STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN
STATE SUPERINTENDENT OF EDUCATION

MEMORANDUM

TO: District Superintendents

FROM: Bradley Mitchell
Director, Office of Virtual Education

Sarah Longshore
Director, Office of Federal and State Accountability

DATE: January 18, 2022

RE: School Calendars, Make-up Days, and eLearning Days

The purpose of this memorandum is to provide clarifying information about school calendars as plans are being considered for the 2022–23 school year.

Statutory and Regulatory Requirements

All statutory and regulatory requirements, including make-up days, remain in effect for the 2022–23 school year. Districts should ensure they comply with applicable state statutes and regulations as 2022–23 school calendars are developed.

Pursuant to S.C. Code Ann. § 59-1-425 of the South Carolina Code of Laws, all districts are required to establish a calendar with 190 days, which must include a minimum of 180 days of instruction covering at least nine months, at least three days to be used as make-up days, and three scheduled days used for collegial professional development. All districts, including those approved as eLearning districts, must include three scheduled make-up days in their 2022–23 school calendars.

It is important to note that eLearning (or virtual) days are reserved for districts that have (a) been approved as an eLearning district, and (b) experienced short-term disruptions to in-person teaching and learning (e.g., power outages, water main breaks). eLearning days may not be scheduled in advance to account for professional development days or anticipated COVID-19 related disruptions. Therefore, districts must plan for 180 days of in-person instruction for students in their 2022–23 school calendars.

Submission of 2022–23 Calendars

The South Carolina Department of Education (SCDE) does not provide approval of school calendars prior to their publication or implementation. Local school boards are responsible for approving school calendars, while the SCDE monitors them for compliance with state statutes and regulations.

The SCDE uses school calendars for a variety of purposes, including accreditation, funding (average daily membership), reporting timelines (45th day, 90th day, 135th day), precoding, testing (e.g., last twenty days of the school year), and accountability metrics (e.g., 45th day to the first day of testing). It is important that the SCDE has the correct calendar for clear communication. After receiving local board approval, the 2022–23 school calendars should be submitted to DEIM@ed.sc.gov no later than May 27, 2022.

Year-Round Modified School Calendars

This memorandum is also in response to questions raised with respect to year-round modified school calendars, as permitted under state law. Pursuant to S.C. Code Ann. § 59-1-425, the South Carolina Code of Laws provides for the beginning date of school terms in South Carolina. The law states:

> [b]eginning 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.

As described in memoranda dated November 18, 2019, and February 16, 2021, nowhere within state law does the SCDE have expressed authority over defining year-round modified school calendars; therefore, the SCDE does not define or approve year-round modified school calendars. Please note that schools operating year-round modified calendars will only be funded for 180 days of instruction. Districts must also have all statewide assessments completed in accordance with the assessment schedule posted on the SCDE website for those results to be included on the school report cards issued the following fall.

In determining whether to operate a year-round calendar, district leadership and the local board of trustees should engage a broad and diverse group of community stakeholders. A 2014 Congressional Report provides some information that may be useful when considering year-round modified school calendars.

Districts that opt to implement a year-round modified school calendar must label the published school calendar as such.

eLearning Days

Districts that meet the criteria for an eLearning district as determined by the SCDE may use up to five eLearning days to allow for the make-up of short-term disruptions to in-person teaching and learning interruptions (e.g., power outages, water main breaks). An eLearning day is used on the specific day that schools would otherwise have had to close due to an unforeseen emergency

or when a make-up day would normally be used. eLearning days are designed to offer more flexibility to avoid loss of instruction due to school closings or to manage necessary make-up days that are already included in the school calendar.

Pursuant to S.C. Code Ann. § 59-1-425, each district is required to build in three make-up days into their school calendars. eLearning days themselves do not appear on the planning calendar. If an eLearning district must utilize a make-up day, the district can choose to do so with eLearning. When the make-up day is used in eLearning, it counts toward the five allowed days of eLearning.

Approved eLearning districts are encouraged to include a note on the calendar about the use of eLearning for scheduled make-up days. An example of language that could be used for clarification is as follows:

> *District XXX is a SCDE approved eLearning district. The current provision allows the district to use up to five (5) days in eLearning. These days are for emergency situations, such as inclement weather or utility interruptions (for example, water line breaks or power outages). They are not planned days on the calendar.*

An instructional day should not be classified as eLearning unless in response to emergency situations such as inclement weather or utility interruptions that would typically cause a school closing.

As previously mentioned, please note that professional development days and COVID-19 related disruptions do not qualify as eLearning days. (COVID-19 related disruptions are addressed in the Attendance Guidance memorandum dated August 19, 2021.)

If you have questions about the use of eLearning days, please contact Tammy Hegler at tthegler@ed.sc.gov or Rebecca Velasquez at rvelasquez@ed.sc.gov. For questions regarding school calendars contact Greg King at gking@ed.sc.gov.