Step by Step Guide to Promulgating Regulations FY 2021–2022

March 1, 2021

Molly M. Spearman – State Superintendent of Education

Basics

- State Board of Education (SBE) must approve regulations
  - Two reading process
- General Assembly approval (or inaction) required for *most* regulations
  - Federal regulations do not have to be submitted to the General Assembly
- Follow the *Administrative Procedures Act*
  - To allow adequate notice
- Deadlines are absolute!

Resources

- Regulations Folder on the “P” Drive
  - Sample forms for each phase
  - Word Processing Standards
  - Revised Standards Manual
  - Actual documents filed in the past
- Website
  - State Board of Education’s Main Page
    - Scroll down to the “State Board Regulations Process” block at the bottom of the web page

Contact Information

- When corresponding with the Office of General Counsel (OGC) regarding regulations send your e-mail to:
  - nredd@ed.sc.gov with a copy to chazelwood @ed.sc.gov and tmoore@ed.sc.gov

As soon as…

- You determine that you need to do a drafting notice, you will
  - Complete the "Change in Regulation Request Form"
    - Submit completed form to C. Hazelwood
    - Notify me (nredd@ed.sc.gov) and I will send you a
      - DN template
      - Sample DN
      - Promulgation Timeline
        - » Timeline will list **important** due dates for your regulation during the promulgation process
  - The month before submitting your DN to me, you will e-mail to your Deputy; C. Hazelwood; and K. Nilges the text of your regulation with the proposed changes.

Change in Regulation Request Form

Regulation Number: 43-XXX

Office and Staff Person Requesting Change: _____

Statutory Authority:

**Be sure this is updated and includes the most recent changes to the code. Do not just copy and paste the statutory authority listed in the Regulation as it is currently printed*

Why is the change being requested:

**This is a short narrative explaining why the changes are necessary and should include any information regarding current practice and how this would impact external stakeholders*

Change in Regulation Request Form (cont'd.)

Attach draft change language and where exactly it needs to be included in the regulation to this form and submit to your deputy for review and approval. Then the form, plus your suggested draft changes will be forwarded to Katie Nilges and Cathy Hazelwood for review and final drafting prior to a drafting notice being submitted.

DO NOT use our agency style manual to draft regulatory changes.

DO use ~~strike through~~ for deletions from the regulation and <u>underlining</u> for new text.

Change in Regulation Request Form (cont'd.)

DO reference exact code sections:

<u>Example:</u>

II. Resource Officers Defined

> *A school resource officer is <u>defined by S.C. Code Ann § 5-7-12</u>*

DO NOT copy and paste the language from the code into your regulation: (Example shown on following pages)

Change in Regulation Request Form (cont'd.)

Regulations

VIII. Emergency Closings

All school days missed because of snow, extreme weather conditions, or other disruptions requiring schools to close must be made up. All school districts shall designate annually at least three days within their school calendars to be used as make-up days in the event of these occurrences. If those designated days have been used or are no longer available, the local school board of trustees may lengthen the hours of school operation by no less than one hour per day for the total number of hours missed, operate schools on Saturday, or may waive up to three days. A waiver granted by the local board of trustees may only be authorized by a majority

Code of Laws

(B) Notwithstanding any other provisions of law to the contrary, all school days missed because of snow, extreme weather conditions, or other disruptions requiring schools to close must be made up. All school districts shall designate annually at least three days within their school calendars to be used as make-up days in the event of these occurrences. If those designated days have been used or are no longer available, the local school board of trustees may lengthen the hours of school operation by no less than one hour per day for the total number of hours missed, operate schools on Saturday, or may waive up to three days. A waiver granted by the local board of trustees of the requirement for making up the

Change in Regulation Request Form (cont'd.)

vote of the local school board, and, after the completion of the 2014-15 school year, may not be granted for a school in the district until the school has made up three full days, or the equivalent number of hours, missed due to snow, extreme weather, or other disruptions requiring the school to close during the same school year in which the waiver is sought. When a district waives a make-up day pursuant to this section, the make-up day also is waived for all charter schools located in the district and for all students participating in a home schooling program approved by the board of trustees of the district in which the student resides. Schools operating on a four-by-four block schedule shall make every effort to make up the time during the semester in which the days are missed. A plan to make up days by lengthening the school day must be approved by the SCDE, Office of Federal and State Accountability before implementation. Tutorial instruction for grades 7 through 12 may be taught on Saturday at the direction of

three or fewer days missed only may be authorized by a majority vote of the local school board, and, after the completion of the 2014-2015 school year, may not be granted for a school in the district until the school has made up three full days, or the equivalent number of hours, missed due to snow, extreme weather, or other disruptions requiring the school to close during the same school year in which the waiver is sought. When a district waives a make-up day pursuant to this section, the make-up day also is waived for all charter schools located in the district and for all students participating in a home schooling program approved by the board of trustees of the district in which the student resides. Schools operating on a four-by-four block schedule shall make every effort

Change in Regulation Request Form (cont'd.)

the local school board. If a local school board authorizes make-up days on Saturdays, tutorial instruction normally offered on Saturday for seventh through twelfth graders must be scheduled at an alternative time. The SBE may waive the requirements of making up days beyond the three days forgiven by the local school district, not to exceed three additional days missed because of snow, extreme weather conditions, or other disruptions requiring schools to close. Such a waiver only may be considered and granted upon the request of the local board of trustees through a majority vote of that local school board. The SCDE annually before July 1 shall provide the General Assembly with a detailed report of information from each district listing the number of days missed and the reason, regardless of whether any were missed; days made up; and days waived.

to make up the time during the semester in which the days are missed. A plan to make up days by lengthening the school day must be approved by the Department of Education before implementation. Tutorial instruction for grades 7 through 12 may be taught on Saturday at the direction of the local school board. If a local school board authorizes make-up days on Saturdays, tutorial instruction normally offered on Saturday for seventh through twelfth graders must be scheduled at an alternative time.

(C) The State Board of Education may waive the requirements of making up days beyond the three days forgiven by the local school district, not to exceed three additional days missed because of snow, extreme weather

Change in Regulation Request Form (cont'd.)

conditions, or other disruptions requiring schools to close. Such a waiver only may be considered and granted upon the request of the local board of trustees through a majority vote of that local school board. The State Department annually before July first shall provide the General Assembly with a detailed report of information from each district listing the number of:

Change in Regulation Request Form (cont'd.)

- Please be sure that you are reviewing the regulation in its entirety and not only the section you are requesting to change. When a regulation is sent to the General Assembly for review the members have the opportunity to review the entire regulation so all parts should be updated and cleaned up as needed. Please be sure to communicate with any other offices that may be impacted.

- Please be sure that current statutory authority matches up with the current regulation in its entirety. For example, there may be a regulation that was last updated in 1999 and your office may only be requesting to amend a small portion of the regulation but the entire regulation must be reviewed.

Promulgation Timeline

This is a timeline sample, the dates listed are not current dates for the 2021-22 Legislative Session.

Current session dates can be found on the current 2021-22 Regulation Promulgation Calendar

R43-_____
REGULATION PROCESS TIMELINE

EVENT	DATES
The month before you submit a Drafting Notice (DN) you will complete the "Change in Regulation Request Form" with your proposed changes to the text of your regulation and email it to your deputy, chazelwood@ed.sc.gov, knilges@ed.sc.gov, *and cc:* nredd@ed.sc.gov. When I receive this document, I will send you this timeline listing your due dates.	**1 month prior to submitting a DN**
DN due to Noelle. See Sample on Pg. 22, located at http://ed.sc.gov/agency/gc/SBERegulationsProcess.cfm	7/2/20
DN submitted to Legislative Council (LC)	7/10/20
DN published in State Register (SR)	7/24/20
SBE Synopsis & Reg. for 1st reading due to SBE Committee Admin. & Noelle (2 separate documents)	8/10/20
You must send an electronic WORD version of your 1st Reading regulation without the SBE Synopsis to knilges@ed.sc.gov; chazelwood@ed.sc.gov, and copy me on the email nredd@ed.sc.gov. Due to staff changes @ the State House, send your document to Katie and Cathy for review, and then Katie will forward it on for State House review.	8/11/20
30-day public review period ends @ 5 PM (if St. Hol. Move to next day)	8/24/20
SBE 1st Reading of Proposed Reg. See Sample on Pg. 23, located at http://ed.sc.gov/agency/gc/SBERegulationsProcess.cfm ***(if your regulation consists of more than one amendment, you are required to use a side-by-side format detailing the locations and changes to the existing amendments)***	9/8/20
AS SOON AS SBE MEETING ENDS - Notify Noelle via e-mail that SBE Committee approved 1st reading of Proposed Reg.	9/8/20
1st reading (Proposed Reg.) submitted to LC	9/11/20
1st reading (Proposed Reg.) published in SR	9/25/20
SBE Synopsis & Reg. for 2nd reading due to Noelle (for Public Hearing Agenda)	10/12/20
30-day public review period ends @ 5 PM (if St. Hol. Move to next day)	10/26/20
PUBLIC HEARING & SBE 2nd Reading (Final) of Reg. See Sample on Pg. 25, located at http://ed.sc.gov/agency/gc/SBERegulationsProcess.cfm	11/10/20
AS SOON AS SBE MEETING ENDS - Notify Noelle via e-mail that SBE Committee approved 2nd reading of Final Reg.	11/10/20
2nd reading (Final Reg.) submitted to LC	11/13/20
General Assembly 120-day review begins on	**1/12/2021**

Drafting Notice (DN)

- DN
  - This is to inform the public that the agency is considering a regulatory change
  - A DN does not obligate the agency to take action
- Send your DN to me and I will have it published in the *South Carolina State Register (State Register)*.
- When?
  - To be published in the current month's *State Register* the DN needs to be submitted to the *State Register* by the 2nd Friday of the month
    - Get the DN to me by the 1st Friday of the month to allow time for any possible corrections prior to the publication submission deadline (2nd Friday of each month)

Drafting Notice (DN)
(Continued)

- The purpose of a DN is to
  - Explain to the general public what changes you intend to make to your regulation
    - Is it a new regulation
      - What is the purpose, what will this regulation do
    - Is it an amendment to an existing regulation
      - What is being amended and/or deleted, why
    - Is it to repeal a regulation
      - Was the law affecting the regulation repealed or was only the portion of the law that created the regulation removed from the law without affecting the remaining portions of the law

Drafting Notice (DN)
(Continued)

- When creating/amending/repealing a regulation, please include under the statutory requirement the laws that affect your regulation as follows

STATE BOARD OF EDUCATION
CHAPTER 43
Statutory Authority: 1976 Code Sections 59-5-60(7), 59-5-90, 59-31-30, 59-31-40, 59-31-50, 59-31-210, and 59-31-510 et seq.

Notice of Drafting:

- Please note, the laws shown above deal with textbooks.

Document Transmittal Coversheet (DTC)

- All documents submitted to the Legislative Council for action must have a DTC
- I will, at the appropriate times, prepare your DTCs for your
  - DN
  - 1st Reading Document (Proposed)
  - 2nd Reading Document (Final)
  - General Assembly's request to withdraw and resubmit with requested changes to the regulation
- These DTCs require **your** signature
  - If I do not have **your** signature, or **your** written approval to sign your name w/my initials **- I cannot submit your item**

BEFORE FIRST READING

- **You must meet** with Katie Nilges (knilges@ed.sc.gov) and Cathy Hazelwood (chazelwood@ed.sc.gov) to edit and review the changes you want to make to your regulation
- I will provide you with the "official" version of the existing regulation from the SC General Assembly website
  - I will insert the existing regulation into a 1st Reading template and e-mail the template to you to complete

Amendments (1st Reading)

- **Do not** use track changes mode in Word to make your changes to the template
- **Use** the **underline** and ~~**strikethrough**~~ buttons from the formatting tools on the "Home" tab in Word
- **Use** the template that I send you, it will have all of the Legislative Council's formatting requirements imbedded in the template

Amendments (1st Reading)

- If you cut/paste or copy/paste from another document to insert into the template, ***DO NOT*** include the paragraph returns from the document you are cutting/copying from, the paragraph returns in that document also contain imbedded formatting requirements that will over-write my template's formatting requirements
- **Do not** use auto-numbering/auto-lettering

New Regulations (1st Reading)

- Please use the template that I send you, it will have all of the Legislative Council's formatting requirements imbedded in the template
  - Just begin typing on the template
  - If you cut/paste or copy/paste from another document to insert into the template, DO NOT include the paragraph returns from the document you are cutting/copying from, the paragraph returns in that document also contain imbedded formatting requirements that will over-write my template's formatting requirements
- Do not use auto-numbering/lettering

Repealed Regulations (1st Reading)

- Please use the template that I send you, it will have all of the Legislative Council's formatting requirements imbedded in the template and I will insert the current version of your regulation into your template
  - Highlight the body of the regulation and select the strike through button on the "Home" tab in Word

Approval Process

- The review/approval process
  - SCDE internal review/approval
    - Occurs May to December
  - SBE review/approval (2 readings)
    - Occurs August to December
  - General Assembly review/approval
    - Occurs January to May of the following year
  - Please keep in mind that regulations processed by the SCDE/SBE during May–December 2020 have from **January 13–May 13, 2021,** to become law

SCDE Approval

- Once the regulation has been amended/drafted by the office, it must be approved internally before it is placed on the SBE Agenda
  - Approval by
    - your supervisor (up to and including Director/Deputy/OGC/Katie Nilges, and if necessary, SSE)
- Prepare the regulation like any other SBE action item
  - Item will require a SBE Synopsis

SBE Committee Agenda

- Following the timelines for submittal of items for a committee agenda (see committee administrative assistant for timelines), transmit the synopsis and the regulation to the administrative assistant responsible for the committee that will review the regulation (and copy me on all submissions)
  - Policy and Legislative—Noelle Redd/Tracy Moore
  - Standards and Learning—Crystal Dennis
  - Educator Professions—Tammy Jeffers

Which SBE Committee?

- The determination regarding which SBE committee reviews the regulation, depends on the content of the regulation
- If you have a question as to which committee is responsible, contact Cathy Hazelwood, Division for Legal Affairs, 734-8218

Transmittal for SBE Committee Agenda

- What's required from you
  - Electronic copy (Word version) of the synopsis and the regulation (submit each document, separately)
    - **REMINDER** - use the template I provide you to format the regulation

Transmittal for Legislative Council

- What's required from you
  - Send 1 group email to the people listed below and attach an electronic Word version of your regulation (without the synopsis)
    - Katie Nilges, knilges@ed.sc.gov
    - Sally Cauthen, SallyCauthen@scsenate.gov
    - Pierce McNair, PierceMcNair@schouse.gov
    - Dustin Stimson, DustinStimson@schouse.gov
    - Noelle Redd, nredd@ed.sc.gov
    - Tracy Moore, tmoore@ed.sc.gov

SBE Committee Action

- Like any other action item, the regulation must be approved in committee
- Presentation by staff
  - Staff must present the regulation to the committee
    - If, for some reason, you can't attend this meeting, you **must** send someone who is knowledgeable on the subject matter to present it on your behalf
  - Explain/answer questions

Changes by SBE Committee

- Take careful notes on changes made by the committee, **<u>you</u>** will be responsible for making the necessary changes to the regulation
  - If you need someone to take notes for you while you discuss the changes with the committee, feel free to bring a co-worker with you
    - **It is not the responsibility** of the Committee Admin to take notes for you

Changes by SBE Committee

- Edit the document to include the committee's requested changes
  - **Need to have changes ready for the 1:00 p.m. SBE meeting (that same day!)**
  - You must indicate changes to the regulation in *italics* and *yellow highlight*
  - Be prepared to point out the changes made by the committee if asked at the SBE meeting
- As soon as your regulation is approved/changed/

disapproved by the SBE, notify me-IMMEDIATELY-by e-mail or phone

  - If changes were made, include all changes that the SBE made
- You do not need to provide me another SBE synopsis

Review by the SBE

- The SBE Committee Chair will move that the Committee approve the regulation for 1st reading
- You may or may not be asked to speak before the full SBE (it depends on the will of the SBE)
- Even if you don't have to make a presentation to the full SBE, be prepared to answer questions
- Make sure you or the appropriate staff are at the SBE meeting to answer questions

Changes by Full SBE

- The Full SBE may change the regulation that comes out of committee
- They will do this through an amendment
- If amendments are made, take careful notes because **you** will be responsible for making the necessary changes to the regulation
  - If you need someone to take notes for you while you discuss the changes with the SBE, feel free to bring a co-worker with you
    - **It is not the responsibility** of the SBE Admin to take notes for you

Transmittal of Approved Regulation

- Upon approval of your regulation by the SBE (at the 1:00 meeting), I will transmit the regulation to the Legislative Council for publication in the *State Register*

Verification

- You will be asked to verify that the language in the Proposed Regulation is accurate
- Legislative Council will send two versions, one with strikethroughs/underlines "dirty" and one "clean" copy of your regulation, with all changes made, for you to verify
- **Read both** versions of the **entire regulation** to make sure it is correct, sign and date the verification statement that appears on both first pages of the regulation
  - Scan only the first two signed pages and e-mail them to me

Verification with Correction(s)

- If a correction is required, **notify me immediately**
  - Please make the correction on both documents, sign, date, scan both documents, in their entirety, and e-mail them to me
  - I will transmit the documents to the Legislative Council and make them aware of the corrections

Second (2nd) Reading Template

- Once the 1st Reading version of your regulation is published in the *State Register*, I will provide you with a copy of your SBE approved 1st Reading version inserted into a 2nd Reading template
- You will need to **carefully review** the entire template (document) for accuracy
- E-mail me to indicate the accuracy of your document
  - Your document will **not go on the SBE agenda** for Public Hearing until I receive an e-mail from you verifying the accuracy of your document

Second Reading

- There will usually be a month between 1st and 2nd Readings
- For example:
  - 1st Reading in September
  - 2nd Reading in November
    - However, if the monthly SBE meeting (2nd Tuesday of each month) **falls after** the *State Register's* publication deadline date (2nd Friday of each month), your regulation will have to wait for publication in the December edition of the *State Register*

Second Reading

- Takes place at the Full SBE meeting—**<u>not</u>** at a committee meeting
- Takes place during the “Public Hearing” section of the agenda (1:00 PM)

SBE Second Reading Synopsis

- You need to prepare a synopsis
  - It will be similar **but not** identical to your 1st Reading synopsis
  - If you are recommending changes between 1st and 2nd reading, provide the changes under the Critical Facts section of your synopsis and show the new text in *italics*.

The Second Reading Regulation

- The document that you attach **must** have the same content that was approved on 1st Reading (I will provide)
- However, if you want to suggest changes you must indicate changes to the regulation in *italics* and highlighting in yellow (but the synopsis must be clear and explain the SBE/SCDE recommended changes to the final regulation)
- If there are significant changes, you may submit them as a separate document

Changes made by the SCDE between 1st and 2nd Readings

SBE Approved 1st Reading of R.43-80

R.43-80. Operation of Public ~~Pupil~~ Student Transportation Services

~~A~~I. The school district board of trustees (Board of Trustees) shall be responsible to the State Board of Education (SBE) for the supervision of the school transportation program in the district. This shall include the recruitment of school bus drivers, employment and dismissal of school bus drivers, supervision of school bus drivers and the ~~pupils~~ students being transported, proposed routing of buses, accurate transportation records as to mileage, number of ~~pupils~~ students transported pursuant to Section 59-67-100, driver's time reports, school bus safety, and enforcing all other transportation regulations. The recruitment and employment of school bus drivers and supervisory personnel is the responsibility of the ~~school district board of trustees~~ Board of Trustees. The transportation of pupils is an integral and essential part of the school program, and teachers and administrative personnel shall be assigned to school bus duties in the interest of the transportation program.

(In this example, one of the changes to the regulation was to substitute "pupil" for "student" and "children" to keep the language consistent throughout the regulation.)

Changes to be presented to the SBE for SBE approval at the 2nd Reading of R.43-80

R.43-80. Operation of Public ~~Pupil~~ Student Transportation Services

~~A~~I. The school district board of trustees (Board of Trustees) shall be responsible to the State Board of Education (SBE) for the supervision of the school transportation program in the district. This shall include the recruitment of school bus drivers, employment and dismissal of school bus drivers, supervision of school bus drivers and the ~~pupils~~ students being transported, proposed routing of buses, accurate transportation records as to mileage, number of ~~pupils~~ students transported pursuant to Section 59-67-100, driver's time reports, school bus safety, and enforcing all other transportation regulations. The recruitment and employment of school bus drivers and supervisory personnel is the responsibility of the ~~school district board of trustees~~ Board of Trustees. The transportation of ~~*pupils*~~ *students* is an integral and essential part of the school program, and teachers and administrative personnel shall be assigned to school bus duties in the interest of the transportation program.

Changes made to the SBE Synopsis for SCDE changes between 1st and 2nd Readings

SBE 1st Reading Synopsis of R.43-80

SUBJECT/TITLE

Proposed Amendments to State Board of Education (SBE) Regulation 2 S.C. Code Ann. Regs. 43-80 (R.43-80), Operation of Public Pupil Transportation Services (First Reading)

PURPOSE OF REPORT/REGULATION/ITEM

This item proposes amendments to R. 43-80.

CRITICAL FACTS

SBE R. 43-80 establishes the function and operation of student transportation services. Section N details the training/testing processes and establishes different classifications of school bus driver certificates.

TIMELINE/REVIEW PROCESS

- May 27, 2016 → Drafting Notice printed in *State Register*.
- June 27, 2016 → Written comments are due.
- August 9, 2016 → R. 43-80, Operation of Public Pupil Transportation Services, submitted to the Innovation and Finance Committee for first reading review and approval to the SBE (First Reading).
- September 26, 2016 → Written comments are due.
- October 11, 2016 → SBE public hearing and promulgation of the amendments to R.43-80 (Second Reading).
- January 10, 2017 → Amendments to R.43-80 submitted to General Assembly.

Changes to SBE 2nd Reading Synopsis for SBE Approval

SUBJECT/TITLE

Proposed Amendments to State Board of Education (SBE) Regulation 2 S.C. Code Ann. Regs. 43-80 (R.43-80), Operation of Public Pupil Transportation Services (Second Reading)

PURPOSE OF REPORT/REGULATION/ITEM

This item proposes amendments to R. 43-80.

CRITICAL FACTS

SBE R. 43-80 establishes the function and operation of student transportation services. Section N details the training/testing processes and establishes different classifications of school bus driver certificates.

(list "HERE" all of the changes that were made between 1st and 2nd readings in italics)

TIMELINE/REVIEW PROCESS

- May 27, 2016 → Drafting Notice printed in *State Register*.
- June 27, 2016 → Written comments are due.
- August 9, 2016 → R. 43-80, Operation of Public Pupil Transportation Services, submitted to the Innovation and Finance Committee for first reading review and approval to the SBE (First Reading).
- September 26, 2016 → Written comments are due.
- October 11, 2016 → SBE public hearing and promulgation of the amendments to R.43-80 (Second Reading).
- January 10, 2017 → Amendments to R.43-80 submitted to General Assembly.

SBE Agenda

- The 2nd Reading synopsis must be e-mailed to me for review
  - **REMINDER** – the 2nd Reading synopsis is slightly different from the 1st Reading synopsis
- After review, I will place the synopsis and regulation in the SBE's e-folder and on the SBE's agenda for the next month's SBE meeting

Public Comments

- If you received written comments during the comment period, you <u>must</u> include those comments as an attachment to the SBE item
  - It is recommended scanning the comments and creating one PDF document with all the comments included
  - The SBE does not want a summary of comments but you should be ready to discuss the comments
  - You **must** also e-mail the PDF document to me for placement in the SBE's e-folder and the SBE's agenda

Public Hearing

- This takes place during the SBE meeting
- Generally, the SCDE staff will make a brief statement regarding the regulation
  - If, for some reason, you can't attend this meeting, you must send someone who is knowledgeable on the subject matter to present it on your behalf, and, if necessary, answer questions
- The SBE Chair will allow the public to speak on the regulation
  - Individuals wishing to speak must sign up for public comment
  - They are limited to 5 minutes or less
  - Groups/organizations wishing to speak must pick a spokesperson to represent the group/organization, the spokesperson will also be limited to 5 minutes or less

Public Hearing

- After the public has a chance to speak, SCDE staff may be asked to answer questions or respond to the public comments

Approval

- Approval of the regulation requires a motion from a SBE member
  - The SBE can move to approve "as submitted" (meaning they accept the SCDE changes)
  - The SBE can move to approve "as adopted in 1st Reading" (meaning they don't accept the SCDE changes)
  - The SBE may move to, again, amend the regulation prior to the final vote **(meaning you will go make the changes and bring the newest version back to them, ASAP – that same day**)

Final Action

- After the SBE takes final action, the office initiating the regulation must notify me indicating what action the SBE took
  - If changes were made, which version was approved (the 1st Reading version or the newly amended version)
- Upon submission to the Legislative Council, the office will need to review and sign the verifications indicating that the regulation is correct

General Assembly

- The regulation will be submitted to the General Assembly
- 120–day automatic approval
- Joint Resolution to approve
- Published in the *State Register*

General Assembly Review

- Regulations will be referred to committee after received by the President of the Senate and the Speaker of the House
- General Assembly has 120 calendar days to review the regulation
- If there is no action on the regulation within 60 days of the committee receiving the regulation, the regulation must be placed on the agenda of the full committee at the next scheduled full committee meeting

General Assembly Approval

- Joint resolution to approve or disapprove
  - Usually introduced by committee but it can be introduced by any member
- Upon introduction of a joint resolution disapproving a regulation, the 120-day period is tolled (stopped) until a negative vote is taken on the joint resolution
- If no joint resolution is introduced to disapprove, the regulation is approved on the 120th day and is effective upon publication (4th Friday of each month) in the *State Register*

Withdrawal

- The agency (SBE) may withdraw a regulation for any reason and the regulation
  - May be resubmitted if the resubmitted regulation contains **no** substantive changes
    - Substantive changes-
      - adding or deleting a word is considered a change to the intent of the regulation
    - Non-substantive changes-
      - corrections to punctuation, typos, deleting extra spacing or blank lines do not change the intent of the regulation

Amendments

- A legislative committee is not authorized to amend a regulation
- However, in some cases, the legislative committee may approve part of a regulation and delete a clearly separable portion
- If a legislative committee determines that it cannot approve a regulation as submitted, it may notify the agency with recommendations of what changes would be necessary to obtain legislative committee approval

SBE Actions

- If the SBE receives a letter requesting changes necessary for approval, the SBE may:
  - Withdraw the regulation and resubmit it with the recommended changes
    - This action must be done by the SBE
  - Withdraw the regulation permanently
  - Take no action

Legislative Committee Requests

- These requests must be handled through Katie Nilges, Office Governmental Affairs
- If Katie notifies you that a change(s) is required for approval, it is the program office's responsibility to make the change(s) and to coordinate those change(s) with Katie
  - OGC may make the changes, if the changes are minor

Legislative Committee Requests

- The request must be presented to and approved by the SBE at the next full board meeting
- Once the SBE takes action, transmit the revised regulation to me via e-mail, I will prepare cover letters and transmit the revised regulation to the Legislative Council
  - This action will also require your signature on a DTC

General Assembly (GA) Request for the SBE to Withdraw & Resubmit a Regulation

SBE approved 2nd Reading of R.43-53(I)(C)(1-3) submitted to the GA

C. Alternative Route Certificate

1. The alternative route certificate for the Program of Alternative Certification for Educators (PACE) is valid for one year initially. The certificate will be issued to those individuals who qualify under the ~~Program for Alternative Certification for Educators (PACE)~~ PACE guidelines as adopted by the State Board of Education. Alternative certificates for PACE can be renewed twice on the basis of successful completion of annual program requirements as approved by the State Board of Education. The teacher will be eligible for a professional certificate upon his or her successful completion of all program requirements within the three-year program period, including additional testing requirements approved by the State Board of Education and the formal/summative evaluation of teaching performance and effectiveness approved by the State Board of Education.

2. The alternative route certificate for Teach for America (TFA) is valid for one year initially. The certificate will be issued to those individuals who qualify under the TFA guidelines as adopted by the State Board of Education. Alternative certificates for TFA can be renewed once on the basis of successful completion of annual program requirements as approved by the State Board of Education. A TFA teacher who chooses to pursue a professional certificate in South Carolina may be issued two additional one-year alternative route certificates in accordance with the TFA guidelines approved by the State Board of Education. The teacher will be eligible for a professional certificate upon his or her successful completion of all program requirements, including additional testing requirements approved by the State Board of Education, course work approved by the State Board of Education, and the formal/summative evaluation of teaching performance and effectiveness approved by the State Board of Education.

3. The alternative route certificate for an individual who qualifies under the American Board for the Certification of Teacher Excellence (ABCTE) Act is valid for one year initially and may be renewed twice on the basis of successful completion of annual program requirements. The teacher will be eligible for a professional certificate upon his or her successful completion of all program requirements within the three-year program period, including additional testing requirements approved by the State Board of Education and the formal/summative evaluation of teaching performance and effectiveness approved by the State Board of Education.

GA request to the SBE to withdraw and resubmit with the following addition of a new Sub-section 4.

2. The alternative route certificate for Teach for America (TFA) is valid for one year initially. The certificate will be issued to those individuals who qualify under the TFA guidelines as adopted by the State Board of Education. Alternative certificates for TFA can be renewed once on the basis of successful completion of annual program requirements as approved by the State Board of Education. A TFA teacher who chooses to pursue a professional certificate in South Carolina may be issued two additional one-year alternative route certificates in accordance with the TFA guidelines approved by the State Board of Education. The teacher will be eligible for a professional certificate upon his or her successful completion of all program requirements, including additional testing requirements approved by the State Board of Education, course work approved by the State Board of Education, and the formal/summative evaluation of teaching performance and effectiveness approved by the State Board of Education.

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4. The alternative route certificate for Teachers of Tomorrow (ToT) under Regulation 43-51 is valid for one year initially and may be renewed twice on the basis of successful completion of annual program requirements. The teacher will be eligible for a professional certificate upon his or her successful completion of all program requirements within the three-year program period, including additional testing requirements approved by the State Board of Education and the formal/summative evaluation of teaching performance and effectiveness approved by the State Board of Education.

Questions?