

august

2014

policy and

legislative

update





The South Carolina School Boards Association

**TO: Board Chairmen, Superintendents, Council of School Attorneys Members,
Board Legislative Contacts and SCSBA Board of Directors**

The booklet highlights significant education-related legislation which was passed by the South Carolina General Assembly in 2014. It includes summaries of relevant cases, state and federal regulations and other information items of interest to districts. Each summary includes a link to the text discussed.

After the summary and the recommended district action, we have included policy references so that you may check the language in your existing policies to ensure that it does not conflict with a change in law. Policy references are the alphabetical codes based on the SCSBA model manual. Model policies and rules are listed in the table of contents.

The *2014 Policy and Legislative Update* is posted in a MS Word document and Adobe.pdf format on SCSBA's website at www.scsba.org. The Adobe Acrobat Reader (.pdf) version is a read only file; however, it will print camera ready material if you would like to make hard copies. The MS Word document is a working document that you can cut and paste to help you create your district's policies.

Each local school board should review the information and determine which policies it will adopt. In all instances, SCSBA does not mandate a particular policy or policy language. This booklet is not intended as a substitute for legal advice relating to your specific situation.

We enjoy working with you throughout the year and appreciate your support. We are always happy to help you with your policy needs and hope you will continue to call on us. For additional information on these or other policy issues, please contact either of the following staff members.

Tiffany N. Richardson, Esq.
Director of Policy and Legal Services

Scott T. Price
General Counsel

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legislative acts



Back to Basics in Education Act of 2014

Effective date: June 9, 2014

Summary: In a legislative session in which so much emphasis was placed on early age reading skills and increasing technology capabilities for all school districts, lawmakers in the waning days of the session passed a law adding cursive writing and memorization of multiplication tables into the mix.

Under the new Back to Basics in Education Act, beginning with the 2015-2016 school year, districts must do the following.

- Provide instruction in cursive writing to ensure that students can create readable documents through legible cursive handwriting by the end of the fifth grade.
- Require students to memorize multiplication tables to ensure that they can effectively multiply numbers by the end of the fifth grade.

The South Carolina Department of Education must assist districts in identifying the means to include this within their existing curriculums. Also, the Department must review and make recommendations for cursive writing instructional materials to be included on the approved state textbook adoption list. Schools may select these materials in the same manner that other textbooks are selected from the list.

Local district action required: SCSBA recommends adding language regarding the inclusion of teaching cursive writing and memorization of the multiplication tables in the two policies dealing with the curriculum for English/language arts education and for mathematics education. The appropriate legal reference has also been added to model policy IHA and will be provided to districts upon request.

Policy references: IHA (Basic Instructional Program), IHAA (English/Reading/Writing/Language Arts Education) and IHAB (Mathematics Education)

Model policies follow the text.

Text: The text of this law may be found at www.scstatehouse.gov. Click on Legislation; Bill, Act or Rat #; and enter A275, R319 or 3905 for the search.

ENGLISH/READING/WRITING/ LANGUAGE ARTS EDUCATION

Code **IHAA** Issued **MODEL/14**

Purpose: To establish the board's vision for English/reading/writing/language arts education.

It is essential that all students acquire and develop the content and skills of English/language arts as specified in the state standards. Reading proficiency is a fundamental life skill vital for the educational and economic success of our citizens and state. Students will be given high quality instruction at an early age so that they will acquire the ability to read, write and use language effectively across all content areas.

The district will develop a comprehensive annual reading proficiency plan for prekindergarten through 12th grade in accordance with state law and state standards. That plan will include a curriculum to present learning opportunities to students so skills and content knowledge may be acquired in both elementary classrooms as well as secondary English/language arts classrooms. In addition, schools will provide instruction in cursive writing to ensure that students can create readable documents through legible cursive handwriting by the end of the fifth grade.

Adopted ^

Legal references:

- A. S.C. Code of laws, 1976, as amended:
 - 1. Section 59-29-15 - Back to Basics in Education Act of 2014.
 - 2. Section 59-155-110, *et seq.* - South Carolina Read to Succeed Act of 2014.

MATHEMATICS EDUCATION

Code **IHAB** Issued **MODEL/14**

Purpose: To establish the board's vision for mathematics education.

It is essential that all students acquire and develop content knowledge and skills as required in the mathematics academic standards as specified in the state standards. The district will develop a curriculum to present learning opportunities to students so that such skills and knowledge may be acquired. In addition, schools will require students to memorize multiplication tables to ensure that students can effectively multiply numbers by the end of the fifth grade.

Accordingly, the district will teach skills and content in all elementary school classrooms and secondary mathematics classrooms in accordance with state law and state standards, as well as district standards that are set out in the district strategic and accountability plans.

Adopted ^

Legal references:

- A. S.C. Code of laws, 1976, as amended:
 - 1. Section 59-29-15 - Back to Basics in Education Act of 2014.

Charter Schools

Effective date: See topics below

Summary: In what has become a seemingly annual event, the General Assembly passed two pieces of legislation enacting changes to the state's Charter School Act of 1996.

In **the first bill**, the General Assembly creates a new Alternative Education Campus (AEC) designation for a charter school that would allow it to serve a specific student population that fits within its explicit mission. The student populations would be either of the following.

- Students with severe limitations that preclude appropriate administration of the assessments administered pursuant to federal and state requirements and 50 percent or more of the students having an Individualized Education Plan (IEP) pursuant to federal law.
- Students with severe limitations that preclude appropriate administration of the assessments administered pursuant to federal and state requirements and 85 percent or more of enrolled students meeting the definition of a “high risk” student. The statute lists examples of high risk students (adjudicated juvenile delinquents, students who have dropped out of school, students who have been expelled from school, students with a documented history of drug or alcohol use, students with gang involvement, students who suffered child abuse or neglect, etc.).

Charter sponsors are responsible for designating an AEC classification for a school, which cannot be based on a high poverty rating alone, and, if an applicant seeks this status, this must be requested in the charter application and include sufficient information to allow the sponsor to make a determination. Charter schools already in operation may petition their sponsor for AEC status. Although an AEC charter school will be held to applicable state and federal accountability standards, academic performance standards and expectations established in a charter agreement may take into account the school's specialized mission and student population.

Other changes in this legislation apply to all charter schools and focus on accountability and procedures. They are as follows.

- Charter sponsors must adopt “national industry standards of quality charter schools” and authorize and implement practices consistent with those standards.
- Applicants must submit a letter of intent prior to submitting a charter school application to the sponsor. A copy must be submitted to the South Carolina Department of Education.
- The Department is charged with developing a charter application template with compliance guidelines. Additional charter application changes include the following.
 - An executive summary, not to exceed two pages, is required.
 - A copy of the application must be submitted to the Department.
 - The application must include, among other things, the school's academic performance standards and how the school will meet or exceed the standards (including State Board of Education academic standards), as well as evidence of adequate parent/legal guardian support for the school justifying projected per pupil allocations in the application budget.
 - The description of the school's governance and operation must now include a start up plan, information on charter committee members and school leadership team and any proposed management company or educational service provider responsibilities. A staffing chart aligned with the budget and student enrollment is also required.

- The time for a sponsor to rule on an application is expanded from 45 to 90 days.
- The reasons for denying an application now include if, based on all of the information provided by the applicant, the sponsor determines that the applicant has failed to demonstrate a substantial likelihood that it has the capacity to establish a viable school based on national industry standards of quality charter school authorization.
- A renewal application must be filed 120 calendar days before the end of the school year at the end of the term for the charter contract and must contain any proposed material changes to the current charter or contract to be implemented in the next 10-year term.
- Reasons for a charter revocation now include a material violation of performance expectations, failure to meet academic performance standards and expectations, failure to maintain books and records or failure to create an appropriate system of internal control. Sponsors may summarily revoke a charter school if there is evidence it poses an imminent threat of harm to the health or safety of students.
- Automatic and permanent closure is required for a charter school receiving the lowest performance level rating under the federal accountability system for three consecutive years beginning with student achievement data from the 2013-2014 school year. This does not apply to schools with a certain percentage of students with disabilities or AEC schools.
- Sponsors will develop school closure protocols that must be in place prior to any public charter school closure. The statute outlines certain areas that the protocol will cover.
- The appeal from a revocation or non-renewal no longer includes an automatic stay of such a decision. Pending resolution by the court, the charter school may request that the court impose a stay of revocation or nonrenewal.
- The Charter School Advisory Committee is dissolved.

This legislation establishing Alternative Education Campuses (AECs) and making other changes to the charter school law became effective June 12, 2014.

The **second piece of legislation** modifies current law regarding taxes that charter schools pay on their buildings to include leased facilities in the exemption of charter schools from state and local taxation on earnings and property. This legislation became effective June 2, 2014.

Local district action required: While the General Assembly enacted numerous and specific changes to the Charter School Act this year, none of these changes require modifications to district policy. However, SCSBA is recommending that districts include language in their charter school policy to reflect the new AEC for charter schools as well as the adoption and implementation of national industry standards of quality charter schools by the sponsor.

Policy reference: IHBH (Charter Schools)

Model policy follows the text.

Text: The text of these laws may be found at www.scstatehouse.gov. Click on Legislation; Bill, Act or Rat #; and enter for the alternative education campus bill A288, R318 or 3853, and for the tax exemption bill A208, R262 or 4871 for the search.

CHARTER SCHOOLS

Code **IHBH** Issued **MODEL/14**

Purpose: To establish the basic structure for the establishment and operation of charter schools within the district.

To achieve its goal of promoting diversity, educational improvement and academic excellence for all students, the board supports the establishment of charter schools within the district.

A charter school is a public, nonreligious, non-home based, nonprofit corporation forming a school that operates by sponsorship of a public school district, the South Carolina Public Charter School District or a public or independent institution of higher learning, but is accountable to the board, or in the case of technical colleges, the area commission, of the sponsor that grants its charter.

A charter school sponsor will adopt national industry standards of quality charter schools and will authorize and implement practices consistent with those standards.

A charter school is considered a public school and will meet the following conditions.

- Be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry or need for special education services (by law, however, a single gender charter school may be formed without regard to the gender makeup of the charter school). Enrollment must not differ from the racial composition of the district or that of the targeted student population of the charter school by more than 20 percent.
- Open enrollment to any child who resides in the district subject to space limitations. The charter school will not charge tuition or charges of any other kind unless allowed by the sponsor and as comparable to the charges of the district in which the charter school is located.
- Assume responsibility for its own operation including preparation of a budget, contracting for services, audits, curriculum and personnel matters.
- Have an education program, curriculum and student achievement standards that meet or exceed any content standards adopted by the state board of education and the sponsor.
- Follow the application process as required by law. In the case of sponsorship by the South Carolina Public Charter School District or a public or independent institution of higher learning, the applicant must provide notice of the application to the district for informational purposes only.

A charter school may be designated as an Alternative Education Campus (AEC) as outlined in state law. An AEC is any charter school with an explicit mission as outlined in its charter to serve an enrolled student population meeting the requirements established in state statute.

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A charter school is eligible for federally-sponsored, state-sponsored or district-sponsored interscholastic leagues, competitions, awards, scholarships, grants and recognition programs for students, educators, administrators, staff and schools to the same extent as other public schools.

A charter school student is eligible to compete for, and if chosen, participate in any extracurricular activities not offered by the student's charter school which are offered at the resident public school he/she would otherwise attend, as well as any activities governed by the South Carolina High School League not offered at the charter school. Eligibility requirements and fees for these activities will be the same as those applied to full time students of the resident school and the district may not impose any additional requirements for participation on charter school students that are not imposed on full time students.

If the board has information that an approved application by the South Carolina Public Charter School District or a public or independent institution of higher learning sponsor adversely affects the other students in the district, as defined in state regulation, or that the approval of the application fails to meet the spirit and intent of the law, the board may appeal the granting of the charter to the state administrative law court.

The performance of students attending a charter school sponsored by the district will be reflected on a separate line on the district's report card and will not be included in the overall performance ratings of the district.

The sponsor may deny, revoke or not renew a charter under certain conditions outlined in the law. This decision may be appealed to the state administrative law court for review.

Cf. JJ

Adopted ^

Legal references:

- A. S.C. Code of Laws, 1976, as amended:
 - 1. Sections 59-40-10 through 59-40-210 - South Carolina Charter Schools Act of 1996, as amended.
 - 2. Section 59-18-900 - Annual report cards and performance ratings.
 - 3. Section 59-18-920 - Requirements of report cards.
- B. State Board of Education Regulations:
 - 1. R43-601 - Procedures and standards for review of charter school applications.

First Steps to School Readiness

Effective date: June 18, 2014

Summary: This year, the General Assembly enacted a reauthorization of the First Steps to School Readiness early childhood development program that includes significant changes to the initiative's governance structure.

First Steps, the statewide public-private partnership geared toward increasing readiness outcomes for children, was created in 1999. Initially intended to sunset (terminate) in 2007, this deadline was extended to July 1, 2014. Thus, this year's legislative action on First Steps was necessary for the program's continuance. It is now reauthorized until July 1, 2016.

Coupled with the reauthorization were a number of structural changes to the program designed to address 42 recommendations outlined in a June 2013 Legislative Audit Council report that pointed out concerns regarding First Steps' operations.

The changes to First Steps in this reauthorization include the following.

- Revisions to the local county First Steps structure so that it is no longer necessary for each county to have its own First Steps Partnership and office.
- A framework for a formula to distribute state funds to local partnerships requiring at least 75 percent of these funds be used for proven programs.
- A reconstituted board of trustees reduced to 25 members from 36.
- An assessment must be adopted to use with every student entering public schools for the first time in prekindergarten and kindergarten.
- Previous executive orders from the Governor moving the South Carolina Head Start Advisory Council and BabyNet to First Steps are codified.
- An Office of First Steps Study Committee is created to examine and make recommendations on, among other things, whether First Steps should become a separate agency. The committee's review and report are due to the General Assembly by March 15, 2015.

The changes to the First Steps program through this year's reauthorization do not have policy implications for local school districts.

Local district action required: SCSBA does not recommend any policy revisions due to this year's changes to First Steps.

Policy reference: N/A

Text: The text of this law may be found at www.scstatehouse.gov. Click on Legislation; Bill, Act or Rat #; and enter A287, R295 or 3428 for the search.

High School Assessment Program (HSAP) Exit Exam

Effective date: April 14, 2014

Summary: The General Assembly repealed the requirement that a student must pass the high school exit exam in order to receive a diploma. The changes include provisions allowing individuals who did not receive a high school diploma for having failed the exit exam to petition their local school board to receive a diploma.

The following apply under the law's requirements.

- Beginning with the graduating class of 2015, students are no longer required to meet exit exam requirements to earn a high school diploma.
- Individuals who failed to receive a high school diploma for having failed to pass the exit exam may petition their local school board by December 31, 2015, to receive a diploma.
- The South Carolina Department of Education must advertise the petition process in local newspapers.
- Students receiving a diploma under this Act are not to be counted as graduates in the graduation rate calculations for the affected districts and schools either retroactively or in current and future calculations
- New college and career readiness assessment requirements were enacted.
 - Beginning with the 2014-2015 school year, a college and career readiness assessment as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the Elementary and Secondary Education Act must be administered to all students entering the 11th grade. Further, all students entering the 11th grade beginning with the 2014-2015 school year must be administered WorkKeys.
 - The results of assessments are to become part of each student's permanent record and must be maintained by the Department for at least 10 years.

The Department is charged with developing procedures local districts must follow in receiving and transmitting petitions to the Department. The procedures and other relevant information may be found at <https://ed.sc.gov/agency/lpa/HSAPEliminationInformation.cfm>.

Finally, references to the exit exam in current state education law were deleted, including its usage in establishing ratings for school and district report cards.

Local district action required: SCSBA has removed references to the exit exam in its model administrative rule IKF-R. Districts should ensure that any similar references are removed from policies IKF and IKE.

Policy references: IKF and IKF-R (Graduation Requirements) as well as IKE (Promotion and Retention of Students)

Model administrative rule follows the text.

Text: The text of this law may be found at www.scstatehouse.gov. Click on Legislation; Bill, Act or Rat #; and enter A155, R170 or 3919 for the search.

GRADUATION REQUIREMENTS

Code **IKF-R** Issued **MODEL/14**

A student must earn 24 units of credit in state-approved courses for graduation.

The unit requirements are distributed as follows.

Subject	Credit units
English language arts	4
Mathematics	4
Science	3
U.S. History and Constitution	1
Economics	½
U.S. Government	½
Other social studies	1
PE or junior ROTC	1
Computer science (including keyboarding)	1
Foreign language or	1
Career and technology education	7
Electives	7
Total	24

The student must pass a classroom examination on the provisions and principles of the United States Constitution, the Declaration of Independence, the Federalist papers and American institutions and ideals. This instruction must be given for a period of at least one year or its equivalent, either within the required course U.S. History and Constitution or within another course.

The student must pass a high school credit course in science in which an end-of-course examination is administered.

The student must be enrolled for a minimum of one semester immediately preceding his/her graduation except in case of a bona fide change of residence. Units earned in a summer school program do not satisfy this requirement.

The student must earn the required number of prescribed units.

Awarding of high school credit

A school also may award and accept credit towards a high school diploma for the following.

- in units of one-fourth, one-half and a whole; for example, an academic-standards based course that required a minimum of 120 hours of instruction (one unit), 60 hours of instruction (one-half unit) and 30 hours of instruction (one-fourth unit)
- a course that has been approved by the South Carolina Department of Education in a proficiency-based system

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- those gateway courses that are a part of the end-of-course examination program only if the student takes the course approved by the school in which he/she is enrolled and meets all the stipulated requirements of the program
- courses in summer programs that meet all the regulatory requirements for courses offered for students in grades nine through 12
- a course that is approved by the district, whether the school offers the particular course or not, if the student receives prior approval
- a course that the student takes in an approved adult education program if the course is approved by the superintendent or his/her designee
- locally designed subject-area courses, elective courses and CATE courses under conditions as outlined in state board regulation
- the PE credit if the PE course meets all statutory requirements including the personal fitness and wellness component and the lifetime fitness component
- the one-half unit of credit carried by the keyboarding course for half the required computer science credit
- the American Sign language course as the required unit in a foreign language
- a college course that a student in grades nine through 12 takes under the district's dual credit arrangement

Adult education

For adult education students receiving a diploma, the unit requirements are distributed as follows.

Subject	Credit units
English language arts	4
Mathematics	4
Science	3
U.S. History and Constitution	1
Economics	½
U.S. Government	½
Other social studies	1
Computer science (including keyboarding*)	1
Electives	9
Total	24

* *Keyboarding may count up to one-half of the computer science requirement.*

A student may transfer credit earned in the adult education program to a secondary school to count towards the units of credit required for a state high school diploma if, for each unit being

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transferred, the student has spent a minimum of 120 hours in class time in that subject at that level and the teacher was properly certified to teach the course.

High school credit for college work

Students in grades nine through 12 and/or adult education programs can earn credits for college course work that can be applied to the required number of units for a state high school diploma.

The following conditions apply.

- Courses may be offered through distance learning and cooperative agreements with institutions of higher education. One quality point will be added to the CP weighting for dual credit courses that are applicable.
- Only courses applicable to baccalaureate degrees or to associate degrees offered by institutions accredited by the board of education of that state or the appropriate regional accrediting agency [the New England Association of Colleges and Schools, Middle States Association of Colleges and Schools, Southern Association of Colleges and Schools Council on Accreditation and School Improvement (AdvancED/SACS CASI), North Central Association of Colleges and Schools, Western Association of Colleges and Schools or Northwest Association of Colleges and Schools] qualify. (*Note: District may specify number of units here.*)
- Tuition costs and any other fees will be the responsibility of the student or his/her parent/legal guardian (*option: of the district*).

Issued ^

High School Equivalency Diploma Accessibility Act

Effective date: June 6, 2014

Summary: In an effort to reach the estimated 418,000 South Carolinians who have not earned a high school diploma or its equivalent, the General Assembly enacted a law requiring that the State Board of Education adopt a non-computer-reliant alternative high school equivalency test that must be offered in paper and pen or pencil form.

The State Board is to select one or more test batteries meeting this requirement before January 1, 2015. The new law requires that paper and pen (or pencil) as well as computer administered assessments be made available thereafter to each eligible individual.

Local district action required: SCSBA does not recommend any policy changes relating to the High School Equivalency Diploma Accessibility Act.

Policy reference: IHD (Adult Education)

Text: The text of this law may be found at www.scstatehouse.gov. Click on Legislation; Bill, Act or Rat #; and enter A272, R308 or 4840 for the search.

Regional Education Centers

Effective date: April 7, 2014

Summary: The General Assembly moved the oversight and management of 12 regional education centers (RECs) from the South Carolina Department of Education to the State Department of Commerce. Previously, RECs were under the oversight of the Education and Economic Development Coordinating Council, which was originally developed to, among other things, implement the Education and Economic Development Act of 2005 (EEDA).

RECs are located throughout the state to serve students, adult learners, parents, educators, employers and community members by connecting them with information, resources and services. The business community has pushed for transference of the RECs to the Department of Commerce in order to better connect businesses with education and workforce development.

The sections of the EEDA outlining the development and duties of the Coordinating Council (Section 59-59-170) as well as REC responsibilities (Section 59-59-180) were repealed. All the previously existing duties and responsibilities of RECs outlined in 59-59-180 continue under the Department of Commerce.

Although there are numerous references to the EEDA in board policies, there are no specific references to RECs or to the Coordinating Council. Therefore, this legislative action will not require any board policy changes.

Local district action required: SCSBA does not recommend any policy changes.

Policy reference: N/A

Text: The text of this law may be found at www.scstatehouse.gov. Click on Legislation; Bill, Act or Rat #; and enter A149, R158 or 3410 for the search.

Retired Teacher Salaries

Effective date: June 2, 2014

Summary: In each of the past few years, the General Assembly passed a joint resolution allowing school districts to uniformly negotiate retired, non-TERI teacher salaries below the district salary schedule as a means to save money and, in essence, preserve jobs. This year, lawmakers went a step further in making this provision a permanent law.

Under the new law, the following applies.

- School districts uniformly may negotiate salaries below the school district salary schedule for the 2014-2015 school year for retired teachers who are not participants in the Teacher and Employee Retention Incentive (TERI) program.
- Districts may exercise this authority annually through the 2019-2020 school year, with the law sunseting (terminating) July 1, 2020.

Policies relating to professional staff compensation should be changed to reflect this permanent change in state law.

Local district action required: SCSBA recommends adding language to policies concerning professional staff compensation regarding negotiated salaries for retired, non-TERI teachers.

Policy references: GBC (Staff Compensation) and GCB (Professional Staff Contracts and Compensation)

Model policies follow the text.

Text: The text of this law may be found at www.scstatehouse.gov. Click on Legislation; Bill, Act or Rat #; and enter A238, R243 or 1219 for the search.

STAFF COMPENSATION

Code **GBC** Issued **MODEL/14**

Purpose: To establish the basic structure for compensating district staff.

Professional staff

The board will attempt to pay its professional employees at a level that will attract and retain personnel dedicated to education.

The compensation of certificated personnel is based on the state salary schedule with local supplements as approved by the board. The schedule takes into consideration the levels of professional training and years of service. The district may negotiate salaries below the salary schedule for non-TERI retired teachers.

Upon recommendation of the superintendent, the board awards contracts to professional personnel as required by state law.

Upon recommendation of the superintendent, the board will notify teachers in writing of their employment status on or before the date the district extends offers of teaching employment for the following school year. Personnel must give written acceptance of their contracts to the superintendent. Failure to give such notification constitutes contract rejection.

The board will award administrative contracts on the recommendation of the superintendent.

Support staff

The board will base the salary of all support staff on salary schedules or hourly rates set by the board on the recommendation of the superintendent. The board will set compensation according to the responsibility of the position, services rendered, evaluation of performance, years of service, provisions of the district's operational budget and any applicable state and federal laws.

The effective date for all salary changes as determined by the salary schedule or by action of the board is July 1 (*Option: anniversary date of employment*).

Adopted ^ _____

Legal references:

- A. U.S. Code, as amended:
 - 1. Fair Labor Standards Act of 1938, 29 U.S.C.A. 201, *et seq.*
- B. S. C. Code, 1976, as amended:
 - 1. Section 59-20-50 - Minimum salary schedule.
 - 2. Section 59-25-57 - Salaries negotiable below schedule for non-TERI retired teachers.
 - 3. Section 59-25-710 - Salary complaints.
 - 4. Section 59-67-470 - School bus drivers to be employed by the board of trustees.
 - 5. Section 59-67-480 - Salaries of school bus drivers to be fixed annually by General Assembly.
- C. State Board of Education Regulations:
 - 1. R-43-205.1 - Assisting, Developing, and Evaluating Professional Teaching (ADEPT).

PROFESSIONAL STAFF CONTRACTS AND COMPENSATION

Code **GCB** Issued **MODEL/14**

Purpose: To establish the basic structure for professional staff contracts and compensation.

Compensation

The board will attempt to pay its professional employees at a level that will attract and hold personnel dedicated to education.

The compensation of certificated personnel is based on the state salary schedule with local supplements as approved by the board. The schedule takes into consideration the levels of professional training and years of service in the district. The district may negotiate salaries below the salary schedule for non-TERI retired teachers.

The effective date for annual salary changes as determined by the salary schedule or by action of the board is July 1.

Contracts

Upon recommendation of the superintendent, the board will notify teachers in writing of their employment status on or before the date the district extends offers of teaching employment for the following school year. Teachers must give written acceptance of their contracts to the superintendent. Failure to give such notification constitutes contract rejection.

The board will award administrative contracts on the recommendation of the superintendent.

Teacher and Employee Retention Incentive Program (TERI) participants

Should a mid-year vacancy occur in a contract position held by a TERI employee, the board authorizes the superintendent or his/her designee to fill such vacancy for the remainder of the school year in which the vacancy occurs through a letter of agreement. This letter of agreement will state that the employee has no right to or expectation of continuing employment beyond the period specified in the letter of agreement.

When issuing contracts, the district will offer TERI employees working under TERI agreements that will expire during the ensuing school year the same type of contract the participant had the previous year. The contract will specifically contain notice that the contract expires on the date designated in the employee's TERI agreement and will specifically reiterate said expiration date.

Contract releases

For release of teachers from contracts, see policy GCQC/GCQD.

Adopted ^

PAGE 2 - GCB - PROFESSIONAL STAFF CONTRACTS AND COMPENSATION

Legal references:

- A. S. C. Code, 1976, as amended:
 - 1. Section 59-19-80 - Requirements as to purchases and teacher employment (teacher contracts to be awarded in public).
 - 2. Section 59-19-290 - Contracts in excess of apportioned funds void.
 - 3. Section 59-20-50 - Minimum salary schedule.
 - 4. Section 59-21-20 - Teacher contracts to be based on school term of 190 days.
 - 5. Section 59-25-57 - Salaries negotiable below schedule for non-TERI retired teachers.
 - 6. Section 59-25-410 - Notice to teacher of employment status.
 - 7. Section 59-25-420 - Teacher required to notify board of acceptance; opportunity for hearing if not reemployed.
 - 8. Section 59-25-710 - Salary complaints.
 - 9. Section 9-1-2210 - Teacher and Employee Retention Incentive Program; operation.
- B. State Board of Education Regulations:
 - 2. R-43-205.1 - Assisting, Developing, and Evaluating Professional Teaching (ADEPT).

Sales Tax for Capital Improvements

Effective date: June 24, 2014

Summary: The General Assembly amended the Education Capital Improvements Sales and Use Tax Act of 2008 (the “Act”) to make it applicable to 13 more counties.

In its original form, the Act authorized school boards to poll voters in a countywide referendum held at the time of a general election to add a one-cent sales tax for up to 15 years to fund specific capital improvements, pay debt service or provide property tax relief for the school district or districts listed on the referendum question. A portion of the sales tax revenue raised could be shared with higher education entities in the county. Until this year, the Act was limited to counties that raised at least \$7 million annually in accommodations taxes, namely Horry and Charleston counties.

This year, changes to the Act added the following five alternative ways for a county to become eligible to use the Act and, in fact, used intentional descriptors specific to certain counties.

- The county at the time of the referendum has no more than a two percent total local sales tax imposed and is encompassed completely by one entire school district which also extends into an adjacent county. A county that qualifies under this provision and moves forward on a referendum must comply with the following additional limitations.
 - The one-cent sales tax is capped at 10 years.
 - At least 10 percent of the proceeds must be used to provide a credit against existing debt service millage on general obligation bonds and cannot be applied to the portion of the adjacent county.
 - Total debt service on the bonds issued by the school district cannot exceed 90 percent of the total amount of the estimated tax proceeds.
 - The district must provide a nonrefundable credit against millage imposed for debt service to service bonds issued by the district.

Aiken County School District qualifies under this provision.

- The county or school district imposed a local sales and use tax to fund education capital improvements on January 1, 2014, and at any time after the local sales and use tax terminates the county may use the provisions of this Act.

This provision grandfathers in existing local sales and use taxes for **Cherokee, Chesterfield, Clarendon, Darlington, Dillon, Jasper, Lexington and Marlboro** counties.

- The county has a countywide school district and has collected at least \$1 million in state accommodations taxes in the most recent fiscal year. Once the county meets this threshold, it remains eligible.

This provision applies to **Beaufort and Georgetown** counties.

- The county is comprised of more than one school district and has a county board of education. Further, the county has no other local sales tax imposed at the time of the referendum required under the Act. A county that qualifies under this provision and moves forward on a referendum must comply with the following added limitations.

- At least 10 percent of the proceeds must be used to provide property tax relief by offsetting the existing debt service millage levy on general obligation bonds.
- The tax revenue must be distributed to each district in the county based on each district's average daily membership (ADM) in relation to the total ADM of all the county's districts.

An agreement to impose the tax must be made by a majority vote of the board of trustees of each school district located in whole or in part of the county. Once the county becomes eligible to impose the tax, it remains eligible.

This provision applies to **Anderson County**.

- The county must be currently imposing a local option sales tax and, further, that tax cannot have been in place for more than 20 years and no other local sales tax is imposed in the county. In addition, the county collects at least \$100,000 in accommodations taxes.

This provision applies to the **Kershaw County School District**.

Finally, the date for re-imposing a one-cent sales tax under the Act was amended to provide that the referendum for re-imposition cannot be held earlier than two years before the calendar year in which the tax terminates.

Local district action required: SCSBA does not recommend any policy changes relating to the Education Capital Improvements Sales and Use Tax Act.

Policy reference: N/A

Text: The text of this law may be found at www.scstatehouse.gov. Click on Legislation; Bill, Act or Rat #; and enter R324 or 940 for the search.

School Safety Task Force

Effective date: June 6, 2014

Summary: School safety continues to be a national and statewide concern. One area of emphasis is on mental health services for students. Originally filed as a mandate requiring districts to hire a psychologist for every public school, the Legislature amended this bill to establish a school safety task force to study and make recommendations in such areas as school discipline, mental health intervention services and intra- and interagency collaboration.

The 19-member task force must make a report of its recommendations to the General Assembly by December 31. Recommendations to the General Assembly can have no fiscal implications for the state. The task force is responsible for the following.

- Examining the funding streams for school-based mental health services and determining how these streams may best be utilized to provide more accessible and efficient delivery of mental health programs.
- Examining school mental health staffing ratios and providing suggestions that allow for the full delivery of services and effective school-community partnerships, including collaboration between school districts.
- Developing standards for district-level policies to promote effective school discipline and mental health intervention services.
- Examining current intra- and interagency collaboration and suggesting ways to improve cooperation.
- Examining how to best support multi-tiered systems of support.

While the task force may ultimately make recommendations that could have policy implications for school boards, SCSBA suggests no policy changes at this time.

Local district action required: SCSBA does not recommend any policy changes relating to the School Safety Task Force.

Policy reference: N/A

Text: The text of this law may be found at www.scstatehouse.gov. Click on Legislation; Bill, Act or Rat #; and enter A252, R293 or 3365 for the search.

Sexual Abuse and Assault Awareness

Effective date: June 23, 2014

Summary: The General Assembly enacted a measure that will require school districts to provide student instruction in sexual abuse and assault awareness and prevention.

Under the new law, beginning with the 2015-2016 school year, districts must annually provide age-appropriate instruction in sexual abuse and assault awareness and prevention to all students in four-year-old kindergarten, where offered, through twelfth grade. The State Board of Education, through the South Carolina Department of Education, is charged with selecting or developing before September 1, 2015, age level instructional units on these issues which must form the basis for what the districts provide to students.

The requirement for student instruction on sexual abuse and assault awareness and prevention is included as a component of the Comprehensive Health Education Act.

Local district action required: SCSBA recommends adding language to the health education policy to reflect compliance with the law in providing age-appropriate student instruction on sexual abuse and assault awareness and prevention.

Policy reference: IHAM (Health Education)

Model policy follows the text.

Text: The text of this law may be found at www.scstatehouse.gov. Click on Legislation; Bill, Act or Rat #; and enter A293, R327 or 4061 for the search.

HEALTH EDUCATION

Code **IHAM** Issued **MODEL/14**

Purpose: To establish the board's vision for health education.

The school district is committed to a sound, comprehensive health education program that is an integral part of each student's general education.

The district will fulfill its responsibility for meeting the health needs of children and youth through a comprehensive program of health education in grades kindergarten through 12.

Comprehensive health education includes instruction that maintains, reinforces or enhances the health, health-related skills and health attitudes and practices of children and youth that are conducive to their good health. Health education will consist of appropriate, sequential instruction in health that is delivered as part of existing courses or as a separate course. Instruction will promote knowledge and skills that promote wellness, health maintenance and disease prevention.

Instruction will be consistent with the *South Carolina Academic Standards for Health and Safety Education* and will cover the following.

- community health
- consumer health
- environmental health
- growth and development
- nutritional health
- personal health prevention and control of diseases and disorders
- safety and accident prevention
- substance use and abuse
- dental health
- mental and emotional health
- reproductive health education
- instruction on sexual abuse and assault awareness and prevention

Reproductive health education, pregnancy prevention education and family life education will be delivered in accordance with state law.

The administration will develop a method whereby principals notify parents/legal guardians of students in the relevant grades of the content of the instructional materials concerning reproductive health, family life, sexually transmitted diseases (if this is a separate component) and pregnancy prevention. The notice will inform parents/legal guardians of their option to exempt their child from this instruction.

Teachers who provide instruction in health education will have professional preparation in the subject area, either at the pre-service or in-service level.

PAGE 2 - IHAM - HEALTH EDUCATION

Teaching about drugs, alcohol and tobacco

All schools in the district will teach the nature of alcohol, narcotics and tobacco and their effects upon the human system. Schools should help students develop an awareness of the consequences of the use and abuse of alcoholic drinks and drugs. Instruction will emphasize problems related to their use, pharmacological aspects, physiological effects and the impact upon the total community. Schools will present drug education as thoroughly, and in the same manner, as all other required subjects.

Teaching about HIV/AIDS and sexually transmitted diseases

The district will provide professional development opportunities for teachers responsible for teaching students about the dangers of the Human Immunodeficiency Virus infection (HIV) and its prevention. The district will develop an HIV/AIDS prevention education program in consultation with teachers, students, administrators, parents/legal guardians and other community members including, but not limited to, persons from medical, public health and mental health organizations and agencies.

The curriculum for HIV/AIDS prevention education will be designed to teach students not only about behaviors that put people at risk for HIV and other sexually transmitted diseases, but also about the methods and skills needed to avoid the risk of infection to include the following.

- Abstaining from sexual intercourse as the only certain means for preventing HIV infection through sexual contact.
- Avoiding the sharing of needles for tattooing, body piercing or injecting drugs.
- Developing communication and decision-making skills that promote abstinence and avoid risk behaviors.
- Avoiding behaviors that decrease decision-making skills such as alcohol and other drug use.

Cf. EBBA, GBGA, JLCC

Adopted ^

Legal references:

- A. S. C. Code, 1976, as amended:
 - 1. Sections 59-29-20, 59-29-30, 59-29-40 - Instruction required regarding the effects of alcohol and narcotics.
 - 2. Section 59-32-10, et seq. - Comprehensive Health Education Act.
 - 3. Section 59-10-10, et seq. - Students Health and Fitness Act of 2005.
- B. State Board of Education Regulations:
 - 1. R-43-231, 43-232, 43-234 - Basic program; defined program.

South Carolina Read to Succeed Act

Effective date: June 11, 2014

Summary: The South Carolina Read to Succeed Act is a comprehensive program aimed at increasing the reading proficiency of South Carolina's K-12 students and establishes the South Carolina Child Early Reading Development and Education Program for full-day, four-year-old kindergarten for at-risk students. Modeled after the 2001 "Just Read, Florida!" initiative, Read to Succeed requires the development, implementation and review of a comprehensive statewide plan to improve student reading proficiency skills and assigns roles and responsibilities at the state, local school district and classroom levels that include, among other things, the following.

- early identification of 4K and 5K struggling readers in order to provide them with intensive intervention services and reading proficiency plans
- annual assessment of students' reading skills and continuous reporting of students' reading progress to parents/legal guardians, including specific actions the teacher, school and parents/legal guardians can take for struggling students
- retention of third grade students not proficiently reading at grade level and providing them with intensive summer reading camps
- expanding teacher recertification requirements and increasing the focus of professional development training programs on literacy

State level

The Department is charged with establishing a Read to Succeed Office that will guide and support districts' reading and literacy efforts and work with university teacher training programs. A summary of the office's duties are as follows.

- Develop and submit to the State Board of Education for approval a State Reading Proficiency Plan by February 1, 2015.
- Assist districts that cannot find qualified teachers to work in the summer camps.
- Work with higher education during the 2014-2015 fiscal year to establish a set of essential competencies that describe what certified teachers at the early childhood, elementary, middle or secondary levels must know and be able to do so that all students can comprehend grade-level texts.
- Publish by August 1, 2014, the guidelines and procedures used in evaluating all courses and professional development, including virtual courses and professional development, leading to the literacy teacher add-on endorsement.
- Publish annually by January 1, the approved courses and approved professional development leading to the literacy add-on endorsement required by the law.
- Develop the format for district reading plans, establish the deadline for districts to submit their plans, monitor district plans and use monitoring to provide training and support to districts and schools. The department may direct a district that is persistently unable to prepare an acceptable Pre-K through grade 12 reading proficiency plan or to help all students

comprehend grade-level texts to enter into a multidistrict or contractual arrangement to develop an effective intervention plan.

Local level

- School districts, beginning in 2015-2016, must prepare a comprehensive annual reading proficiency plan for Pre-K through grade 12 and each school must prepare an implementation plan aligned with the district plan.
- Administer a readiness assessment to Pre-K and kindergarten students beginning in 2014-2015. Beginning in 2016-2017, the assessment must assess each child's early language and literacy development, mathematical thinking, physical well-being and social-emotional development. The assessment may include multiple assessments, all of which must be approved by the State Board of Education.
- Provide students in Pre-K through grade three who are substantially not demonstrating proficiency in reading with intensive in-class and supplemental reading intervention that is at least 30 minutes in duration in addition to 90 minutes of daily reading and writing instruction.
- Notify parents/legal guardians of students not reading on grade level and at risk of being retained of interventions and assistance the school is providing and measures parents/legal guardians can take to help their child in reading.
- Retain third grade students, beginning with the 2017-2018 school year, who do not demonstrate reading proficiency unless exempted for "good cause" as defined in the Act. Prior to retention, students must be provided a summer reading camp, which must be at least six weeks in duration with a minimum of four days of instruction per week and four hours of instruction per day (or equivalent minimum hours). Camps must be taught by teachers with an add-on literacy endorsement or who have documented and demonstrated substantial success in helping students comprehend grade level texts. After completing the camp, students who demonstrate third-grade reading proficiency through an alternative assessment or student reading portfolio must be promoted to the fourth grade.
- Provide students in grades four and above who are substantially not demonstrating reading proficiency interventions by a reading interventionist in the classroom and supplementally by teachers with a literacy teacher add-on endorsement or reading/literacy coaches during the school day or before or after school.
- Employ at each elementary school a reading/literacy coach to support and provide initial ongoing professional development to teachers based on analysis of student assessment. Coaches, within six years, must earn the add-on certification. They may not be assigned regular classroom teaching assignments or perform administrative functions.
- Create family-school-community partnerships that focus on reading and plan for and act decisively to engage families in promoting reading.

Classroom level

- Beginning with the fall semester of the 2016-2017 school year, teacher candidates seeking certification at the early childhood or elementary level are required to complete a 12 credit hour sequence in literacy to include a school-based practicum.

- Beginning with the fall semester of the 2016-2017 school year, teacher candidates seeking certification at the middle or secondary level are required to complete a six credit hour sequence in literacy that includes a course in the foundations of literacy and a course in content-area reading.
- Beginning in 2015-2016, principals, administrators and psychologists responsible for reading instruction or intervention are required to take at least one literacy education course or three credit hours within five years of their most recent certification.
- Beginning in 2015-2016, early childhood and elementary education certified teachers must earn the literacy teacher add-on endorsement within 10 years of their most recent certification by taking two courses or six credit hours, or the equivalent professional development hours, in literacy education every five years.
- Beginning in 2015-2016, middle and secondary education certified teachers are required to take at least one course or three credit hours or the equivalent professional development hours to improve reading instruction within five years of their most recent certification.

Child Early Reading Development and Education Program

The South Carolina Child Early Reading Development and Education Program basically codifies and expands the state's existing full-day, four-year-old kindergarten program that has been in place through annual budget provisos. The program must be made available to qualified children in all public school districts within the state. The only new changes to the existing program are provisions requiring a focus on literacy efforts, including the following.

- a comprehensive, systemic approach to reading that follows the State Reading Proficiency Plan and the district's comprehensive annual reading proficiency plan
- successful completion of the readiness assessment
- learning and developmental support children need to succeed in school
- parent education programs
- identification of community and civic organizations that can support literacy efforts

Local district action required: SCSBA has added relevant language for this program to model policy IHAA (English/Reading/Writing/Language Arts Education) and updated the legal references. SCSBA will provide further policies regarding the Read to Succeed initiative as the South Carolina Department of Education issues regulations and guidelines.

Policy reference: IHAA (English/Reading/Writing/Language Arts Education)

See model policy on page 6.

Text: The text of this law may be found at www.scstatehouse.gov. Click on Legislation; Bill, Act or Rat #; and enter A284 or R313 for the search.

Statewide Education Standards

Effective date: May 30, 2014

Summary: Following months of public and legislative debate, the General Assembly took steps to clearly define South Carolina's role in the Common Core State Standards (CCSS). Under a compromise plan announced late in the 2014 Legislative Session, South Carolina will no longer be a part of Common Core as of the 2015-2016 school year. Further, the state has withdrawn from participation in the Smarter Balanced Assessment Consortium, organized to create an assessment piece for the CCSS.

The General Assembly's actions shut the door on the various concerns and arguments against CCSS: that it was a federal takeover of state-developed academic standards; that an alarming amount of student data was being collected as a result of South Carolina's involvement in CCSS; and, finally, that any assessment piece to measure student progress under CCSS would be cost prohibitive as it was reliant on computer-based testing.

The new law includes the following.

- The creation of the Department of Education Data Use and Governance Policy to govern the collection and storage of student data, including in what capacity such data can be shared with the US Department of Education. Districts must adopt student records governance and use policies.
- The requirement that standards developed by the South Carolina Department of Education must be approved by the State Board of Education (SBE) and the Education Oversight Committee (EOC). Standards taken from other sources/outside the state must also be approved by the General Assembly.
- The requirement for the Department and the EOC to notify the General Assembly and governor of any plans to change existing standards or conduct a cyclical review.
- The directive that the State Budget and Control Board (B&C Board) will oversee the procurement of a summative assessment for the 2014-2015 school year, to be completed before September 30, 2014. Specific requirements for the assessment are listed, including that it must be administered to students in a paper-based format in 2014-2015, in either a paper-based format or computer-based format in 2015-2016, and to all students in a computer-based format by school year 2016-2017.

The B&C Board is to procure a college and career readiness assessment before September 30, 2014. In addition to WorkKeys, the assessment must be administered to all students entering the 11th grade for the first time in the 2014-2015 school year.

In school years 2014-2015, 2015-2016 and 2016-2017, the Department must administer the assessments procured by the B&C Board in English/language arts and mathematics in grades three through eight, and if funds are available, in grades nine and 10. The Department must also administer the state-developed and adopted assessments in science and social studies to all students in grades four through eight, and the college readiness assessment and WorkKeys assessment to all students in the 11th grade.

- The creation of an assessment panel to advise the B&C Board in its procurement of the assessments. The panel includes the state superintendent of education and the chairs for the SBE, the EOC, Chamber of Commerce, Commission on Higher Education and Technical College System Board.
- The suspension of state ratings of districts and schools for the 2015-2016 school year.
- The requirement for EOC to develop and recommend a single accountability system that meets federal and state accountability requirements by fall of 2016.
- The requirement for the Department to request a waiver from the US Department of Education if the effects of changes to assessments impact teacher evaluation systems and those effects can not be reasonably mitigated.
- The requirement for a cyclical review of English/language arts and math standards not developed by the state to begin on or before January 1, 2015. The new college and career readiness state content standards must be implemented in the 2015-2016 school year.

As noted, the bulk of the changes outlined in this law focus on restructuring the process for state standards development as well as assessment. Districts do not need to implement policy changes based on these provisions. Further, districts should already have in place policies governing student records that meet the requirement that districts must adopt student records governance and use policies.

Local district action required: SCSBA does not recommend any policy revisions due to standards and assessment components of this law. The appropriate legal reference has been added to model policy JRA and will be provided to districts upon request.

Policy reference: JRA (Student Records)

Text: The text of this law may be found at www.scstatehouse.gov. Click on Legislation; Bill, Act or Rat #; and enter A200, R252 or 3893 for the search.

part **2**

court decisions



Supreme Court Rules on Agenda Issues under FOIA

On June 18, the South Carolina Supreme Court issued an opinion in a Freedom of Information Act (FOIA) case stating that a public body can amend an agenda during a regularly scheduled meeting, and that the law does not require an agenda for regularly scheduled meetings.

The Supreme Court's ruling in *Lambries v. Saluda County Council* reversed a 2012 decision by the lower court in the same case. The Court of Appeals interpreted the state FOIA as requiring an agenda for all public meetings of public bodies and, further, that the law did not allow a board or council to make additions to the agenda during a meeting.

In its June 18 decision, the Supreme Court analyzed the relevant portion of FOIA at issue. Section 30-4-80 of the South Carolina Code Ann., which requires written public notice of the meetings of public bodies, reads as follows:

(a) All public bodies, except as provided in subsections (b) and (c) of this section, must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. Agenda, if any, for regularly scheduled meetings must be posted on a bulletin board at the office or meeting place of the public body at least twenty-four hours prior to such meetings. All public bodies must post on such bulletin board public notice for any called, special, or rescheduled meetings. Such notice must be posted as early as is practicable but not later than twenty-four hours before the meeting. The notice must include the agenda, date, time, and place of the meeting. This requirement does not apply to emergency meetings of public bodies.

In its analysis of this FOIA provision, the Supreme Court said, “[T]he plain language of the words ‘if any’ can mean only that an agenda is *not* required for regularly scheduled meetings” (emphasis supplied). “In plain terms,” the Court added, “written public notice of regularly scheduled meetings must be given at the *beginning* of each calendar year and must include the *dates, times, and places* of the meetings. An agenda, *if there is one*, must be posted at least twenty-four hours before the meeting” (emphasis supplied). Thus, the Court determined that a public body could choose to issue no agenda at all.

The Court noted that the General Assembly could have required an agenda for regularly scheduled meetings with the simple use of the word “shall” as opposed to the use of the phrase “if any.” Furthermore, it distinguished the notice requirements for a regularly scheduled meeting from such requirements for a called, special, or rescheduled meeting which specify the inclusion of the agenda.

Finally, the Court determined that there is no restriction within the state FOIA on amending an agenda during a meeting. The Court pointed to other state open-meetings laws that specifically address when and how amendments may be made to an agenda. It stated, “In the absence of such a legislative directive here, we decline to judicially impose a restriction on the amendment of an agenda for a regularly scheduled meeting, especially when it is clear that no agenda is required at all.”

Thus, the Supreme Court has ruled that FOIA’s notice provision does not require an agenda to be issued for a regularly scheduled meeting, and FOIA contains no prohibition on the amendment of an agenda for a regularly scheduled meeting.

While in agreement with the Supreme Court’s opinion in *Lambries*, SCSBA advises school boards to continue to issue agendas for all meetings, posted at least 24 hours in advance of the meeting. This assists the board in efficiently conducting business and provides increased

transparency to the public. Additionally, SCSBA encourages school boards to limit amending agendas to matters that are urgent, critical or perhaps unanticipated.

Local district action required: Model policies with options reflecting this court decision are provided. SCSBA recommends that school boards review the policies and make decisions regarding the use of agendas for board meetings.

Policy reference: BEDA (Board Meeting Notification) and BEDB (Board Agenda)

Model policies follow the text.

Text: The court decision can be found at
<http://www.judicial.state.sc.us/opinions/HTMLFiles/SC/27400.pdf>.

BOARD MEETING NOTIFICATION

Code **BEDA** Issued **MODEL/14**

Purpose: To establish the basic structure for board and public notification of board meetings.

The board and any committee thereof will provide notification of regular meetings in annual announcements that are made available in printed and/or electronic form to the news media and public.

Notification to board members

The superintendent will distribute notice of each regular meeting of the board (*option: with agenda and supporting materials*) to board members at least three days in advance of the meeting, if possible (*option: to permit them to give items of business careful consideration*).

The superintendent will give notice of all called, special, or rescheduled meetings to the members of the board at least 24 hours prior to the time for the meeting. The notice will indicate the purpose of the meeting and include the agenda with supporting documents.

Public notice

Written notice of regular board meetings will be made public annually, at the beginning of each calendar year. The notice will include the dates, times and places of regular board meetings. The superintendent will send the notice to local news media and post it at the board meeting place.

(Option: The superintendent will/may post an agenda for regularly scheduled meetings at least 24 hours prior to the meeting.)

The superintendent will post notice of any called, special or rescheduled meetings in the same place as the notice for a regular meeting. The notice for called, special or rescheduled meetings will include the agenda, date, time and place of the meeting. The superintendent will post notice at least 24 hours prior to the meeting time. This will not apply to emergency meetings.

The superintendent will notify persons or organizations, local news media, or such other news media as may request notification of the times, dates, places (*option: and agenda*) of all public meetings. The secretary will note the efforts to comply with this policy in the minutes of the meeting.

Adopted ^

Legal references:

- A. S.C. Code, 1976, as amended:
 - 1. Section 30-4-10, *et seq.* - South Carolina Freedom of Information Act.
 - 2. Section 59-19-80 - Requirements as to purchases and teacher employment.
- B. S.C. Court Cases:
 - 1. *Lambries v. Saluda Cnty. Council*, No. 27400, 2014 WL 2765640 (S.C. June 18, 2014).

BOARD AGENDA

Code **BEDB** Issued **MODEL/14**

Purpose: To establish the basic structure for board preparation of and adherence to its meeting agenda.

(Option: The superintendent, in cooperation with the board chairman, will/may prepare the agenda for regular meetings.)

The superintendent, in cooperation with the board chairman, will prepare the agenda for called, special or rescheduled meetings. The agenda will include items the board will address in performing its duties as the governing body of the school district in accordance with board policy. The agenda will include references to board policy, where appropriate.

Items of business may be suggested by board members and/or staff members. To be considered for placement on the agenda, an item must be within the scope of the board's duties, must be timely and must be appropriate for consideration. The written request (electronic or paper) must be received a minimum of six business days prior to the desired meeting for it to be reviewed for the agenda. The superintendent and board chairman will decide whether or not to include those items. The final agenda must be approved by the board. If approved, the agenda will allow time for the remarks of persons who have requested to appear before the board.

The board will follow the order of business set by the agenda, unless the order is altered by a majority vote of the members present. *(Option: The board may amend the agenda during a regularly scheduled meeting by a majority vote of the members present. In general, items of business not on the agenda should not be added unless unanticipated; however, items of an emergency or urgent nature will be considered.)*

Materials distributed to the board which reflect staff recommendations in their final form are open to the public unless exempt from disclosure by law. Materials of a personal nature such that public disclosure would constitute unreasonable invasion of personal privacy are exempt from public disclosure.

Anyone desiring additional information regarding an agenda item should direct inquiries to the office of the superintendent.

Adopted ^

Legal references:

- A. S.C. Code, 1976, as amended:
 - 1. Section 30-4-80 - Notice of meetings of public bodies; posting of agendas.
- B. S.C. Court Cases:
 - 1. *Lambries v. Saluda Cnty. Council*, No. 27400, 2014 WL 2765640 (S.C. June 18, 2014).

United States Supreme Court Upholds Prayer in Town Board Meetings

The United States Supreme Court ruled that a town's practice of opening board meetings with prayer does not violate the First Amendment's Establishment Clause. In *Town of Greece v. Galloway*, decided May 5, 2014, the Court determined that an opening prayer, which comports with long standing tradition in the country, does not have to be nonsectarian and does not compel citizens to engage in a religious observance.

In its analysis, the Supreme Court examined the nonsectarian argument of whether the prayer should not identify with any one religion and only address a generic God. It also considered whether references such as "Father, God, Jesus Christ, Holy Spirit, and Lord God" should be sanctioned or accepted based on the majority view. The Court determined that "the First Amendment is not a majority rule, and government may not seek to define permissible categories of religious speech." Furthermore, it opined that prayer givers should be free to address their deity(s) according to their religion without restrictions from an administrator or judge. If such supervision or censor of religious speech were to occur, it would amount to government involvement in religious matters.

The Court noted that there are constraints on the prayer. The time of the prayer, given at the opening of the session, lends a solemnity to the occasion which reflects values and history of the nation. The Court explained that prayer, which "invites lawmakers to reflect upon shared ideals and common ends before they embark on the fractious business of governing, serves a legitimate purpose" for the assembly. History shows that ceremonial prayers, as a symbol of unity, can be shared despite the differences in religion among those present. Such tradition "assumes that adult citizens, firm in their own beliefs, can tolerate and perhaps appreciate a ceremonial prayer delivered by a person of a different faith." Finally, the Court stated that if the prayers were to repeatedly denigrate nonbelievers or religious minorities, threaten damnation or preach conversion, then it would not meet that legitimate purpose.

The Court also considered whether having one religious group regularly lead the prayer would violate the Establishment Clause. It indicated that the law is not violated when a reasonable effort is made to identify all congregations located in the area and an open invitation is extended to any minister or layman wishing to participate. The simple fact that an area is comprised of a dominant faith does not reflect an aversion or bias to minority religions. The Court opined that as long as a policy of nondiscrimination is maintained, the Constitution does not require an extensive search outside of the local area for different religions.

The First Amendment inquiry into whether the government is coercing citizens to "exercise a religion" considers the setting and the audience. The Court stated that under these circumstances, the principal audience is not the public, but the lawmakers themselves, "who may find that a moment of prayer or quiet reflection sets the mind to a higher purpose and thereby eases the task of governing." Instead, if the government directed the public to participate, singled out those who refrained from participating or indicated that decisions would be based on a person's participation, the government would be involved in a practice that classified citizens based on their religion. Although citizens may be offended, the Court noted that offense does not equal coercion.

Finally, the Court determined that an opening prayer given in an intimate setting, such as a local town meeting, does not differ from one given before Congress or state assemblies. Although the public is not completely separated from legislative activities and can address local governmental bodies, there is no greater pressure to participate in the prayer. The Court explained that nothing prevented members of the public from leaving the meeting during the prayer, arriving late or making a later protest if they chose to remain. It further opined that making such choices would

not represent “an unconstitutional imposition as to mature adults, who presumably are not readily susceptible to religious indoctrination or peer pressure.”

Therefore, the Court found that an opening prayer at a town meeting does not violate the First Amendment when that prayer upholds a longstanding tradition and does not require citizen participation.

SCSBA advises school districts to be cautious in opening school board meetings with prayer. The *Town of Greece* case seems to carve out a special exception to the rule for legislative bodies. School boards differ in that the Court has not recognized a longstanding tradition associated with prayer at school board meetings. Furthermore, members of the legislative body do not conduct the prayer themselves and a legislative body does not have direct control over employees or children in comparison to school boards. The Court would not likely determine that school boards fit within the exception.

Local district action required: SCSBA does not recommend any specific policy changes based on the *Town of Greece* case.

Policy reference: N/A

Text: The court decision can be found at <http://supreme.justia.com/cases/federal/us/572/12-696/opinion3.html>.

part **2**

state regulations



State Regulations

Effective date: Refer to the table

Summary: During the 2014 legislative session, 10 state board of education regulations were amended and one new regulation was passed. Also during this session, five regulations were repealed because they are now obsolete due to amendments to state law. We have reviewed our model policy manual and noted those policies that contained legal references to changed regulations. We have also made content changes in model policies and administrative rules, if needed, based on comparisons of policy language and regulation changes. A table outlining the status of all final regulations follows.

The information below is arranged numerically by state board regulation number. Beneath the policy reference is a brief discussion of the regulation and any action SCSBA has taken based on these regulations.

If a local policy or administrative rule appears to be in conflict with the regulation as amended, you should consider updating either one or both.

For the full text of a regulation, visit the South Carolina Department of Education website at www.ed.sc.gov. Click on Agency, State Board and scroll down to the appropriate regulations chart dealing with the 2013-14 regulations. Click on the regulation number or the document number (if available). You will be able to view the document or print it in its entirety.

Regulation 43-62 - Requirements for Additional Areas of Certification (Document No. 4422)

The regulation governs the requirements for educators in South Carolina who desire to add areas of certification to an existing certificate. The amendment to this regulation refined and updated requirements for an educator to be endorsed in online teaching.

Local district action required: No policy action is required.

Policy reference: N/A

Regulation 43-64 - Requirements for Certification at the Advanced Level (Document No. 4406)

Schools with low academic performance have been designated by the federal government as Priority Schools. The regulation has been amended to enhance the specialized skills of principals in leading and turning these schools around by providing an endorsement to those educators with principal certification who complete specialized training in the Transformational Leaders' Academy offered through the Office of School Leadership.

Local district action required: No policy action is required.

Policy reference: N/A

Regulation 43-130 - Accreditation Standards Filed (Document No. 4401)

The regulation has been repealed and combined with existing Regulation 43-300 Accreditation. Any references to Palmetto Unified School District are now covered in new Regulation 43-229 (see next page).

Local district action required: No policy action is required.

Policy reference: N/A

Regulation 43-162 - School Superintendent Compensation and Benefits/Expenses (Document No. 4391)

The regulation was repealed since there is no statutory authority for it. Compensation and benefits/expenses for a superintendent are contractual matters to be determined by the local board.

Local district action required: No policy action is required.

Policy reference: CBD (Superintendent's Contract)

Regulation 43-188 - Displaying the Flag (Document No. 4403)

The regulation has been amended to include further guidance for displaying the flag by including reference to Section 10-1-61 which deals with state capitol building flags being flown at half-staff. The inclusion of this additional language makes the regulation consistent with state law. The South Carolina Department of Education will alert school districts if flags must be flown half-mast on certain occasions or in certain circumstances.

Local district action required: No policy action is required.

Policy reference: IMDB (Displaying the Flag)

Regulation 43-201.1 - Teacher Grants (Document No. 4409)

The regulation has been repealed. There is no longer funding for this program, thus making the regulation obsolete.

Local district action required: No policy action is required.

Policy reference: N/A

Regulation 43-229 - Defined Program for the Palmetto Unified School District (PUSD) (Document No. 4421)

The Palmetto Unified School District was established to provide educational services to inmates through a statewide school district. As a sanctioned school district, PUSD is also mandated to comply with the regulations of the state board of education unless otherwise noted. Therefore, the PUSD will provide a defined educational program that complies with standards prescribed for the board of trustees and district operations for secondary grades and adult education programs. This new regulation addresses the requirements to successfully operate the PUSD just as any other state-identified school district except where the unique need and situations of incarcerated students require modifications or exceptions.

Local district action required: No policy action is required.

Policy reference: N/A

Regulation 42-237.1 - Adult Education Program (Document No. 4420)

The administration, coordination and management of adult basic and adult secondary education in this state are the responsibility of the state Board of Education. The regulation has been amended to replace references to the Tests of General Educational Development (GED) with high school equivalency testing program, to add language to the section on length of school term to include offerings through the virtual school program or an approved proficiency-based system, to clarify funding allocations and to expand on approved programs of study.

Local district action required: No policy action is required.

Policy reference: IHD (Adult/Community Education)

Regulation 43-243.4 - Utilization of General Teacher Certification (Document No. 4396)

The regulation has been repealed since this certificate is no longer issued for teachers. Repeal of this regulation will allow schools and districts greater flexibility in the provision of services to their students by expanding the type of courses teachers with a generic teaching credential can instruct.

Local district action required: No policy action is required.

Policy reference: N/A

Regulation 43-248 - South Carolina Virtual School Program (Document No. 4407)

The regulation has been amended to reflect changes made to state law last year in terms of enrollment and the removal of limits on the number of credit hours students may earn through the state-run program. Other revisions include changing the title of the program to “virtual education program,” adding language about districts that fail to reasonably accommodate nonpublic school students being ineligible to participate in the virtual education program, placing a limitation on any program fees charged so that it does not exceed the per pupil cost of the program and streamlining the registration and enrollment processes.

Local district action required: Changes were made to model policy IJNDAA* and the accompanying administrative rule in the 2013 Policy and Legislative Update Book to reflect the changes in state law removing credit limits for these courses. SCSBA is recommending modifications again this year to the policy and rule to reflect the additional changes to the program as discussed above.

Policy reference: IJNDAA* (Distance, Online and Virtual Education)

Model policy and rule follow this section.

Regulation 43-259 - Adult Education (Document No. 4419)

Amendments to the regulation were made to remove references to the Tests of General Educational Development (GED) and replace them with high school equivalency diploma and remove the language on limits on units earned through the virtual education program. Also certification requirements for adult education teachers were revised.

Local district action required: No policy action is required.

Policy reference: IHD (Adult/Community Education)

Regulation 43 - 272 - School Admission (Document No. 4397)

The regulation identifies the immunization and other records needed for students to enter school in compliance with DHEC regulations. Language was added to include grades seven through twelve and to make this regulation consistent with the statutory requirement in Section 44-29-180.

Local district action required: No policy action is required.

Policy reference: JFAA (Admission of Resident Students)

Regulation 43-274 - Student Attendance (Document No. 4408)

The regulation establishes lawful and unlawful absences for students, defines truancy and reporting requirements, establishes intervention plans and outlines referrals with judicial intervention and the South Carolina Department of Juvenile Justice. The regulation also discusses the timeframe allowed for students to complete make-up work in order to satisfy the 120-hour requirement. Language has been added to further define extenuating circumstances and to extend the timeframe for make-up work under these conditions.

Local district action required: SCSBA has a model administrative rule JH-R that addresses make-up work for students whose absences are approved. Language has been added to the rule reflecting the amendments to the regulation which include expanding the definition of extenuating circumstances and the timeline for make-up requirements in this category. The model should be considered to replace your existing administrative rule.

Policy references: JE (Student Attendance) and JH (Student Absences and Excuses)

Model administrative rule follows this section.

Regulation 43-279 - Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to Be Implemented by Local School Districts (Document No. 4404)

The regulation establishes a uniform system of minimum disciplinary enforcement for the school districts of South Carolina. This year one section title was changed and Appendix A (a summary of the regulation) and Appendix B (a listing of relevant statutes) were deleted for being duplicative information. Also, the information in Subsections A through F on the disciplinary procedures for disabled students was removed and replaced with a cross-reference to Regulation 43-243 which contains the same information.

Local district action required: The legal reference, R43-243 Special education, has been added to model policy JICDA. SCSBA will make changes to district policies upon request. Also, SCSBA recommends leaving the information on disciplining students with disabilities in administrative rule JICDA-R since it is relevant to the code of conduct for all students.

Policy reference: JICDA (Code of Conduct)

Regulation 43-300 - Accreditation Criteria (Document No. 4400)

The regulation governs the accreditation process for schools and districts in the state. The current version, which has one process available through the South Carolina Department of Education, has been amended to include a second accreditation option through an accrediting entity

accepted by higher education [i.e., AdvancED/Southern Association of Colleges and Schools (SACS)]. Changes have also been made to the accreditation process through SCDE.

Local district action required: No policy action is required.

Policy reference: N/A

Regulation 43-500 - Operation and Funding of Teacher Training Courses in Mathematics, Science, Reading and Computer Education (Document No. 4405)

The regulation covered specially designed training courses in various areas for teachers but has been repealed since it is no longer a part of the department's practice to offer these courses.

Local district action required: No policy action is required.

Policy reference: N/A

DISTANCE, ONLINE AND VIRTUAL EDUCATION

Code **IJNDAA*** Issued **MODEL/14**

Purpose: To establish the board's vision and the basic structure for providing technology-delivered courses as an alternative means of instruction for students.

The district will utilize technology-delivered courses as part of its educational program to increase accessibility and flexibility in the delivery of instruction in the district. In addition to regular, classroom-based instruction, students in the district may earn credit through accredited distance, online or virtual learning courses operated through the district's program and/or the state-run virtual education program.

District courses

All technology-delivered programs and courses offered by the district will be consistent with state academic standards and instructional goals of the district, ensuring both the rigor of the course and the quality of instruction. The district will review instructional materials periodically to ensure they meet program standards.

The district will integrate technology-delivered instruction as part of the regular instruction provided by a certified teacher in the district for grades K through 12.

Grades nine through 12

Students in grades nine through 12 may earn a maximum of ***** units of academic credit to be applied toward graduation requirements by completing technology-delivered courses offered through agencies/universities approved by the board.

A student may earn credit for a distance, online or virtual learning course under the following circumstances.

- The high school does not offer the course due to lack of certified personnel.
- The high school does offer the course, but the student is unable to take it due to an unavoidable scheduling conflict.
- The course will serve as a supplement to extended medical homebound instruction.
- The district has expelled the student from the regular school setting, but educational services are to be continued.
- The principal, with agreement from the student's parent/legal guardian and teachers, determines the student requires a differentiated or accelerated learning environment.
- The student needs the course for credit recovery.
- The student needs the course to meet graduation requirements.

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- The student must be enrolled in a school in the district and, if applicable, will take the course during the regular school day at the school site.
- *Add additional circumstances here.*

The school must receive an official record of the final grade before awarding credit toward graduation.

Application for courses

A student applying for permission to take a technology-delivered course must do the following.

- Complete prerequisites and provide teacher/counselor recommendations to confirm that he/she possesses the maturity level needed to function effectively in a distance, online or virtual learning environment.
- Obtain the approval of the principal or his/her designee before enrolling in a technology-delivered course.
- Adhere to the district code of conduct to include rules of behavior, consequences for violations and signed student agreements. (*District may want to add consequences to JICDA, Student Behavior Code.*)
- Adhere to attendance requirements of the district.

District review committee

The superintendent will establish a committee to review all technology-delivered courses prior to use by the district.

Evaluation

The district will evaluate the educational effectiveness of the technology-delivered courses and the teaching/learning process to include assessments based on state academic standards as well as student satisfaction. The district will use this evaluation to decide whether to grant credit for the course or to continue or discontinue the use of the technology-delivered course.

The school will pay the tuition fee for the course for students enrolled full time. The board will pay the fee for students who are permitted to take technology-delivered courses in alternative settings.

Students will have access to sufficient library media resources such as a “virtual library” available through the World Wide Web, laboratory facilities, technical assistance, and hands-on training and information.

The school will be responsible for providing applicable in-school supervision and monitoring of students enrolled in technology-delivered courses.

PAGE 3 - IJNDAA* - DISTANCE, ONLINE AND VIRTUAL EDUCATION

The district will not use distance, online or virtual education courses as the sole medium for instruction in any required subject area for students in grades K through eight.

State-run virtual education program

The state-run virtual education program offers public, private or home-schooled students access to technology-driven courses. These courses may be offered to district students for an initial unit of credit and for access to credit recovery programs under guidelines established by the state board of education.

The district will transcribe the student's final numeric grade to the student's permanent grade and transcript.

Students enrolled in these courses will take final exams and appropriate state assessments in a proctored environment.

Nothing in state law requires the district to provide either home computer equipment or Internet access to a student enrolling in this program.

This virtual education program will not award a South Carolina high school diploma.

Cf. IHBG, IHBH

Adopted ^

Legal references:

- A. South Carolina Code of Laws 1976, as amended:
 - 1. Section 59-16-10, et seq. - South Carolina Virtual School Program.
- B. State Board of Education Regulations:
 - 1. R43-248 - Virtual education program.

DISTANCE, ONLINE AND VIRTUAL EDUCATION

Code **IJNDAA-R*** Issued **MODEL/14**

State-run virtual education program

In order to participate in the state-run virtual education program, the district or a school will adhere to the following.

Sponsorship criteria

In order to become a sponsor, the district, school or homeschool parent/legal guardian must register with the virtual education program by meeting the following requirements.

- Have a program of studies that leads to a diploma.
- Comply with the policies governing online courses established by the virtual school program.
- Identify an individual within the school system who will advise the student regarding the courses he/she will need to earn a diploma.
- Identify an individual within the school system who will assist the student in resolving any technology issues that may arise.
- In-school students (in membership in a public school including medical homebound, home-placed and off-campus students, and students enrolled in an adult education program) must have approval from the school principal or his/her designee.
- Non-public school students (private school or homeschool students) must have approval from the private school or homeschooling parent/legal guardian.
- Out-of-school students [those who have not officially withdrawn from a particular school and are entered in the student database as non-funded (includes expelled students)] or those who have not officially withdrawn from a particular private school must have approval from the superintendent. The district must allow credit to be recorded on an out-of-school student's transcript for a student to be approved to take a virtual education program course.
- A student who is taking a course for which an End-of-Course Examination Program (EOCEP) is required must take the test online in the district where the student resides. If an online testing location is unavailable, the district's test coordinator must find a location in a nearby district.

Student responsibilities

The student must secure approval to take a specific course from the sponsor.

The student must furnish his/her own computer or have access to one and have Internet access in order to take the virtual education program courses. The sponsor may provide these for the student.

PAGE 2 - IJNDAA-R* - DISTANCE, ONLINE AND VIRTUAL EDUCATION

The student must agree to abide by policies and expectations posted on the virtual education program's website, as well as indicate a willingness to abide by the acceptable use policy.

Applications for the program must be completed online. Upon approval, the student must contact his/her instructor within three days of the start of class.

Parental approval for a student to take a course with the virtual education program is required for a student 17 years of age or younger. The parent/legal guardian must also agree that the student will abide by the acceptable use policy.

Sponsor responsibilities

As a registered sponsor, the district or school must do the following.

- Verify that the student is a legal resident of the state of South Carolina before allowing enrollment in the virtual education program.
- Keep sponsor registration information up to date.
- Respond to a student's request to enroll in a virtual education program course.
- All nonpublic sponsors must contact the district test coordinator in the school district in which they reside to arrange for students to take the appropriate End-of-Course Examination Program (EOCEP) tests online.
- The district will determine whether it will charge nonpublic sponsors a fee for the administration of the EOCEP tests. If a fee is charged, it must be reasonable, directly related to the district's added costs for providing this testing and cannot exceed the fee established by the state board. If the district fails to reasonably accommodate nonpublic school students, it will not be eligible to participate in the virtual education program.
- Ensure that the final examination for each course is conducted in a proctored environment.
- Award the numeric grade and unit value to a student enrolled in a virtual education program course by recording it on the student's transcript in his/her permanent record in the same manner as with any other course the student takes.
- Report to the virtual education program the reason for a student's withdrawal from a course at the time the student withdraws.
- Provide all reports as required by state law and regulation.

Issued ^

STUDENT ABSENCES AND EXCUSES

Code **JH-R** Issued **MODEL/14**

The board of trustees designates the principal of the school to promptly approve or disapprove any student's absence of more than 10 days.

Unlawful absences

A student ages six to 17 years who has three consecutive unlawful absences or a total of five unlawful absences is considered truant as defined by state board of education regulation.

A student ages 12 to 17 years who fails to comply with the school's intervention plan and accumulates two or more additional unlawful absences is considered a habitual truant.

A student ages 12 to 17 years who has been through the school intervention process, has reached the level of a habitual truant, has been referred to family court and placed on an order to attend school and continues to accumulate unlawful absences is considered a chronic truant.

Intervention

In order to encourage and assist students in attending school regularly, the administration will administer the following intervention procedures.

Once a student is determined to be truant, school officials will make every reasonable effort to meet with the parent/legal guardian to identify the reasons for the student's continued absence, including telephone calls, home visits, written messages and e-mails.

A written intervention plan will be developed by school administrators in conjunction with the student and the parent/legal guardian. The intervention plan must include, but is not limited to, the following.

- a designated person to lead the intervention team (may be someone from another agency)
- reasons for the unlawful absences
- actions the parent/legal guardian and student will take to resolve the causes of the unlawful absences
- documentation of referrals to appropriate service providers and, if available, alternative school and community-based programs
- actions to be taken by intervention team members
- actions to be taken in the event unlawful absences continue
- signature of parent/legal guardian or evidence that attempts were made to include them
- documentation of involvement of team members
- guidelines for making revisions to the plan

School officials may utilize a team intervention approach to include representatives from social services, community mental health, substance abuse and prevention and other persons deemed appropriate in formulating the intervention plans.

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Referrals and judicial intervention

The district will not refer a child age six to 17 years to the family court to be placed on an order to attend school prior to the written intervention plan being completed by the school with the parent/legal guardian. The district will not use a consent order from any local school or district as an intervention plan.

Refusal by the parent/legal guardian to cooperate with school intervention planning can result in a referral of the student to family court and the filing of a report against the parent/legal guardian with social services in accordance with law.

The district will inform the parent/legal guardian and/or the student of their right to have legal representation and their right to a trial at this time.

If the situation continues to where the student is classified as a habitual truant, school officials may file a petition for a school attendance order. Once a school attendance order has been issued by the family court and the student continues to accumulate absences to the point of becoming a chronic truant, school officials may refer the case back to family court. The school and district will exhaust all reasonable alternatives prior to petitioning the family court to hold the student and/or parent/legal guardian in contempt of court.

Transfer to another school

If a student transfers to another public school in the state, the district will forward the student's intervention plan to the receiving school.

Approval of absences in excess of 10 days

After 10 lawful or unlawful absences or a combination thereof, the principal of the school will approve or disapprove each succeeding absence.

Optional: Furthermore, in order to more fully clarify unusual or unexpected mitigating circumstances, each school principal should evaluate individually and approve the following lawful absence situations.

- *family educational trips*
- *community and church related performing groups*
- *organized competitive events or related activities*

Make-up work

Students whose absences are approved should be allowed to make up any work missed in order to satisfy the 120-hour requirement. Examples of make-up work that address both time and academic requirements of a course may include the following.

- after-school and/or weekend make-up programs
- extended-year programs

All make-up time and work must be completed within 30 days from the last day of the course. The board or its designee may extend the time for a student's completion of the requirements due

PAGE 3 - JH-R - STUDENT ABSENCES AND EXCUSES

to extenuating circumstances that include, but are not limited to, the student's medical condition, family emergencies and other student academic requirements that are considered to be a maximum load. Make-up requirements that extend beyond 30 days due to extenuating circumstances must be completed prior to the beginning of the subsequent new school year.

School principals will exert every realistic effort to provide assurance that this regulation is adhered to in a fair and consistent manner. Principals will place special emphasis on coordinating implementation affecting students within the same family.

Issued ^

2014 State Regulations Status Table

	Reg. No. 43 -	Doc. No.	<i>Title</i>	Action	Effective date
1.	62	4422	Requirements for Additional Areas of Certification	Amend	6/27/14
2.	64	4406	Requirements for Certification at the Advanced Level	Amend	6/27/14
3.	130	4401	Accreditation Standards Filed	Repeal	6/27/14
4.	162	4391	School Superintendent Compensation and Benefits/Expenses	Repeal	6/27/14
5.	188	4403	Displaying the Flag	Amend	6/27/14
6.	201.1	4409	Teacher Grants	Repeal	6/27/14
7.	229	4421	Defined Program for the Palmetto Unified School District (PUSD)	New	6/27/14
8.	237.1	4420	Adult Education Program	Amend	6/27/14
9.	243.4	4396	Utilization of General Teacher Certification	Repeal	6/27/14
10.	248	4407	South Carolina Virtual School Program	Amend	6/27/14
11.	259	4419	Adult Education	Amend	6/27/14
12.	272	4397	School Admission	Amend	6/27/14
13.	274	4408	Student Attendance	Amend	6/27/14
14.	279	4404	Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts	Amend	6/27/14
15.	300	4400	Accreditation Criteria	Amend	6/27/14
16.	500	4405	Operation and Funding of Teacher Training Courses in Mathematics, Science, Reading and Computer Education	Repeal	6/27/14

Source: South Carolina Department of Education, 2014; South Carolina House of Representatives Education Committee, 2014

part **2**

federal regulations



Federal Regulations

Summary: Over the past year, a number of federal agencies have issued regulations, guidance documents and agency notices regarding public education. The information below is a summary explaining some of those regulations and guidelines including reference to their locations. SCSBA only recommends policy changes for the first regulation listed.

Department of Agriculture

Nutrition Standards for Competitive Foods

Effective Date: July 1, 2014

The United State Department of Agriculture (USDA) issued an interim final rule, Smart Snacks in School, establishing nutrition standards for all foods and beverages sold at school during the day outside of meal programs. The nutrition standards are the minimum requirements. State agencies and school districts may establish additional standards to best meet the needs of students within the state and individual school districts. However, any state or local standards must be consistent with federal standards. This applies to foods and beverages sold in the cafeteria, school stores, snack bars, vending machines and other venues. The text can be found at:

http://www.sde.ct.gov/sde/LIB/sde/pdf/deps/nutrition/nslp/USDA_CFstandards.pdf.

Local district action required: Since school district administration must implement the nutritional standards beginning July 1, 2014, SCSBA has developed a model administrative rule referencing these standards.

Policy reference: EFE (Competitive Food Sales/Vending Machines)

Model administrative rule follows this section.

Professional Standards for School Food Personnel

The USDA issued rules regarding the minimum educational requirements for school nutrition program directors hired beginning July 1, 2015. The minimum educational requirements are categorized by the size of the hiring district. The text can be found at:

<http://www.fns.usda.gov/sites/default/files/CN2014-0130.pdf>.

Provisions under the Healthy, Hunger-Free Kids Act

The USDA issued a final rule implementing provisions of the Healthy, Hunger-Free Kids Act which will make it easier for children to get nutritious meals when they are away from home. The USDA predicts that school districts will only have to make minor changes to the procedures used to operate nutrition programs. The provisions emphasized in the rule relate to categorical eligibility of foster children, outreach to eligible families, simplification of area eligibility for day care homes and the application of school food safety requirements. The text can be found at:

http://www.fns.usda.gov/sites/default/files/FR_Rule-022813.pdf.

Department of Education

Braille Instruction

The United State Department of Education (DOE) issued a Dear Colleague Letter regarding a school district's responsibility to make provisions for Braille instruction in educating blind and visually impaired students. Under the Individuals with Disabilities Education Act (IDEA), the Individualized Education Program (IEP) team must provide for instruction in Braille and the use of Braille unless the IEP team determines that such instruction and use is not appropriate for the child. The purpose of the letter is to reaffirm the importance of Braille instruction as a literacy tool for blind and visually impaired students, to clarify the circumstances in which Braille instruction should be provided and to reiterate the scope of an evaluation required to guide decisions of the IEP teams in this area. The letter also identifies resources that are designed to help strengthen the capacity of state and local personnel to meet the needs of students who are blind or visually impaired. The U.S DOE explained that the requirement applies equally to students who need Braille instruction when they enroll in kindergarten, as well as to students who will benefit from Braille instruction because they face the prospect of future vision loss later in their educational careers. The text can be found at:

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/brailledcl-6-19-13.pdf>.

Bullying of Students with Disabilities

The U.S. DOE issued a Dear Colleague Letter and attachment examining school districts' responsibilities to ensure that students with disabilities who are subject to bullying continue to receive the appropriate services as set forth in the Individuals with Disabilities Education Act (IDEA). The letter discusses identifying and responding to bullying behaviors, providing support and services to bullied students, clarifying the role of the Individualized Education Program (IEP) Team, training of staff and students and re-evaluating policies and procedures to address problematic behaviors, including bullying. The text can be found at:

<http://www.ed.gov/blog/2013/08/keeping-students-with-disabilities-safe-from-bullying/>.

Data Destruction of Student Records

The U.S. DOE provides an overview of various methods for disposing of electronic data, discusses how these methods relate to legal requirements and establishes best practices for protecting student information. The text can be found at:

[http://ptac.ed.gov/sites/default/files/Best%20Practices%20for%20Data%20Destruction%20\(2014-05-06\)%20%5BFinal%5D.pdf](http://ptac.ed.gov/sites/default/files/Best%20Practices%20for%20Data%20Destruction%20(2014-05-06)%20%5BFinal%5D.pdf).

Highly Mobile Children

The U.S. DOE issued a Dear Colleague Letter addressing concerns about highly mobile children with disabilities under the Individuals with Disabilities Education Act (IDEA). Highly mobile children include those experiencing frequent family moves into new school districts, such as military-connected children, migrant children, children in the foster care system and children who are homeless. The agency seeks to improve the educational stability of and post-school outcomes for these children. Guidance is given regarding timely and expedited evaluations and eligibility determinations along with comparable services (i.e. summer services) to ensure highly mobile children with disabilities receive the appropriate special education and related services they need. The text can be found at:

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/12-0392dclhighlymobile.pdf>.

Homeless Disabled Children and Transportation

In a letter, the U.S. DOE responded to an inquiry asking when Individuals with Disabilities Education Act (IDEA) funds could be used to support the transportation needs of students who are homeless and who have a disability. The agency explained that school districts can use both McKinney-Vento Act and IDEA Part B funds for transportation of students with disabilities who are homeless to their school of origin, depending on the circumstances. The letter also clarified when IDEA Part B funds can be used for transportation of children without disabilities as an incidental benefit. The text can be found at:

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/nc-bowman-homeless-final-8-5-13.pdf>.

IDEA Dispute Resolution Procedures

The U.S. DOE published a questions and answers document with information to facilitate appropriate implementation of the IDEA dispute resolution procedures, including mediation, state complaint procedures and due process complaint and hearing procedures. Regulations for Part B of the Individuals with Disabilities Education Act (IDEA) were established in 2006 and supplemental IDEA regulations became effective in 2008. Since publication of the regulations, the U.S. DOE has received requests for clarification regarding them. This document addresses some of the most important issues raised by those requests for clarification. The text can be found at:

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/acccombinedosersdisputeresolutionqafinalmemo-7-23-13.pdf>.

Pregnant and Parenting Students

The U.S. DOE issued a Dear Colleague Letter and accompanying pamphlet discussing the systemic problem of high school drop-out rates due to pregnancy. These guides are to aid school administrators, teachers, counselors and parents in helping students who become mothers and fathers while in high school successfully complete their education. The Dear Colleague Letter also reminds districts that it is a violation under Title IX to exclude pregnant (or previously pregnant) students from participating in the educational program, and a violation not to excuse student absences for medical leave due to pregnancy. The text can be found at:

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201306-title-ix.pdf>.

Providing Physical Education to Preschool Aged Children

In a letter, the U.S. DOE responded to an inquiry asking whether a school district is required to provide physical education to preschool aged children with disabilities when the district is not providing such services to any children. The agency explained that if specially designed physical education is prescribed in a child's Individual Education Program (IEP), the district responsible for the education of that child must provide the services directly or make arrangements for those services to be provided through other public or private programs. Additionally under the Individuals with Disabilities Education Act (IDEA), those services must be provided whether or not they are provided to other children in the district. The text can be found at:

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/13-004807r-wi-tymeson-apefinal-7-31-13.pdf>.

Sexual Violence, Discrimination and Title IX

The U.S. DOE provides guidance through frequently asked questions explaining schools' responsibility to respond promptly and effectively to sexual violence against students in accordance with the requirements of Title IX. The text can be found at:

<http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

Student Privacy and Online Educational Services

The U.S. DOE provides guidance to help school districts and educators interpret and understand the major laws protecting student privacy while using online educational services. The agency discusses the major requirements of the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendments (PPRA). School districts are urged to go beyond compliance to follow best practices for outsourcing functions using online educational services, including computer software, mobile applications and web-based tools. The text can be found at: <http://www.ed.gov/news/press-releases/department-releases-new-guidance-protecting-student-privacy-while-using-online-e>.

Department of Education and Department of Justice

Immigration Status and Equal Access to Education

The Departments of Justice and Education issued a Dear Colleague Letter reminding school districts of the requirement to provide all children with equal access to public education at the elementary and secondary level regardless of parent or guardian citizenship or immigration status. To deny a child an education opportunity based on race, color or national origin is a violation of federal law. The agencies quoted *Plyer v. Doe*, the 1982 court decision, stating “denying innocent children access to a public education imposes a lifetime hardship on a discrete class of children not accountable for their disabling status.” School districts are provided guidance regarding permissible enrollment practices. The text may be found at: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405.pdf>.

Nondiscrimination in School Discipline

The Departments of Education and Justice released a school discipline guidance package that will assist school districts in developing practices and strategies to enhance school climate and ensure those policies and practices comply with federal law. Administrators can improve safety by making sure that climates are welcoming and that responses to misbehavior are fair, non-discriminatory and effective. Each year, significant numbers of students miss class due to suspensions and expulsions and students of color and with disabilities are disproportionately impacted. The guidance package provides resources for creating safe and positive school climates, which are essential for boosting student academic success and closing achievement gaps. The text can be found at: <http://www.ed.gov/news/press-releases/us-departments-education-and-justice-release-school-discipline-guidance-package->.

Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation

In response to the *Fisher v. University of Texas at Austin* case decided by the U.S. Supreme Court on June 24, 2013 (race in admissions programs), the U.S. Department of Justice and the U.S. Department of Education issued a joint Dear Colleague Letter and Frequently Asked Questions list addressing school districts’ use of race to achieve diversity while avoiding racial isolation. The agencies advise that the 2011 documents issued on the matter are still in effect as they strongly support efforts to promote diversity in elementary and secondary schools. The text can be found at: <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-qa-201309.pdf>.

Similarly, in a Dear Colleague Letter the two agencies also confirmed the United States Supreme Court decision, *Schuette v. Coalition to Defend Affirmative Action, et al.*, which was decided on April 22, 2014. The Court upheld the right of higher education and elementary and secondary schools to use all legally permissible methods to achieve diversity goals. The Departments of Justice and Education noted their strong support of diversity because racially diverse environments help to prepare students to succeed in our increasingly diverse nation. The text can be found at:

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405-schuette-guidance.pdf>.

Department of Justice

Effective Communication

The Department of Justice provided guidance for school districts to understand how the rules for effective communication, including rules that went into effect on March 15, 2011, apply to them. The ADA requires that title II entities (state and local governments) communicate effectively with people who have communication disabilities. The goal is to ensure that communication with people with these disabilities is equally effective as communication with people without such disabilities. The text can be found at:

<http://www.ada.gov/effective-comm.htm>.

Department of Labor

Break Time for Nursing Mothers

In August 2013, the United States Department of Labor (DOL) issued Fact Sheet # 73, setting out general information about the break time requirement for nursing mothers under the Affordable Care Act, which amended the Fair Labor Standards Act. Fact sheet #73 discusses the general requirements, time and location of breaks, coverage and compensation and prohibitions on retaliation. The text can be found at:

<http://www.dol.gov/whd/regs/compliance/whdfs73.htm>.

Qualifying Reasons for FMLA Leave

The DOL issued a revised fact sheet on qualifying reasons for leave under the Family Medical Leave Act (FMLA). The fact sheet discusses leave for the birth of a child, adoption or placement of foster children, serious illnesses and military deployment. The text can be found at:

<http://www.dol.gov/whd/regs/compliance/whdfs28f.htm>.

Equal Employment Opportunity Commission

Religious Garb and Grooming in the Workplace

In a recent publication, the Equal Employment Opportunity Commission answers questions about how federal employment discrimination law applies to religious dress and grooming practices and what steps employers can take to meet their legal responsibilities in this area. Employers are required to make exceptions to their usual rules or preferences to permit applicants and employees to observe religious dress and grooming practices in most circumstances. The text can be found at:

http://www.eeoc.gov/eeoc/publications/qa_religious_garb_grooming.cfm.

Equal Employment Opportunity Commission and Federal Trade Commission

Use of Employment Background checks

The Equal Employment Opportunity Commission and Federal Trade Commission issued a joint publication on the use of employment background checks. The agencies emphasize that employers need written permission from job applicants before getting background reports from companies in the business of compiling background information. Furthermore, they reaffirm that it is illegal to discriminate based on a person's race, color, national origin, sex, religion, age (40 or older), disability or genetic information, including family medical history, when requesting or using background information for employment, regardless of where the information was obtained. The publication includes information on obtaining, using and disposing of background information. The text can be found at:

http://www.eeoc.gov/eeoc/publications/background_checks_employers.cfm.

Federal Trade Commission

Complying with COPPA

The Federal Trade Commission provides answers to frequently asked questions regarding the Children's Online Privacy Protection Act. The text can be found at:

<http://www.business.ftc.gov/documents/0493-Complying-with-COPPA-Frequently-Asked-Questions>.

Federal Agency Collaborations

Developing Emergency Operations Plans

In response to the tragedy at Sandy Hook Elementary School in 2012, a multi-federal agency task force including the U.S. Department of Education, U.S. Department of Health and Human Services, U.S. Department of Homeland Security, U.S. Department of Justice, Federal Bureau of Investigation and Federal Emergency Management Agency convened to discuss how to help schools prepare for and respond to emergencies. The task force developed guidelines for school officials and first responders to implement emergency operations plans. The guidelines cover the principles of school emergency planning; a process for developing, implementing and continually refining an emergency operations plan with community partners (e.g. first responders and emergency management personnel) at the school building level; and the courses of action unique to particular threats and hazards. The text can be found at:

http://rems.ed.gov/docs/REMS_K-12_Guide_508.pdf.

Students with Food Allergies

The Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs were developed in response to Section 112 of the FDA Food Safety Modernization Act, which was enacted in 2011. Collaboratively, the Departments of Health and Human Services and Education, as well as the Center for Disease Control, developed these guidelines to support the implementation of food allergy management and prevention plans and practices in schools. The guidelines provide practical information, planning steps and strategies for reducing allergic reactions and responding to life-threatening reactions for parents, district administrators, school administrators and staff. The text can be found at:

http://www.cdc.gov/healthyyouth/foodallergies/pdf/13_243135_A_Food_Allergy_Web_508.pdf.

COMPETITIVE FOOD SALES/VENDING MACHINES

Code **EFE-R** Issued **MODEL/14**

In an effort to promote student wellness, prevent and reduce childhood obesity and provide assurance that school meals and snacks meet the minimum federal standards, the district implements this rule governing the sale of competitive foods within the district.

Competitive foods means all foods and beverages sold to students during the school day other than food sold under the lunch and breakfast programs provided under the Child Nutrition Act (CAN) and the Richard B. Russell National School Lunch Act (NSLA). The school day is the period from the midnight before to 30 minutes after the end of the school day.

This rule applies to all properties under the jurisdiction of the school that are accessible to students during the day. The venues include, but are not limited to, á la carte in the cafeteria, school stores, snack bars and vending machines.

Definitions

Á la carte: an individually priced food item.

Combination food: a product that contains two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein or grains. Examples include yogurt and fruit parfait, hummus with vegetables and cheese and crackers.

Entrée: a combination food of meat/meat alternative and whole grain rich food; or a combination food of vegetable or fruit and meat/meat alternative; or a meat/meat alternative alone, with the exception of yogurt, low-fat or reduced fat cheese, nuts, seeds and nut or seed butters and meat snacks (such as dried beef jerky and meat sticks).

Nutritive sweetener: a sweetener that provides energy (calories) in the form of simple carbohydrates such as sugars and syrups, i.e. brown sugar, corn sweetener, corn syrup, dextrose, fructose, fruit juice concentrates, glucose, high-fructose corn syrup, honey, invert sugar, lactose, malt syrup, maltose, molasses, raw sugar, sucrose, sugar or syrup.

Entrée items (sold only á la carte) and side dishes

The nutrition requirements for food apply to all grade levels and must meet one of the following standards.

- be a grain product that contains 50 percent or more whole grains by weight or have whole grains as the first ingredient
- have as the first ingredient one of the non-grain main food groups; fruits, vegetables, dairy or protein foods (i.e., meat, beans, poultry, seafood, eggs, nuts, seeds)
- be a combination food that contains at least 25 percent cup fruit and/or vegetable

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- contain 10 percent of the daily value (DV) of a nutrient of public health concern (i.e., calcium, potassium, vitamin D or dietary fiber)*

**Effective July 1, 2016, this will no longer qualify as a competitive food.*

If water is the first ingredient, the second ingredient must be one of the above. Exemptions include the following.

- fresh fruits and vegetables with no added ingredients except water
- canned and frozen fruits with no added ingredients except water, or those that are packed in 100 percent juice, extra light syrup or light syrup
- canned vegetables with no added ingredients except water or that contain a small amount of sugar for processing purposes to maintain the quality and structure of the vegetable

Total fat in entrée items and side dishes

Acceptable food items must have no more than 35 percent of calories from total fat as served including any added accompaniments. **Under state regulations, foods sold at any K-5 public school can not have more than 30 percent calories from fat.**

Exemptions to the total fat requirement include the following (combination foods are not exempt).

- reduced-fat cheese (including part-skim mozzarella)
- nuts and seeds and nut/seed butters
- dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats
- seafood with no added fat

Saturated fat in entrée items and side dishes

Acceptable food items must have less than 10 percent of calories from saturated fat as served including any condiments.

Exemptions to the saturated fat requirement include the following (combination foods are not exempt).

- reduced-fat cheese (including part-skim mozzarella)
- nuts and seeds and nut/seed butters
- dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats

Trans fat in entrée items and side dishes

Acceptable food items must have zero grams of trans fat as served (no more than .5 gram per portion) including any added accompaniments.

Sugar in entrée items and side dishes

Acceptable food items must have no more than 35 percent of weight from total sugar served.

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Exemptions to the sugar requirement include the following (combination foods are not exempt).

- dried whole fruits or vegetables
- dried whole fruit or vegetable pieces
- dehydrated fruits or vegetables with no added nutritive sweeteners
- dried whole fruits or pieces with nutritive sweeteners that are required for processing and/or palatability purposes (i.e. cranberries, tart cherries or blueberries)
- products consisting of only exempt dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats

Sodium in entrée items and side dishes

- Entrée items cannot exceed 480 milligrams of sodium per item as served including any added accompaniments.
- Snack items and side dishes can not exceed 230 milligrams of sodium per item as served.*

**Effective July 1, 2016, snack items and side dishes can not exceed more than 200 milligrams of sodium as served including added accompaniments.*

Calories in entrée items and side dishes

- Entrée items can not exceed 350 calories per item as served including any added accompaniments.
- Snack items and side dishes cannot exceed 200 calories per item as served including any added accompaniments such as butter, cream cheese and salad dressing.

Sugar-free gum is exempt from all competitive food standards.

Use of accompaniments is limited when competitive food is sold to students in school. The accompaniment must be included in the nutrient profile as part of the food item served and meet all proposed standards. Examples include, but are not limited to, butter, cream cheese, syrup, ketchup, mustard and salad dressing.

Any entrée item offered as part of the lunch program or the breakfast program is exempt from all competitive food standards if it is sold as a competitive food on the day of service or the day after service in the lunch or breakfast program. Exempt entrées that are sold as competitive foods must be offered in the same or smaller portion sizes as the NSLP and SBP and with the same accompaniments.

Beverages

Elementary school

- plain water, with or without carbonation (no size limit)
- one percent milk, unflavored (no more than eight fluid ounces)
- nonfat milk, flavored or unflavored (no more than eight fluid ounces), including nutritionally equivalent milk alternatives as permitted by the school meal requirements

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- 100 percent fruit/vegetable juice (no more than eight fluid ounces)
- 100 percent fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners (no more than eight fluid ounces)

Middle school

- plain water, with or without carbonation (no size limit)
- low fat or one percent milk, unflavored (no more than 12 fluid ounces)
- nonfat milk, flavored or unflavored (no more than 12 fluid ounces), including nutritionally equivalent milk alternatives as permitted by the school meal requirements
- 100 percent fruit/vegetable juice (no more than 12 fluid ounces)
- 100 percent fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners (no more than 12 fluid ounces)

High school

- plain water, with or without carbonation (no size limit)
- low fat or one percent milk, unflavored (no more than 12 fluid ounces)
- nonfat milk, flavored or unflavored (no more than 12 fluid ounces), including nutritionally equivalent milk alternatives as permitted by the school meal requirements
- 100 percent fruit/vegetable juice (no more than 12 fluid ounces)
- 100 percent fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners (no more than 12 fluid ounces)
- other flavored and/or carbonated beverages (no more than 20 fluid ounces) that are labeled to contain no more than five calories per eight fluid ounces or no more than 10 calories per 20 fluid ounces
- other flavored and/or carbonated beverages (no more than 12 fluid ounces) that are labeled to contain no more than 40 calories per eight fluid ounces or no more than 60 calories per 12 fluid ounces

Caffeine

In elementary and middle schools, foods and beverages must be caffeine-free with the exception of trace amounts of naturally occurring caffeine substances. In high schools, foods and beverages may contain caffeine.

Fundraisers

All foods that meet the competitive food standards may be sold at fundraisers on the school campus during school hours. Food or beverages that do not meet the standards may only be sold in occasional fundraisers if they are not sold in competition with school meals in the food serving area during the meal service. The standards do not apply to items sold during non-school hours, weekends or off-campus fundraising events.

Issued ^

part 2

joint resolutions



Joint Resolutions

Effective date: see items below

Summary: Occasionally, the General Assembly adopts education-related joint resolutions that have the same force of law as an act, but are temporary in nature, essentially terminating when their subject is completed. In recent sessions, the Legislature has passed joint resolutions giving school districts added fiscal flexibility in lean budget years. What follows is a list and brief description of the education-related joint resolutions passed this year. Because they are temporary, SCSBA does not recommend policy changes.

Snow days

Annually, winter-related snow or ice storms often mean missed school days somewhere in South Carolina. State law requires that districts make up missed school days and that three scheduled make-up days be built into the district calendar. Local legislative delegations, often at the request of districts, historically pass local laws to exempt the make-up day requirement.

H.4576, which passed early in the session, authorized school boards to waive up to five days from the statutorily required 180 days for schools that were closed due to inclement weather during the 2013-2014 school year. Districts were required to first exhaust any remaining statutorily required make-up days before waiving any of the five days. The effective date was March 12, 2014.

H.5253 followed shortly thereafter and said that school boards for Dorchester Two, Berkeley County and Spartanburg County school districts could waive up to five days missed due to inclement weather during the 2013-2014 school year without having to first exhaust any of the remaining three days required to be built into their annual calendars. The effective date was May 28, 2014.

H.5316 was a joint resolution similar to H.5253 applicable only to the Charleston County school board. The effective date was June 5, 2014.

Summer reading programs

A proviso in the Fiscal Year 2013-2014 budget required districts to operate summer reading programs for those students not showing reading proficiency at the end of the third grade. However, the Legislature did not provide adequate funds to enable districts to meet the mandate.

S.1194 was a joint resolution allowing any district not receiving adequate funds to meet the requirement by partnering with the South Carolina Department of Education's Summer Reading Loss Prevention Project. The effective date was May 16, 2014.

Negotiating retired teacher salaries

For the past several years, the Legislature has passed a joint resolution allowing school districts to uniformly negotiate salaries for retired, non-TERI teachers below the district salary schedule. Joint resolution H.4921 enacted this same authority for the 2014-2015 school year. The effective date was May 16, 2014. For a discussion of permanent law enacted this year on this issue and model policies reflecting this change, see pages 19-22, Retired Teacher Salaries.

Text: The text of these joint resolutions may be found at www.scstatehouse.gov. Click on Legislation; Bill, Act or Rat #; and enter the above relevant bill number for the search.

part **2**

temporary provisos



Temporary Provisos

Effective date: July 1, 2014

Summary: There were several new Part 1B temporary provisos enacted this year as well as others that were carried over from the previous year, amended or deleted. Because they are temporary, budget provisos must be revisited each year. What follows is a non-exhaustive list of new provisos and continuing provisos that were amended by the General Assembly. A complete listing of provisos, as well as the full text, can be found on the State House web site at http://www.scstatehouse.gov/sess120_2013-2014/appropriations2014/ta14ndx.php. Click on Part 1B (Provisos) to download a Word document of all provisos.

There are no policy implications for these temporary provisos.

EFA formula/base student cost inflation factor (1.3)

This continuing proviso is where the established base student cost and inflation factor are set each year. This year, the General Assembly incorporated new weightings and accompanying directives related to these weightings to reflect education funding reforms developed by the Governor.

1.3. (SDE: EFA Formula/Base Student Cost Inflation Factor) Due to the length of this proviso, only the portion specific to new weightings is included below.

For the current fiscal year, the pupil classification weightings are as follows.

- | | |
|--|------|
| 1) K-12 pupils or base students including homebound students | 1.00 |
| Students served in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section 44-7-130 of the S.C. Code Ann. (1972) shall receive a weighting of 2.10. | |
| 2) Weights for students with disabilities as prescribed in Section 59-20-40(1)(c) Special Programs | |
| 3) Precareer and Career Technology | 1.20 |
| 4) Additional weights for personalized instruction | |
| a) Gifted and Talented | 0.15 |
| b) Academic Assistance | 0.15 |
| c) Limited English Proficiency | 0.20 |
| d) Pupils in Poverty | 0.20 |

No local match is required for the additional weightings for personalized instruction in school year 2014-2015. After the 2014-2015 school year, a local match to conform with the Education Finance Act will be required. Charter school per pupil calculations for locally sponsored charters will continue to be calculated according to Section 59-40-140.

Students may receive multiple weights for personalized instruction; however, within each weight, students should only be counted once. These weights are defined below.

- Gifted and talented students are those who are classified as academically or artistically gifted and talented or those who are enrolled in Advanced Placement (AP) and International Baccalaureate (IB) courses in high school. Districts shall set aside 12 percent of the funds for serving artistically gifted and talented students in grades three through 12.

- Students in need of academic assistance are students who do not meet state standards in mathematics, English language arts, or both on state approved assessments in grades three through eight and high school assessments for grades nine through twelve. The additional weight generates funds needed to provide additional instructional services to these students.
- Students with limited English proficiency are students who require intensive English language instruction programs and whose families require specialized parental involvement intervention.
- For the 2014-2015 school year, students in poverty will continue to be defined as students eligible for free/reduced lunch and/or Medicaid. The Department of Education will continue to use counts from the 2013-14 school year to determine poverty funding for the add-on weighting.

The Department of Education may use school district student counts for personalized instruction as collected in the same manner as the prior fiscal year, PowerSchool or other available existing data sources as determined by the Department to calculate the school district add on weightings for the personalized instruction classifications and the determination of the school districts monetary entitlement. End of year adjustments shall be based on the one hundred thirty-five day student average daily membership for all classifications. During the current fiscal year, the Department will update PowerSchool calculations, reports, screen development, documentation, and training to incorporate the new pupil classification weightings and to make final district allocation adjustments by June 30, 2015. The Department must provide districts with technical assistance with regard to student count changes in PowerSchool.

Assessment (1.21)

The proviso suspending the PSAT/PLAN was **deleted**.

Residential Treatment Facilities Student Enrollment and Funding (1.49)

This continuing proviso was amended to clarify that an authorization for a student at a residential treatment facility must be pursuant to a physician's determination of medical necessity.

1.49. (SDE: Residential Treatment Facilities Student Enrollment and Funding) Due to the length of this proviso, please see the link provided on page 70 for the full text.

One Year Suspension of Programs (1.60)

The proviso, which temporarily suspended the SAT/ACT Improvement program for the past fiscal year, was **deleted**.

Alternative Fuel School Bus Pilot (1.71)

The proviso, which authorized the State Department of Education or school districts to enter into agreements to pilot school buses operated on alternative fuels, was **deleted**.

Digital Instructional Materials (1.77)

The proviso was modified to add that digital instructional materials must include the digital equivalent of materials and devices.

1.77. (SDE: Digital Instructional Materials) Utilizing the funds appropriated for digital instructional materials, the Department of Education shall determine a per pupil amount using the prior year's 135 ADM. These funds shall be made available to all school districts using the following procedure.

- 1) The Department of Education shall create a digital instructional materials list composed of those items which have been requested by districts and have received Board approval;
- 2) Districts may request that the State Board of Education review digital instructional materials for inclusion on the list when the material has been reviewed by the district, received approval by the local board of trustees for use in its district and been found to reflect the substance and level of performance outlined in the state adopted grade specific educational standards, contain current content information, and are cost effective;
- 3) Within thirty days of receiving the request, the State Board of Education must approve or disapprove the district's request. Those materials receiving approval shall be placed on the Department's approved digital instructional materials list. Once items are placed on the approved list, all districts may choose items from that list;
- 4) On a form provided by the Department, a district may request an allocation by denoting the number of students, grade level, and subject for which the digital materials will be used. Districts may only request digital materials in one subject area and may not receive textbooks for the students using digital materials in that subject area; and
- 5) Digital Instructional Materials shall include the digital equivalent of materials and devices.

District requests must be submitted to the State Board of Education for consideration not later than August fifteenth of the current fiscal year. Any funds appropriated for digital instructional materials which have not been encumbered by January fifteenth, shall be distributed to school districts which have not previously received an allocation. These districts shall receive a per pupil allocation which must be used for technology infrastructure needed to prepare the district for using digital instructional materials. These funds shall not be subject to flexibility.

Child Development Education Pilot Program (1.78, 1A.33)

The proviso was modified to reflect the inclusion of the 4-year-old kindergarten expansion program into permanent law in conjunction with the Read to Succeed Act. The program was expanded to eligible children in districts with a 70 percent or greater poverty index.

1.78. (SDE: Child Development Education Pilot Program) Due to the length of this proviso, please see the link provided on page 70 for the full text.

Summer Reading Camps (1.79)

The proviso was significantly modified to reflect the adoption of the Read to Succeed Act as well as additional funding added for reading coaches.

1.79. (SDE: Summer Reading Camps) Due to the length of this proviso, please see the link provided on page 70 for the full text.

Educational Credit for Exceptional Needs Children (1.80)

The proviso was amended to include “clean-up” provisions for making the initiative more workable.

1.80. (SDE: Educational Credit for Exceptional Needs Children) Due to the length of this proviso, please see the link provided on page 70 for the full text.

Technology/Device Pilot (1.83, 1A.65)

This new proviso establishes a six-district pilot program allowing specific schools to opt out of the state rental system for instructional materials (including digital materials) and purchase directly from vendors.

1.83. (SDE: Technology/Device Pilot) Due to the length of this proviso, please see the link provided on page 70 for the full text.

Governor's Schools Informational Access to Students (1.86)

This new proviso requires collaboration between districts and the Governor's School for Science and Mathematics.

1.86. (SDE: Governor's Schools Informational Access to Students) For the current fiscal year, school districts must permit both the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics to collaborate with individual schools and their staff to share information with students and families about the educational opportunities offered at the respective Governor's Schools, through avenues including school visits, informational presentations, and posters. By June 30, 2015, the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics must report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee the results of these Informational Access efforts. Further, the two Governor's Schools will work with districts, the Department of Education and School Report Card administrators, to ensure that SAT scores of current Governor's Schools' students are included in the School Report Card of those students' resident schools and districts.

Alternative Fuel Transportation (1.87)

This new proviso establishes a pilot program for use of alternative fuel school buses.

1.87. (SDE: Alternative Fuel Transportation) For the current fiscal year, of the funds appropriated for School Bus Lease/Purchase, the Department of Education is directed to use at least five percent, but not more than 10 percent, to lease or purchase school buses that are designed to use alternative fuel or dual fuel as long as at least one school district desires to participate in this pilot project. The Department shall select up to three school districts wishing to participate in a pilot project to use alternative fuel or dual fuel buses if an interested district pays for the following costs: (1) fueling station/facility; (2) the difference in the cost between a conventional and alternative fuel or dual fuel bus; and (3) appropriate training of bus maintenance staff. Districts selected and agreeing to participate in the pilot project are required to use alternative fuel or dual fuel buses for routes approved by the Department and shall submit quarterly reports to the Department as directed by the agency. The Department shall be responsible for the alternative fuel or dual fuel buses it purchases and shall pay for their maintenance costs and fuel. By June 1, 2015, the Department must report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee how many alternative fuel or dual fuel buses were purchased, the cost of each bus, the type of alternative fuel used and the cost of the alternative fuel.

Reading Coaches (1.88)

This new proviso establishes requirements for district use of funds provided for reading coaches.

1.88. (SDE: Reading Coaches) Due to the length of this proviso, please see the link provided on page 70 for the full text.

Charter School Transition Funds (1.89)

This new proviso establishes procedures for distribution of transition funds to school district-sponsored charter schools.

1.89. (SDE: Charter School Transition Funds) For Fiscal Year 2014-15, charter schools sponsored by a local school district and located in a district receiving transition funds must receive transition funds from the local district in an amount equal to any reduction in funds received by the school due to the changes in the Education Finance Act formula. If the amount of transition funds for the charter schools exceeds the school district's allotment of transition funds, transition funds will be reduced pro rata for all parties.

Sports Participation 1.91

This new proviso governs military dependent students and their participation in sports when transferring between districts.

1.91. (SDE: Sports Participation) Any school receiving state funds is required to allow a military dependent student who has transferred from their resident school district to another school district to participate in a sport that was not offered in the resident school district. Should a school fail to comply with this provision, the Department of Education shall withhold one percent of their total state allocation.

Graduation Rates 1.92

This new proviso requires districts to report to the State Board of Education if a high school has a graduation rate below 60 percent.

1.92. (SDE: Graduation Rates) For the current fiscal year, if a high school has a graduation rate below 60 percent, the district board of trustees must provide a report to the State Board of Education using appropriated funds. The report will detail a plan to increase the graduation rate in accordance with the provisions of the Education Accountability Act.

South Carolina Community Block Grants for Education Pilot Program 1.94

This new proviso creates a block grant program administered by the Education Oversight Committee to encourage community-school partnerships as well as innovation.

1.94. (SDE: South Carolina Community Block Grants for Education Pilot Program) Due to the length of this proviso, please see the link provided on page 70 for the full text.

EOC Efficiency Review 1.95

This new proviso establishes a pilot program administered by the Education Oversight Committee to review district efficiencies and highlight areas for improvement.

1.95. (SDE: EOC Efficiency Review) Funds appropriated to the Education Oversight Committee for the School District Efficiency Review Pilot Program shall be used to review certain school districts' central operations with a focus on non-instructional expenditures so as to identify opportunities to improve operational efficiencies and reduce costs for the district. The Education Oversight Committee shall make the school districts aware of the pilot program and accept applications to participate in the program. In the current fiscal year, the Education Oversight Committee shall select at least three applicant school districts to participate. The Education Oversight Committee may contract with an independent entity to perform the review.

The review shall include, but not be limited to, examinations of: (1) overhead; (2) human resources; (3) procurement; (4) facilities use and management; (5) financial management; (6) transportation; (7) technology planning; and (8) energy management. The review shall not address the effectiveness of the educational services being delivered by the district. The review shall be completed no later than June 30, 2015. Upon completion, the Education Oversight Committee shall submit a report to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, the Chairman of the House Education and Public Works Committee and the Governor detailing the findings of the review, including the estimated savings that could be achieved, the manner in which the savings could be achieved and the districts' plan for implementation of the recommendations.

Half Day Program for Four-Year-Olds (1A.3)

The proviso was amended to designate funding for a formative readiness assessment for students in public pre-kindergarten and kindergarten as well as districts not participating in the CDEPP program.

1A.3. (SDE-EIA: XII.B - Half Day Program for Four-Year-Olds) Of the funds appropriated in Part IA, Section 1, XII.B. for half-day programs for four-year-olds, up to \$2,500,000 must be allocated in the current fiscal year for the administration of a formative readiness assessment or assessments that will analyze the early literacy competencies of children in publicly funded prekindergarten and public kindergarten so that students may receive the appropriate support and intervention to succeed in school. The assessments will be approved by the State Board of Education. Professional development and teacher training must be provided by the Department. The remainder of the funds shall be distributed, based on the prior year number of students in kindergarten eligible for free and reduced lunch, to school districts that are not participating or not eligible to participate in the Child Development Education Pilot Program.

Artistically and Academically High-Achieving Students (1A.26)

The proviso was **deleted** due to the addition in the budget of new weightings for EFA fund distribution, including a weighting for gifted and talented students.

Professional Development (1A.28)

The proviso was amended to designate up to \$500,000 for gifted and talented teacher endorsement and certification activities.

1A.28. (SDE-EIA: Professional Development) Of the funds appropriated for professional development, up to \$500,000 may be expended for gifted and talented teacher endorsement and certification activities. The balance of EIA funds appropriated for professional development must be allocated to districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the 135-day count of the prior school year. The funds will be expended on professional development for certificated instructional and instructional leadership personnel in grades kindergarten through 12 across all content areas, including teaching in and through the arts. No more than 25 percent of the funds appropriated for professional development may be retained by the Department of Education for the administration and provision of other professional development services. The Department of Education must provide professional development on assessing student mastery of the content standards through classroom, formative and end-of-year assessments. The Department of Education will post on the agency's website the South Carolina Professional Development Standards and provide training through telecommunication methods to school leadership on the professional development standards.

Teacher Salaries/SE Average (1A.42)

The proviso was amended to reflect a projected Southeastern average teacher salary of \$48,892.

1A.42. (SDE-EIA: XII.C.2.-Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers' salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school year, the Southeastern average teacher salary is projected to be \$48,892. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

The statewide minimum teacher salary schedule used in Fiscal Year 2012-13 will continue to be used in Fiscal Year 2014-15.

Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all eligible certified teachers employed by the district by no less than one year of experience credit using the district salary schedule utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible certified teachers.

Funds appropriated in Part IA, Section 1, XII.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50 (b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state.

For purposes of this provision, teachers shall be defined by the Department of Education using the Professional Certified Staff (PCS) System.

Technology Academy Pilot (1A.52)

The proviso was amended requiring the State Department of Education to continue offering funds for high schools to participate in an IT certification pilot project.

1A.52. (SDE-EIA: Technology Academy Pilot) For Fiscal Year 2014-15, the Department of Education is directed to use available Modernize Vocational Equipment funds to continue to offer high schools across the state the opportunity to participate in an IT certification pilot project. The Department must report by February 1, 2015 to the House Ways and Means Committee, the House Education and Public Works Committee, the Senate Finance Committee, and the Senate Education Committee on the number of high schools that participated in the pilot and the number of students participating in the program and earning certifications.

Academic Enrichment Activities (1A.57)

The proviso was **deleted** due to the addition in the budget of new weightings for EFA fund distribution, including a weighting for gifted and talented students.

South Carolina Success Program (1A.58)

The proviso was amended allowing districts to use assessment funds for the South Carolina Success Program.

1A.58. (SDE-EIA: South Carolina Success Program) For Fiscal Year 2014-15, school districts may use assessment funds for the South Carolina Success Program, as piloted in the

previous fiscal year, to students in the district. This program shall provide academic support to students and teachers to help ensure on grade level achievement in reading. An online-delivered, interactive reading assessment and research-based intervention program for use both at school and at home will be available for grades PreK-8. This online program must automatically place students into an individualized online curriculum and instruction, provide teachers and administrators with immediate reporting, provide recommendations for interventions and teacher lessons, and provide small group instruction lessons. The program will provide computer adaptive assessments at least eight times per year. Teachers, principals, and districts must have immediate on-line reporting to identify those students who are not reading on grade-level and those that are at risk of failing the state reading assessment pursuant to Section 59-18-310. Parents will have access to reports and resources regarding student participation via a home portal.

Teach for America SC (1A.62)

The new proviso requires districts partnering with Teach for America SC to provide academic achievement information on students taught by TFA corps members.

1A.62. (SDE-EIA: Teach for America SC) By September 1st, school districts that partner with Teach For America SC are required to annually provide the organization information on the prior year's academic achievement of students who were directly taught by Teach For America corps members because the organization receives EIA funds in the current fiscal year. The information must be in a format that protects the identity of individual students and must include state assessment data as appropriate.

Palmetto Priority School (1A.73)

The new proviso appropriates \$200,000, if available, to each school designated as a Palmetto Priority School.

1A.73. (SDE-EIA: Palmetto Priority School) Of the funds appropriated for EAA-Technical Assistance, up to \$2,200,000 must be expended to provide \$200,000 to each school that was designated by the Department as a Palmetto Priority School in the prior year, but did not receive an allocation of EIA technical assistance funds in the prior fiscal year to improve teacher recruitment and retention, to reduce the district's dropout rate, to improve student achievement in reading/literacy, or to train teachers in how to teach children of poverty as stipulated in the school's renewal plan. If funds are not sufficient to provide \$200,000 to each qualifying school, the \$200,000 shall be reduced on a pro-rata basis.

Prekindergarten and Kindergarten Assessments (1A.76)

The new proviso, among other things, requires that all students entering a publicly funded prekindergarten or public kindergarten must be administered a readiness assessment focusing on early language and literacy development no later than the 45th day of the school year.

1A.76. (SDE-EIA: Prekindergarten and Kindergarten Assessments) Due to the length of this proviso, please see the link provided on page 70 for the full text.

part **2**

local laws



Local Law Report

Below is an alphabetized list of local laws passed this session. Please check the legislative website at www.scstatehouse.gov for the most recent status and for more details of each bill, or contact Scott Price at SCSBA.

- | | |
|---------------|---|
| (R288, S1311) | Aiken County School District , reapportion election districts, effective June 6. |
| (R164, H4633) | Anderson County Board of Education , reapportion election districts, effective April 7. |
| (R261, H4775) | Anderson County school districts/Anderson County School District Five , deletes obsolete provisions, map reference for Anderson Five, effective June 2. |
| (R290, S1341) | Barnwell County school districts , Barnwell County School Consolidation Study Committee, effective June 6. |
| (R312, H5316) | Charleston County School District , waive make-up days requirement, effective June 5. |
| (R173, H4820) | Clover School District No. Two , reapportion election districts, effective April 14. |
| (R186, S1284) | Colleton County Board of Trustees , reapportion election districts, effective May 16. |
| (R204, H5253) | Dorchester School District Two, Berkeley County School District, Spartanburg County school districts , waive make-up days requirement, effective May 28. |
| (R289, S1329) | Edgefield County Board of Trustees , reapportion election districts, effective June 6. |
| (R132, S1002) | Fairfield County Board of Trustees , revise boundaries for election districts, effective March 4. |
| (R140, S921) | Florence School District No. Five , annual budget adoption requirements, effective March 13. |
| (R155, S798) | Marlboro County School Board , determination of election results, board per diem, determination of salaries, effective April 7. |
| (R202, H5134) | Newberry County Board of Education , election procedures, effective May 16. |
| (R165, H4819) | Rock Hill School District Three , reapportion election districts, effective April 7. |

part 3

agency collaborations



100 Percent Comprehensive Tobacco-Free Schools

Summary: According to the Centers for Disease Control and Prevention, tobacco use is the single most preventable cause of death in the United States. School districts are encouraged to focus tobacco prevention activities on school-age children and adolescents, as research has shown that four out of five people using tobacco began before they reached adulthood. In addition to providing school health programs that teach students the hazards of tobacco use, school districts can also promote tobacco prevention through example by being 100 percent tobacco-free.

Since 2006, school districts have been encouraged to adopt a 100 percent comprehensive tobacco-free model policy through a joint initiative of the South Carolina Department of Health and Environmental Control Division of Tobacco Prevention and Control (DHEC), the South Carolina Department of Education and South Carolina School Boards Association Division of Policy Services (SCSBA). Our shared vision is to have **all** South Carolina school districts operating under the 100 percent comprehensive tobacco-free model policy.

Schools boards are in a unique position to provide students with effective tobacco prevention education and a safe, tobacco-free environment that promotes good health through the adoption of policies that provide a 100 percent tobacco-free environment. To date, 54 districts in the state have adopted model policies in this area.

This year, the model policies have been revised and now include the prohibition of alternative nicotine products including electronic cigarettes as stated in law (SC Code Ann. Section 16-17-500).

Local district action required: SCSBA is recommending that districts with the model policies in place amend them to include the revised language. Those districts which have not adopted the 100 percent comprehensive tobacco-free policies are encouraged to consider these models for adoption.

Policy references: ADC (Tobacco-Free School District), GBED (Tobacco-Free Schools/Staff) and JICG (Tobacco Use by Students)

Model policies follow.

TOBACCO-FREE SCHOOL DISTRICT

Code **ADC** Issued **MODEL/14**

Purpose: To establish the basic structure for tobacco-free schools.

The board believes that tobacco use and exposure to secondhand smoke (environmental tobacco smoke) are hazardous to the health of human beings, especially children. Therefore, the board affirms that one of the best methods of instruction is one that is provided within a 100 percent tobacco-free environment.

Goal

The goal of this policy is to provide a 100 percent tobacco-free, smoke-free environment for all students, staff, contract or other workers and visitors within all district facilities, vehicles and grounds. This includes any building, facility and vehicle owned, leased, rented or chartered by the district. The goal applies to all school-sponsored or school-related events on or off the school grounds. The district commits to the following.

- exhibiting healthy behavior for all students, staff, contract or other workers, visitors and the entire community
- utilizing a proven and effective science-based tobacco use prevention curricula
- providing access to cessation counseling or referral services for all students and staff

Procedures

- Prohibit the use and/or possession of all tobacco products or paraphernalia including, but not limited to, cigarettes, cigars, pipes, smokeless tobacco, snuff and alternative nicotine products such as e-cigarettes by all students, staff, contract or other workers and visitors.
- Ensure that tobacco use prevention programs, as recommended by the South Carolina Department of Health and Environmental Control, the South Carolina Department of Alcohol and Other Drug Abuse Services and the South Carolina Department of Education, are an integral part of district substance abuse prevention efforts.
- Provide and/or refer to cessation services for students and staff.

Enforcement

The district will enforce this policy by determining appropriate disciplinary actions for violators (students, faculty, contract and other workers, visitors) such as the following.

Students

- parent/legal guardian/administrator conferences
- mandatory enrollment in a tobacco prevention education program
- community service
- in-school suspension
- out-of-school suspension
- suspension from extracurricular activities

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Staff

- verbal reprimands
- written notification placed in personnel file
- suspension
- mandatory enrollment in a tobacco education program
- voluntary enrollment in a cessation program

Contract or other workers

- verbal reprimand
- notification to contract employer
- removal from district property

Visitors

- verbal requests to leave school property
- forfeiture of any fee charged for admission
- prosecution for disorderly conduct after repeated offenses

Education and assistance

The district will be responsible for utilizing proven and effective tobacco use prevention curricula to educate all students and providing assistance and/or making appropriate cessation referrals.

Tobacco industry marketing or sponsorship

The district will not accept any contributions or gifts, money or materials from the tobacco industry. The district will not participate in any type of services that are funded by the tobacco industry. In addition, any gear, paraphernalia, clothing, etc., that advertises tobacco use or tobacco products will not be allowed on district grounds or in the possession of faculty, staff, contract or other workers or students at district-sponsored events.

Cf. GBED, JICG

Adopted ^

Legal references:

- A. United States Code:
 1. Pro-Children Act of 2001, 20 U.S.C.A. Sections 7182-7184.
- B. S.C. Code, 1976, as amended:
 1. Section 16-17-490 - Contributing to the delinquency of a minor.
 2. Section 16-17-500 - Youth Access to Tobacco Prevention Act of 2006 (supplying minors with tobacco or alternative nicotine products).
 3. Section 44-95-10, et seq. - Clean Indoor Air Act of 1990.
 4. Section 59-67-150 - Qualifications of bus driver; drinking or smoking on bus.

TOBACCO-FREE SCHOOLS/STAFF

Code **GBED** Issued **MODEL/14**

Purpose: To establish the basic structure for the tobacco-free schools and staff.

The board believes that tobacco use and exposure to secondhand smoke (environmental tobacco smoke) are hazardous to the health of human beings, especially children. Therefore, the board affirms that one of the best methods of instruction is one that is provided within a 100 percent tobacco-free environment.

Goal

The goal of this policy is to provide a 100 percent tobacco-free, smoke-free environment for all students, staff, contract or other workers and visitors within all district facilities, vehicles and grounds. This includes any building, facility and vehicle owned, leased, rented or chartered by the district. The goal applies to all school-sponsored or school-related events on or off the school grounds. The district commits to the following.

- exhibiting healthy behavior for all students, staff, contract or other workers, visitors and the entire community
- utilizing proven and effective science-based tobacco use prevention curricula
- providing access to cessation counseling or referral services for all students and staff

Procedures

- Prohibit the use and/or possession of all tobacco products or paraphernalia including, but not limited to, cigarettes, cigars, pipes, smokeless tobacco, snuff and alternative nicotine products such as e-cigarettes by all students, staff, contract or other workers and visitors.
- Ensure that tobacco use prevention programs, as recommended by the South Carolina Department of Health and Environmental Control, the South Carolina Department of Alcohol and Other Drug Abuse Services and the South Carolina Department of Education, are an integral part of district substance abuse prevention efforts.
- Provide and/or refer to cessation services for students and staff.

Enforcement

The district will enforce this policy by determining appropriate disciplinary actions for staff violating this policy such as the following.

- verbal reprimands
- written notification placed in personnel file
- suspension
- mandatory enrollment in a tobacco education program
- voluntary enrollment in a cessation program

PAGE 2 - GBED - TOBACCO-FREE SCHOOLS/STAFF

Education and assistance

The district will be responsible for providing appropriate cessation counseling and/or referral services for staff members.

Tobacco industry marketing or sponsorship

The district will not accept any contributions or gifts, money or materials from the tobacco industry. The district will not participate in any type of services that are funded by the tobacco industry. In addition, any gear, paraphernalia, clothing, etc., that advertises tobacco use or tobacco products will not be allowed on district grounds or in the possession of faculty, staff, contract or other workers or students at district-sponsored events.

Cf. ADC, JICG

Adopted ^

Legal references:

- A. United States Code:
 - 1. Pro-Children Act of 2001, 20 U.S.C.A. Sections 7182-7184.
- B. S.C. Code, 1976, as amended:
 - 1. Section 16-17-490 - Contributing to the delinquency of a minor.
 - 2. Section 16-17-500 - Youth Access to Tobacco Prevention Act of 2006 (supplying minors with tobacco or alternative nicotine products).
 - 3. Section 44-95-10, et seq. - Clean Indoor Air Act of 1990.
 - 4. Section 59-67-150 - Qualifications of bus driver; drinking or smoking on bus.

TOBACCO USE BY STUDENTS

Code **JICG** Issued **MODEL/14**

Purpose: To establish the basic structure for the board's prohibition of tobacco use by students.

The board believes that tobacco use and exposure to secondhand smoke (environmental tobacco smoke) are hazardous to the health of human beings, especially children. Therefore, the board affirms that one of the best methods of instruction is one that is provided within a 100 percent tobacco-free environment.

The district does not allow students to use or to possess tobacco products or tobacco paraphernalia. This restriction applies while students are on school grounds, in the school buildings, on buses or during any other time they are under the direct administrative jurisdiction of the school, whether on or off the school grounds.

Goal

The goal of this policy is to provide a 100 percent tobacco-free, smoke-free environment for all students, staff, contract or other workers and visitors within all district facilities, vehicles and grounds. This includes any building, facility and vehicle owned, leased, rented or chartered by the district. The goal applies to all school-sponsored or school-related events on or off the school grounds. The district commits to the following.

- exhibiting healthy behavior for all students, staff, contract or other workers, visitors and the entire community
- utilizing a proven and effective science-based tobacco use prevention curricula
- providing access to cessation counseling or referral services for all students and staff

Procedures

- Prohibit the use and/or possession of all tobacco products or paraphernalia including, but not limited to, cigarettes, cigars, pipes, smokeless tobacco, snuff and alternative nicotine products such as e-cigarettes by all students, staff, contract or other workers and visitors.
- Ensure that tobacco use prevention programs, as recommended by the South Carolina Department of Health and Environmental Control, the South Carolina Department of Alcohol and Other Drug Abuse Services and the South Carolina Department of Education, are an integral part of district substance abuse prevention efforts.
- Provide and/or refer to cessation services for students and staff.

Enforcement

The district will enforce this policy by determining appropriate disciplinary actions for students violating this policy such as the following.

- parent/legal guardian/administrator conferences
- mandatory enrollment in a tobacco prevention education
- community service

PAGE 2 - JICG - TOBACCO USE BY STUDENTS

- in-school suspension
- out-of-school suspension
- suspension from extracurricular activities

School administrators will develop procedures consistent with the discipline code of this district in order to enforce this policy (see JICDA-R, Level 2, unauthorized substances).

Education and assistance

The district will be responsible for utilizing proven and effective tobacco use prevention curricula to educate all students and providing appropriate counseling and/or referral services for students.

Tobacco industry marketing or sponsorship

The district will not accept any contributions or gifts, money or materials from the tobacco industry. The district will not participate in any type of services that are funded by the tobacco industry. In addition, any gear, paraphernalia, clothing, etc., that advertises tobacco use or tobacco products will not be allowed on district grounds or in the possession of faculty, staff, contract or other workers or students at district-sponsored events.

Cf. ADC, GBED

Adopted ^

Legal references:

- A. United States Code:
 - 1. Pro-Children Act of 2001, 20 U.S.C.A. Sections 7182-7184.
- B. S.C. Code, 1976, as amended:
 - 1. Section 16-17-490 - Contributing to the delinquency of a minor.
 - 2. Section 16-17-500 - Youth Access to Tobacco Prevention Act of 2006 (supplying minors with tobacco or alternative nicotine products).
 - 3. Section 44-95-10, et seq. - Clean Indoor Air Act of 1990.
 - 4. Section 59-67-150 - Qualifications of bus driver; drinking or smoking on bus.

Open Community Use of School Recreational Areas

Summary: The South Carolina Alliance of YMCAs (Alliance) is committed to its mission of promoting youth development, healthy living and social responsibility. In communities throughout South Carolina, the organization focuses on improving the health and wellbeing of children and families. To that end, the Alliance has received a grant to help combat the state's obesity epidemic.

An estimated 25 percent of children in South Carolina are obese and increasing numbers of these children are being treated for obesity-related conditions such as Type 2 diabetes and hypertension (South Carolina Institute for Childhood Obesity and Related Disorders). Children who are overweight are more likely to become overweight adults facing obesity-related chronic complications such as heart disease, stroke and diabetes (South Carolina Department of Health and Environmental Control). With a population of adults in which almost 66 percent are obese or overweight, South Carolina has the 14th worst obesity rate in the nation (South Carolina Department of Health and Human Resources).

The Alliance encourages school districts to allow the community use of recreational areas in order to combat these negative statistics. Public schools have a variety of recreational areas such as playgrounds, fields, courts and tracks where people can engage in physical activity. In some communities, schools are often the only place to find safe and affordable recreation spaces. After hours when the areas are not in use, schools can continue to provide students and the local community with the opportunity to maintain active and healthy lifestyles.

Local district action required: If districts want to allow community use of recreational areas, SCSBA recommends adopting the model policy.

Policy reference: KFA (Open Community Use of School Recreational Areas)

Model policy follows.

OPEN COMMUNITY USE OF SCHOOL RECREATIONAL AREAS

Code **KFA** Issued **MODEL/14**

Purpose: To establish the basic structure for open community use of school recreational areas.

The board believes one strategy to address issues of physical inactivity and obesity in the state is allowing the community the use of outside recreation spaces. In communities where parks and land space are limited, outside recreation areas on school property can offer opportunities for physical activity and recreation for children and families. Schools can offer a variety of safe, clean facilities including running tracks, playgrounds and outdoor courts and fields.

As a service to the community, the board will open up outdoor areas to the community as follows.

- The board will provide public school recreational areas through the use of taxpayers' funds collected for educational purposes.
- The community will be entitled to access the recreational areas during daylight hours when the school or school-related organizations are not using such areas.

The board defines open recreational areas to mean the designated tracks, playgrounds, courts and fields. *[Option: The following specific areas are identified as recreational areas open to the community (list areas here).]*

Use of recreational areas by the schools and by school-related organizations takes precedence over all other uses.

All use of school property will be in accordance with federal, state and local laws. All applicable district rules, regulations and policies will be enforced while community members are utilizing the recreational areas.

The district is not liable for any personal injury resulting from the use of the open recreational areas. Furthermore, as the district is not responsible for the security or supervision of any public property permitted to be used as open areas for recreational purposes, the district is not liable for any property damage or loss incurred while using the recreational areas.

Cf. KF

Adopted ^

Legal references:

- A. S.C. Code of Laws 1976, as amended:
1. Section 59-78-10, *et seq.* - South Carolina Tort Claims Act.

The South Carolina School Boards Association
111 Research Drive, Columbia, SC 29203 800.326.3679 or 803.799.6607 scsba.org

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