SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MEMORANDUM

TO: Mr. Chris Neeley, SC Public Charter School District
Mr. Cameron Runyan, Charter Institute at Erskine
Dr. Timothy R. Keown, SC Governor's School for Agriculture at John de la Howe
Mrs. Jolene Madison, SC School for the Deaf and the Blind
Mr. Floyd Lyles, SC Department of Juvenile Justice
Dr. Beverly Holiday, Palmetto Unified School District
Mr. Daniel Dorsel, SC Governor's School for Science and Mathematics
Dr. Cedric Adderley, SC Governor's School for Arts and Humanities

FROM: Ellen E. Weaver
State Superintendent of Education

DATE: April 28, 2026

RE: Local Education Agency Status

The purpose of this memorandum is to clarify that the South Carolina Department of Education (SCDE) classifies the state agencies with educational programs (with exception to Wil Lou Gray Opportunity School) as local educational agencies (LEAs) for the purposes of federal funding under the Every Student Succeeds Act (ESSA), the Workforce Innovation and Opportunity Act (WIOA), the Strengthening Career and Technical Education for the 21st Century (Perkins V), and the Individuals with Disabilities Education Act (IDEA). The SCDE's objective is to ensure equal treatment in a consistent and allowable manner given state law, state appropriations, and federal requirements under the ESSA, WIOA, Perkins V, and IDEA.

With respect to the ESSA, under Sec. 8101. [20 U.S.C. 7801] (30), an LEA is defined as:
a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

Both the WIOA and Perkins V cite the ESSA's definition of an LEA in those statutes and regulations.

Similarly, with respect to the IDEA, 34 C.F.R. Sec. 300.28, an LEA is defined as:

> a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools.

Additionally, S.C. Code Ann. Section 59-40-40 states the "sponsor of a charter school is the charter school's LEA and a charter school is a school within that LEA. The sponsor retains responsibility for special education and shall ensure that students enrolled in its charter schools are served in a manner consistent with LEA obligations under applicable federal, state, and local law."

The SCDE has determined that the South Carolina School for the Deaf and Blind, South Carolina Department of Juvenile Justice, Palmetto Unified School District, South Carolina Governor's School for Science and Mathematics, South Carolina Governor's School for Arts and Humanities, South Carolina Governor's School for Agriculture at John de la Howe School, Charter Institute at Erskine, and South Carolina Public Charter School District meet the federal and state definitions of an LEA. Under federal law, this means that, as an LEA, all fiscal and programmatic requirements must be met. Each LEA must annually notify the SCDE of its intention to receive funding in the aforementioned federal programs.

Please be aware that even if you, as the LEA, choose not to apply for federal funds under these federal programs, you will continue to be responsible for implementing all requirements under applicable federal laws. For example, as an LEA, you are responsible for implementing all the requirements under the IDEA regarding the provision of special education services as described in the Individualized Education Program of any identified student with a disability and for conducting Child Find activities under the IDEA which may include evaluation, eligibility determination, and placement of any other students in your LEA.

For questions related to the ESSA programs, please contact Jewell Stanley, **jstanley@ed.sc.gov**. For questions related to the IDEA, please contact Peter Keup, **pekeup@ed.sc.gov**.

For questions related to Perkins V, please contact Maria Swygert, **nmswyger@ed.sc.gov**.

For questions about WIOA, please contact Michael King, **mrking@ed.sc.gov**.