

POLICY ADOPTION

Code **BDC** Issued **12/10/76** Revised **4/8/92:4/9/97:11/13/01:6/14/06**

Constitutional and Statutory Provisions

The State Board of Education is empowered to "*adopt policies, rules and regulations not inconsistent with the laws of the State for its own government and for the government of the free public schools.*" (See §59-5-60(1), South Carolina Code.) Any State Board of Education action which falls within the Administrative Procedures Act (APA) must comply with the procedures set out in the APA. (See §1-23-10, et seq.)

State Board Rule:

PROMULGATION PROCEDURES -- TWO-STEP READING PROCESS

Policies, rules, and regulations promulgated by the State Board of Education may be proposed for enactment, amendment, or repeal at any regular meeting of the Board. If the policy, rule, or regulation has general public applicability, notice of the proposed rule-making shall be duly publicized in accordance with the South Carolina Administrative Procedures Act (APA). A copy of any proposed policy, rule, or regulation subject to the provisions of the APA, after first reading, will be posted on the State Department of Education's website with additional information regarding comments from the public and the date and time of the public hearing before the State Board of Education. During a regular meeting of the Board, the Board shall consider the proposed new policy or revision to existing policy. Presentations to the Board concerning proposed policy revisions or new policy adoptions shall specifically indicate the changes which would occur to existing policies, rules, or regulations by the adoption of the proposal. Such presentation shall indicate the requested action of the Board for each proposed policy revision: repeal, amend, or adopt.

After adoption by the Board, the policy, rule, or regulation shall be published for public review if required by the APA. Further, provisions shall be made for any interested party to have an opportunity to be heard regarding the policies, rules, and regulations promulgated by the State Board of Education.

The State Superintendent, as Secretary to the Board, shall establish any additional procedures that may be necessary to insure compliance with the provisions of the APA.

The Board's promulgation procedures shall include a two-step reading process by which proposed regulations are presented at two (2) regular meetings of the Board. This two-reading requirement shall apply to the adoption of all Board regulations, policies, procedures, and resolutions. The two-reading requirement may be waived by a two-thirds (2/3) vote of the members present and voting, if the policy is not subject to the requirements of the APA.