

**Title of Policy:**

**Policy No.:**

**R 43-303**

**FLEXIBILITY THROUGH  
DEREGULATION PROGRAM**

**Effective Date:**

**06/25/04**

**Constitutional and Statutory Provisions:**

Section(s):

59-5-60.	General powers of [State] Board.
59-18-1110.	Grant of flexibility of receiving exemption from regulations; criteria; continuation of and removal from flexibility status.
59-18-1120.	Grant of flexibility of exemption from regulations and statutes to school designated as unsatisfactory while in such status; extension to other schools.

Code of Laws of South Carolina, 1976.

**State Board Policy:**

Flexibility Through Deregulation Program.

**I. Program Implementation**

The Education Accountability Act, S.C. Code Ann. Sections 59-8-1110 and 59-18-1120 (2002), provide for the recognition of schools based on student performance. Schools that continually receive recognition are rewarded by exemptions from regulations and statutes (59-18-1110). Special provisions also allow exemptions from some regulations or statutes to other schools (59-18-1120).

The State Department of Education (SDE) will operate the program in accordance with program guidelines developed by the State Board of Education (SBE) in consultation with the Education Oversight Committee (EOC). The guidelines shall include eligibility criteria, operation procedures, related monitoring activities, reporting requirements, and state statutes and regulations exempted under the program. Approved program guidelines will be made available by the SDE upon request. The SBE may revise program guidelines on an annual basis in consultation with the EOC. Current guidelines will be posted on the SDE Web site.

Schools deregulated under former flexibility through deregulation statute, S.C. Code Ann. Section 59-18-15 (repealed), and former State Board of Education Regulation 43-303 (amended) must re-qualify for flexibility status under these regulations.

**II. Eligibility Criteria**

A. Eligibility for flexibility begins in February 2005.

B. A school may be eligible in one of three ways. Special conditions apply to each type of eligibility.

**1. Criteria for Deregulated Schools**

Each of the following criteria must be met during the three-year period prior to the school year in which the school is given flexibility status.

- a. The school has twice been a recipient of either a Palmetto Gold or Silver Award.
- b. The school has met annual improvement standards for subgroups of students in reading and mathematics.
- c. The school must have exhibited no recurring accreditation deficiencies.

## 2. Criteria for Unsatisfactory Schools

An unsatisfactory school may be given flexibility status when each of the following conditions are met:

- a. The statutes or regulations exempted must deal with the core academic areas.
- b. The External Review Team (ERT) recommends specific regulations and statutes for flexibility to the SBE in the ERT report.
- c. If recommended by the ERT, the school plan must be amended to explain how the exemption will improve school and student performance.

## 3. Criteria for Schools through School Plans

Schools may receive flexibility status when each of the following conditions are met:

- a. The school has met annual improvement standards for subgroups of students in reading and mathematics.
- b. Amendments to the school renewal plan must explain why exemptions are expected to improve the academic performance of the students.
- c. The plan meets the approval by the SBE.

## III. Stability of School Grade Organization

Changes in grade structure that result in less than a majority of grades being maintained from the preceding school year will cause a school to be removed from flexibility status. The flexibility status is not transferable to another school if the school that has such status is closed or consolidated with another school.

## IV. Notification of Schools and School Districts

The SDE will annually determine schools that are eligible to receive flexibility status based on meeting criteria as deregulated, meeting SBE criteria through a school plan, and meeting criteria for specific exemptions recommended by the ERT. The SBE must approve flexibility status for schools meeting SBE criteria through a school plan and for schools meeting criteria for specific exemptions recommended by the ERT. Flexibility status will be in effect immediately upon determination of deregulated schools or approval by the SBE of other schools. The local boards of trustees, district superintendents, and principals of the schools will be notified by the SDE of their flexibility status.

## V. Nonacceptance of Flexibility Status

A. A local board of trustees may notify the SBE of its decision not to accept the flexibility status of an deregulated school within the district. Written notification by the local board of trustees will result in the school's immediate removal from flexibility status and the restoration of all statutory and regulatory requirements. Written notification for nonacceptance must be received within sixty days of the declaration of flexibility status.

B. Subsequent monitoring by the SDE in a school that is removed from flexibility status will not include a review of program records for the exempted period.

## VI. Continuation of Flexibility Status

A. A deregulated school initially given flexibility status will be eligible to continue in that status provided that annually the following conditions are met:

1. The school exhibits improvement at or above the state average as computed in the Palmetto Gold and Silver Awards Program pursuant to S.C. Code Ann. Section 59-18-1100 (2002).
2. The school must meet the gains required for subgroups of students in reading and mathematics.
3. The school must have exhibited no recurring accreditation deficiencies.

B. An unsatisfactory school initially given flexibility status through an approved ERT report will be eligible to continue in that status provided that annually the following conditions are met:

1. The ERT reviews the overall improvement as outlined in the amended plan and recommends continuation.
2. The school must meet the gains required for subgroups of students in reading and mathematics.
3. The school must have exhibited no recurring accreditation deficiencies.

C. A school initially given flexibility status through an amended school plan will be eligible to continue in that status provided that annually the following conditions are met:

1. The school must exhibit overall improvement as outlined in the amended plan.
2. The school must meet the gains required for subgroups of students in reading and mathematics.
3. The school must have exhibited no recurring accreditation deficiencies.

## VII. Application for Extension of Flexibility Status

A school that does not re-qualify for flexibility status may apply to the SBE for an extension of the status for one year, provided extenuating circumstances exist that account for its inability to meet the requirements to maintain that status. The district superintendent and school principal must make the application for extension to the SBE within thirty (30) days of the receipt of notification of the school's removal from flexibility status.

A school no longer unsatisfactory may apply for a one-year extension of flexibility status for those exemptions approved in the ERT report provided the district superintendent and school principal make the application for extension to the State Board of Education within thirty days (30) of the receipt of notification of the school's removal from unsatisfactory status.

#### VIII. Exemptions from Requirements

Schools receiving flexibility status are exempted from those regulatory and statutory provisions governing the defined program including, but not limited to, class scheduling, class structure, and staffing. Specific standards exempted appear in an appendix of the SBE-approved guidelines.

#### IX. Resumption of Statutory and Regulatory Requirements

A school removed from flexibility status will be subject to regulatory and statutory provisions exempted under this program at the beginning of the school year following notification of the change in status by the SDE. Nonacceptance of flexibility status requires compliance with all regulatory and statutory provisions immediately. Subsequent monitoring by the SDE in a school that is removed from flexibility status will not include a review of program records exempted under program guidelines for the period that the school was given flexibility status.