

## SCHOOL CLOSINGS

Code: CA

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### Constitutional and Statutory Provisions:

#### S.C. Code Ann. Sections:

1-23-10	Administrative Procedures
59-1-30	Rules of Construction
59-1-200	Instructional Year
59-1-425	Make-up days and waivers
59-5-60	General Powers of the State Board of Education (SBE)

#### 24 S.C. Code Ann. Regulations

R43-231	Defined Program K-5
R43-232	Defined Program 6-8
R43-234	Defined Program 9-12 and Graduation Requirements

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### State Board Rule:

The general provisions of the South Carolina statutes include a rule of construction, which read as follows:

If any section or part of the South Carolina School Code is found to be ambiguous or otherwise subject to more than one interpretation, such section or part shall be liberally construed to the extent that the general purpose of the entire Code and of public education may be advanced.

S.C. Code § 59-1-30. Instructional time is tied to both accreditation and finance. The instructional year is 190 days beginning the first day of July. S.C. Code § 59-1-200. Students are to receive, at a minimum, 180 days of instruction for a minimum of 6 hours per day, or its equivalent per week (typically 30 hours), including lunch for grades K–8 and excluding lunch for grades 9–12. S.C. Code § 59-1-425(E). Only three (3) exceptions exist to this instructional time requirement and they are as follows:

1. Partial days missed because of snow, extreme weather conditions, or other disruptions requiring schools to close according to State Board of Education (SBE) policy;
2. Up to six days waived by the local board (three days) or SBE (three additional days) after three days have been made up due to snow, extreme weather conditions, or other disruptions; and
3. Days reduced to not less than three hours for not more than three days each school year for “staff development, teacher conferences, or for the purposes of administering end-of-semester and end-of-year examinations.” S.C. Code § 59-1-425(F).

As to exception 1, it is the policy of the SBE to allow local school boards to determine whether to waive the hours of attendance, or to require that hours be made up, for partial days missed because of snow, extreme weather conditions, or other disruptions requiring schools to close based upon the unique circumstances for such occurrences, and keeping in mind the safety of students and staff.

As to exception 3, and utilizing the rule of construction above, the SBE construes the “equivalent weekly” provision in S.C. Code § 59-1-425(E) and the three days/three hours provision in S.C. Code § 59-1-425(F) together so that the three occurrences referenced in subsection (F) only apply when the weekly minutes fall below the statutory minimum. If a typical school week is five days of at least six hours as provided in subsection (E), then the equivalent weekly minutes is 1800. So long as a school has 1800 minutes of instructional time in a week, schedule changes on particular days are not regulated by subsection (F). Subsection (F) does permit, however, a reduction of up to three hours (180 minutes) three times per year, or 1620 minutes in a typical school week. In situations when a school’s weekly minutes exceeds the minimum, the a reduction in weekly time that does not reduce the “equivalent weekly” below 1800 minutes is not one of the three days referenced in subsection (F). For example, some school districts schedule over 1900 minutes of instructional time per week. One sixty minute late start or early dismissal would reduce this weekly instructional time to 1840 minutes, which still exceeds the statutory minimum required time weekly. Therefore, more than three such reductions could occur during the school year so long as the equivalent weekly minimum instructional time requirement is met.

Additionally, SBE R.43-234(VIII) and 59-1-425(C) require all school closures and early dismissals to be reported to and approved by the Office of Federal and State Accountability, for annual reporting to the legislature before July 1. In addition, a plan to make up time by lengthening the school day must be approved by the Department before implementation.