the same grade is taught in an appropriate school that is located within the school district in which the pupil lives."

What is the total number of days a student can be absent from school?

Per [SC Code Ann. §59-65-90](#), "the State Board of Education shall establish regulations defining lawful and unlawful absences. These regulations shall require: (1) that school officials shall immediately intervene to encourage the student's future attendance when the student has three consecutive unlawful absences or a total five unlawful absences, and (2) the district board of trustees or its designee shall promptly approve or disapprove any student absence in excess of ten days."

What is the Department of Education's policy regarding corporal punishment?

Per [SC Code Ann. §59-63-260](#), "the governing body of each school district may provide corporal punishment for any pupil that it deems just and proper."

Can the State Superintendent of Education override the local school board's decision regarding discipline matters?

[SC Code Ann. §59-63-210](#) establishes the grounds for which trustees may expel, suspend, or transfer pupils; petition for readmission; expulsion, suspension, or transfer.

"(A) Any district board of trustees may authorize or order the expulsion, suspension, or transfer of any pupil for the commission of any crime, gross immorality, gross misbehavior, persistent disobedience, or for violation of written rules and promulgated regulations established by the district board, county board, or the State Board of Education, or when the presence of the pupil is detrimental to the best interest of the school. Each expelled pupil has the right to petition for readmission for the succeeding school year. Expulsion or suspension must be construed to prohibit a pupil from entering the school or school grounds, except for a prearranged conference with an administrator, attending any day or night school functions, or riding a school bus. The provisions of this section do not preclude enrollment and attendance in any adult or night school.

(B) A district board of trustees shall not authorize or order the expulsion, suspension, or transfer of any pupil for a violation of Section 59-150-250(B)."

What is the age a student can legally drop out of school without the parent's permission?

Per [SC Code Ann. §59-65-10](#), "all parents or guardians shall cause their children or wards to attend regularly a public or private school or kindergarten of this State which has been approved by the State Board of Education or a member school of the South Carolina Independent Schools' Association or some similar organization, or a parochial, denominational, or church-related school, or other programs which have been approved by the State Board of Education from the school year in which the child or ward is five years of age on or before September first until the child or ward attains his seventeenth birthday or graduates from high school."

Who is responsible for deciding the make-up days for my child's school?

[SC Code Ann. §59-1-425](#) states "(A) Each local school district board of trustees of the State shall have the authority to establish an annual school calendar for teachers, staff, and students. ***The statutory school term is one hundred ninety days annually and shall consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months.*** However, beginning with the 2007-2008 school year, the opening date for students must not be before the third Monday in August, except for schools operating on a year-round, modified school calendar. Three days must be used for collegial professional development based upon the educational standards as required by Section 59-18-300. The professional development shall address, at a minimum, academic achievement standards including strengthening teachers' knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools and the remaining five days may be used for teacher planning, academic plans, and parent conferences. 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.

(B) Notwithstanding any other provisions of law to the contrary, all school days missed because of snow, extreme weather conditions, or other disruptions requiring schools to close must be made up. All school districts shall designate annually at least three days within their school calendars to be used as make-up days in the event of these occurrences. If those designated days have been used or are no longer available, the local school board of trustees may lengthen the hours of school operation by no less than one hour per day for the total number of hours missed or operate schools on Saturday. Schools operating on a four-by-four block schedule shall make every effort to make up the time during the semester in which the days are missed. A plan to make up days by lengthening the school day must be approved by the Department of Education before implementation. Tutorial instruction for grades 7 through 12 may be taught on Saturday at the direction of the local school board. If a local school board authorizes make-up days on Saturdays, tutorial instruction normally offered on Saturday for seventh through twelfth graders must be scheduled at an alternative time.

(C) The General Assembly by law may waive the requirements of making up missed days or, by law, may authorize the school board of trustees to forgive up to three days missed because of snow, extreme weather conditions, or other disruptions requiring schools to close. A waiver granted by the local board of trustees of the requirement for making up missed days also must be authorized through a majority vote of the local school board.

(D) If a school is closed early due to snow, extreme weather conditions, or other disruptions, the day may count towards the required minimum to the extent allowed by State Board of Education policy.

(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.

(G) Priority during the instructional day must be given to teaching and learning tasks. Class interruptions must be limited only to emergencies. Volunteer blood drives as determined by the principal may be conducted at times which would not interfere with classroom instruction such as study period, lunch period, and before and after school."

When and why did the state elect to have a uniform start date for all public schools to begin?

Effective April 8, 2006, former Governor Mark Sanford signed into law House Bill 4429 establishing a uniform start date for all public schools. "Beginning with the 2007-08 school year, the opening date for students must not be before the third Monday in August, except for schools operating on a year-round modified school calendar." [SC Code Ann. §59-1-425](#).

What are the schools doing to protect my child(ren) from bullying by other students?

On June 12, 2006, former Governor Mark Sanford signed House Bill 3573 creating the Safe School Climate Act. The intent of this law is to prevent school harassment, intimidation, or bullying; to instruct local school districts to adopt policies by January 1, 2007 prohibiting harassment, intimidation or bullying of students; and to provide that the State Board of Education shall develop model policies; and provide that the policy must be incorporated into the training programs for all public school districts in the State.

What are the rights of parents regarding access to a child's student records?

Per [SC Code Ann. §65-5-30](#), "the mother and father are the joint natural guardians of their minor children and are equally charged with the welfare and education of their minor children and the care and management of the estates of their minor children; and the mother and father have equal power, rights, and duties, and neither parent has any right paramount to the right of the other concerning the custody of the minor or the control of the services or the earnings of the minor or any other matter affecting the minor.

Each parent, whether the custodial or non-custodial parent of the child, has equal access and the same right to obtain all educational records and medical records of their minor children and the right to participate in their children's school activities unless prohibited by an order of the court. Neither parent shall forcibly take a child from the guardianship of the parent legally entitled to custody of the child."

What is the procedure for requesting a student transfer from one school to another in the same school district, or for a transfer from one school district to another?

[SC Code Ann. §59-63-30](#) states "a child shall be entitled to attend the public schools of any school district, without charge, if such child resides with its parents or legal guardian; and the parent or legal guardian, with whom the child resides, is a legal resident of such school district."

[SC Code Ann. §59-19-90 \(9\) & \(10\)](#) provides for the general powers and duties of your local school board of trustees. "The local board of trustees has the sole authority and jurisdiction under state law to transfer and assign pupils. To transfer any pupil from one school to another so as to promote the best interests of education, and determine the school within its district in which any pupil shall enroll; and (10) Prescribe conditions and charges for attendance." Neither the State Department of Education nor the State Superintendent of Education has the legal authority to intervene and override the local school board decisions made regarding issues of this nature.

Do public school districts initiate criminal background checks on school personnel?

Per [SC Code Ann. §23-3-130](#), "the South Carolina Law Enforcement Division shall disseminate criminal history conviction records upon request to local school districts for prospective teachers and to the State Department of Social Services for personnel of child day care facilities. This service must be provided to the local school districts without charge."

What are educational credits for exceptional needs children?

The Exceptional SC 501(c)(3) scholarship fund (also known as the Educational Credit for Exceptional Needs Children or ECENC) was created by the South Carolina Legislature in 2015. The fund is made up of tax-deductible donations that serve as scholarships for the independent school tuition of exceptional needs students in South Carolina. To receive a scholarship, exceptional needs students complete an application to prove eligibility. The Exceptional SC board reviews applications and awards scholarships based on a number of criteria. Students who are awarded the scholarship must attend a school that the Education Oversight Committee has approved for program participation.

Tuition credits:

Parents or guardians of exceptional needs students attending eligible schools can apply for a Parental Tax Credit toward their South Carolina income tax bill. Parental Tax Credits can only be claimed for actual out-of-pocket spending on tuition, up to \$11,000. There is a statewide cap of \$2 million in credits, reserved on a first come, first served basis.

Scholarships:

Exceptional SC awards scholarships to exceptional needs children. Exceptional SC makes payments to eligible schools on behalf of exceptional needs students. Funding for scholarships comes from donations to Exceptional SC. Individual and corporate donors are eligible for South Carolina income tax credits for their donation to Exceptional SC. Scholarships can cover tuition, transportation, and textbook costs up to \$11,000. To apply for an Exceptional SC scholarship, exceptional needs students must meet eligibility requirements, be a South Carolina resident, and be eligible to enroll in a secondary or elementary public school for the applicable school year.

https://www.exceptionalsc.org/wp-content/uploads/2017/08/exceptionalsc_1617_web.pdf

What is the state's Uniform Grading Policy?

Per [SC Code Ann. §59-5-68](#), the State Board of Education adopted a Uniform Grading Policy (UGP) for South Carolina's public schools in December 1999. That policy, which applied to all students who first enrolled in the ninth grade in the 2000–01 school year, was revised in 2007, 2016 (ten-point scale), and 2017. The particulars of the state's revised Uniform Grading Policy can be found by referring to the referenced link: <https://ed.sc.gov/tests/tests-files/eocep-files/uniform-grading-policy-february-2018>