



SOUTH CAROLINA
SCHOOL BOARDS ASSOCIATION

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POLICY & LEGISLATIVE

U P D A T E

Administration of Lifesaving Medications

Effective date: May 16, 2023

Existing law authorizing the use of Epinephrine Auto-Injectors or EpiPens in schools was amended to include lifesaving medications, which are defined as “any prescription medication that can be administered to a person experiencing a medical emergency.”

The Department of Health and Environmental Control (DHEC), in consultation with the S.C. Department of Education (SCDE), will determine the list of lifesaving medications that can be administered by designated school personnel in response to a medical emergency and publish training guidelines for the provision and administration of lifesaving medications.

Local boards of trustees may authorize school nurses and other designated school personnel (employee, agent, or volunteer of a school) who are trained to administer a lifesaving medication to a student or others on school premises whom the school nurse or other designated school personnel believes is experiencing a medical emergency.

Schools may maintain a stock supply of lifesaving medications that are prescribed by a physician, including the Director of Public Health for DHEC, an advanced practice registered nurse, or a physician assistant. Districts may enter into arrangements with drug manufacturers or third-party suppliers to obtain the medications at fair-market, free, or reduced prices.

Participating schools, in consultation with the SCDE and DHEC, are to amend their existing plan for the management of students with life-threatening allergies to include medical emergencies.

Finally, the amended law states that a school, school district, and local school board are not subject to civil or criminal liability for damages caused by injuries to the student or person resulting from the administration of lifesaving medications during an emergency.

Local district action required: SCSBA has revised policy JLCDB (Use of Epinephrine Auto-Injectors) and recommends that districts adopt the model to incorporate the changes.

Policy reference: JLCDB (Use of Lifesaving Medications)

The updated model policy JLCDB follows this summary.

Text: The text of this law can be found [here](#).

Center for School Safety and Targeted Violence

Effective date: June 19, 2023

The General Assembly took steps this year to help reduce the threat of violence in schools by establishing and funding the creation of a Center for School Safety and Targeted Violence within the State Law Enforcement Division (SLED). The center is scheduled to be housed in a former elementary school in Lexington County.

South Carolina joins other states, including Texas, Colorado, and Virginia, in creating a dedicated statewide safety center that can bring together multiple government agencies and community groups to ensure consistent statewide school safety practices and responses that are consistently evaluated, improved, and updated.

The purpose of the center is to provide extensive training, education, and expertise in the fields of school safety and targeted violence. SLED is directed to adopt guidelines and establish procedures for training and educating local and state law enforcement, teachers, administrators, bus drivers, other school personnel, parents, and the public on school safety and targeted violence. SLED can incorporate existing and new personnel from its Homeland Security Department, Investigative Services Department, Behavioral Science Unit, and any other unit or department as assigned by the Chief of SLED.

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

Policy references: EB (Environmental And Safety Program) and ECAA (Threat Assessment)

Text: The text of this law can be found [here](#).

Child Food and Nutrition Services Study Committee

Effective date: April 25, 2023

A 17-member legislative study committee was formed to examine the feasibility of transferring the administration of certain federal child food and nutrition programs that are currently administered by the S.C. Department of Education (SCDE) to the State Department of Agriculture. These programs include, but are not limited to, the school lunch program, school breakfast program, afterschool snack program, special milk program, and summer food service programs.

Additionally, the committee is to study whether these programs should be provided at no cost to all students in the state and examine ways to enhance collaboration and pricing to increase purchasing powers for South Carolina farmers to ensure locally sourced foods are being provided to schools.

The committee is to report its findings and recommendations to the General Assembly by January 1, 2024.

Members of the committee will serve without compensation but are allowed to receive a per diem provided for members of state boards, committees and commissions and will be composed of the following:

- one member appointed by the House speaker;
- one member appointed by the chairman of the House Education and Public Works Committee;
- one member appointed by the chairman of the House Agriculture, Natural Resources, and Environmental Affairs Committee;
- one member appointed by the House minority leader;
- one member appointed by the Senate president;
- one member appointed by the chairman of the Senate Education Committee;
- one member appointed by the chairman of the Senate Agriculture and Natural Resources Committee;
- one member appointed by the Senate minority leader;
- one member appointed by the state superintendent of education;
- the director of the Department of Social Services or his designee;
- two members from a local school district's food services department appointed by the state superintendent;
- one member appointed by the commissioner of agriculture;
- two members appointed by the governor who are employed by nonprofit service providers that specialize in hunger relief; and
- two members who have a child who is a recipient of free and reduced lunch appointed by the state superintendent.

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

Policy references: ADF (District Wellness) and EF, EF-R (Food Services)

Text: The text of this law can be found [here](#).

Education and Workforce Development Act

Effective date: May 19, 2023

A new division within the state's Department of Employment and Workforce (DEW) was created to better streamline publicly funded programs and services aimed at workforce development. These include K12 career and technology education programs. The Office of Statewide Workforce Development (OSWD) will include, among other things, the centralized oversight and implementation of the Coordinating Council for Workforce Development, formerly the Education and Economic Development Coordinating Council, which is currently housed in the Department of Commerce.

The council's membership is comprised of a variety of legislative appointees and includes the director of the Education Oversight Committee or designee, the state superintendent of education or designee, the state superintendent's appointment of a district superintendent, a school counselor, and a career and technology education director. The state superintendent also serves as a member of the council's executive committee.

Among other responsibilities, the council is required to facilitate and coordinate the development of a Unified State Plan (USP). The plan will focus on a systemwide approach to streamline and unify workforce development efforts to include enhanced coordination between K-12, higher education, and employers. The plan must contain an "Educational Program Alignment Toolkit" to assist K12 and higher education in ensuring their educational programs are meeting the workforce needs and a "Career Pathways Tool" for students, counselors, parents, and others to learn about potential career pathways and the various routes to meaningful employment. Other program requirements are detailed in the statute.

The OSWD will hire, with input from the S.C. Department of Education, regional workforce advisors (RWA) to provide, among other things, information to students about available industrial and business job opportunities across the state. Each RWA's geographic region will include an advisory board comprised of members appointed by the local legislative delegation and represent the following: a school district superintendent, high school principal, local workforce investment board chairperson, technical college president, four-year college or university representative, career center director or school district career and technology education coordinator, parent-teacher organization representative, and business and civic leaders.

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

Policy reference: IHAQ (Career/Transition to Work Education)

Text: The text of this law can be found [here](#).

Education Scholarship Trust Fund Program

Effective date: April 25, 2023

Six days before the end of the legislative session, a bill to create the first statewide publicly funded school voucher program was signed into law. The Education Scholarship Trust Fund program will provide scholarships to eligible students for expenses to attend a private school, a public school outside of their resident district, or for services from an approved Education Service Provider (ESP). The program will be administered by the S.C. Department of Education (SCDE) and is set to begin during the 2024-2025 school year. The 2023-2024 state budget allocates \$2 million to the SCDE for initial costs to create and implement the program.

Scholarship amount

The program provides a \$6,000 scholarship allocated to the parent of an eligible student to pay for qualifying expenses through an online account known as the Education Scholarship Trust Fund (ESTF). The General Assembly may increase or decrease the scholarship amount through the state budget.

The bill annually caps the number of participating students as follows:

- 5,000 students in school year 2024-25
- 10,000 students in school year 2025-26
- 15,000 students in school year 2026-27 and beyond

In 2027, and every five years thereafter, the SCDE will conduct an eligibility and use review of the program to include recommendations for improvements.

Qualifying students

Eligible students must meet the following qualifications:

- must be a resident of the state;
- attended a public school in the state during the previous school year; or,
- who had not attained the age of five on or before September 1 of the prior school year but has attained the age of five on or before September 1 of the current school year, or
- received a scholarship in the prior school year; and
- in school year 2024-25, has a household income that does not exceed 200 percent of the federal poverty guidelines, or
- in school year 2025-26, has a household income that does not exceed 300 percent of the federal poverty guidelines; or
- in school year 2026-27 and all subsequent years, has a household income that does not exceed 400 percent of the federal poverty guidelines.

Parents of qualifying students must sign an annual agreement with SCDE pledging to follow certain requirements. The signed agreement satisfies the state's compulsory attendance law requiring students to annually attend 180 days of instruction.

Qualifying expenses

Scholarship funds can be used for ESP defined as a person or organization approved by the SCDE for educational goods and services that includes the following:

- tuition and fees;
 - tuition and fees for an approved nonpublic online education service provider or course;
 - tuition and fees for a public school outside of the student's resident school district;
 - textbooks, curriculum, or other instructional materials;
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- tutoring services;
- computer hardware or other technological devices;
- fees for national norm-referenced tests, advanced placement tests, industry certification exams, or college admissions exams;
- educational services for students with disabilities, including occupational, behavioral, physical, and speech-language therapies from a licensed or accredited practitioner or provider;
- contracted services from a public school district, including individual classes, after school tutoring services, transportation, or fees or costs associated with participation in extracurricular activities;
- contracted teaching services and education classes;
- fees for transportation not to annually exceed \$750;
- fees for ESTF account management by private financial management firms; or
- any other educational expense approved by the SCDE.

An eligible school is defined as a South Carolina public school or an independent school that chooses to participate in the program but does not include a charter school.

Accountability measures

Eligible private and public schools serving scholarship students who are enrolled full-time are required to administer the following accountability testing requirements:

- students in grades 3 – 8 the SC Ready or SC Ready alternative summative assessment required of students in public schools in this State;
- students in grades 4 and 6 the SC Pass or SC Pass alternative summative assessment required of students in public schools in this State; or
- in lieu of those tests for students in grades 3 – 8 a nationally norm-referenced formative assessment at the beginning of the school year, at the end of the first semester, and at the end of the school year;
- students in grades 9 – 12 a nationally norm-referenced or formative assessment;
- high school graduation information; and
- ensure that parents or guardians of a scholarship student receives a written report of their child's performance on each assessment. The report must include the student's score on the assessment and how the student's performance compares to other students.

For students who do not receive full-time instruction from a full-time education service provider, the parent must pledge in a signed agreement to ensure the student takes assessments in a similar manner or through other means. Also, SCDE is directed to track the student's wellness with mandatory, in-person attendance at least once per semester at their resident public school no later than November 15 during the first semester and no later than March 15 in the second semester. During the in-person attendance, a teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, school nurse, on-site mental health, allied health professional, or other appropriately designated school mandated reporter must complete a comprehensive wellness check to screen for abuse and neglect.

Further, the new law directs that "in order to allow parents and the public to measure the achievements of the program, academic progress must be documented annually for each scholarship student."

Finally, a 10-member review panel will serve as an advisory panel to the SCDE and ensure expenses meet the requirements of qualified expenses and periodically make recommendations to the General Assembly about improving the program.

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

Policy reference: N/A

Text: The text of this law can be found [here](#).



First Steps Enactment and Reform

Effective date: May 16, 2023

After years of annually renewing the South Carolina First Steps to School Readiness program, the General Assembly took measures to permanently enact the program's provisions originally passed in 1999. This enactment came with revisions regarding the membership, powers and duties, procurement policies and procedures, and increased partnership between local boards and the state board.

The one change impacting local school districts is a directive for the local school district board of trustees to appoint one of its employees to serve as a member of the local First Steps Partnership board.

Highlights of other changes are as follows:

- The state board must establish bylaws for local partnership boards, which must include a requirement that meetings, elections, and applicable records must comply with all Freedom of Information Act and IRS disclosure requirements.
- The terms of all current local First Steps Partnership members terminate on July 1, 2023. The state board is directed to design and implement a transition plan that must be fully implemented by July 1, 2024.
- The state Office of First Steps, in consultation with the Office of State Procurement, must develop procurement policies and procedures that must be adopted by local partnership boards for the purchase and procurement of goods and services.

Local district action required: SCSBA does not recommend any policy changes. However, boards should identify and appoint an employee to serve on the local First Steps Partnership.

Policy reference: IHBIB, IHBIB-R (Primary/Pre-Primary Education Child Development)

Text: The text of this law can be found [here](#).

Gavin's Law: Sexual Extortion

Effective date: May 18, 2023

Named after Rep. Brandon Guffey's son, Gavin Guffey, the General Assembly passed a new law establishing sexual extortion and aggravated felony extortion as criminal offenses and setting prison sentences for each.

School districts must collaborate with the State Department of Education (SCDE), the South Carolina Law Enforcement Division (SLED), and the Attorney General's office to implement a policy to educate and notify students of the provisions of the new law. This includes an adequate notice provision for students, parents or guardians, the public, and school personnel. Further, the SCDE must provide the status of the adoption and implementation of the education policies to the Governor, House, and Senate leadership by July 1 of each year.

Under Gavin's Law, a person commits the offense of felony sexual extortion if he/she "intentionally and maliciously threatens to release, exhibit, or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his will, with the intent to obtain additional private images or anything else of value." A person convicted of felony sexual extortion must be imprisoned:

- not more than five years for the first offense;
- not more than 10 years for a second offense; or
- not more than 20 years for a third or subsequent offense.

A person who commits the offense of aggravated felony sexual extortion occurs when the victim is a minor (under the age of 18), or a vulnerable adult and the person convicted of sexual extortion is an adult or the victim suffers great bodily injury or death, and the "finder of fact finds beyond a reasonable doubt that the sexual extortion of the victim was the proximate cause of the great bodily injury or death." A person convicted of felony sexual extortion must be imprisoned for not more than 20 years.

If the person convicted is a minor, then he/she is guilty of misdemeanor sexual extortion and must be sentenced by the family court, which may order as a condition of sentencing behavioral health counseling from an appropriate agency or provider.

Local district action required: School districts should be aware of the notice provision requirement in this new law and plan to collaborate with the SCDE, SLED, and the Attorney General's office on information to go out to families and school personnel regarding the crime of sexual extortion.

Policy references: IJNDB (Use of Technology Resources in Instruction), JIAA, JIAA-R (Sexual Harassment and Retaliation), JIAB, JIAB -R (Discrimination, harassment, Retaliation), JICFAA (Intimidation, Bullying, or Harassment)

Text: The text of this law can be found [here](#).

Homeless Child/Youth Defined

Effective date: May 16, 2023

To develop an accurate count of homeless children and youth in the State, the General Assembly passed legislation to define terms related to unaccompanied and homeless children as provided in the South Carolina Children's Code. The new section, South Carolina Code 63-1-45, specifically defines "Unaccompanied homeless youth", "Homeless child or youth", and "Youth at risk of homelessness".

Local district action required: SCSBA has revised administrative rule JFABD-R to include these definitions and the applicable legal reference in policy JFABD. SCSBA recommends that districts adopt the models to incorporate the changes.

Policy reference: JFABD, JFABD-R (Admission of Homeless Students)

Model policy and administrative rule JFABD, JFABD-R follow this summary.

Text: The text of this law can be found [here](#).

Military Temporary Remote School Enrollment Act

Effective date: May 16, 2023

The Military Temporary Remote School Enrollment Act puts into law a practice that many school districts in the state have provided for years. Generally, the law grants residency to children of active-duty military parents (full-time military duty status in the U.S. active uniformed services, including members of the National Guard and the State Military Reserve on active-duty orders) who have orders to move to the military installation (a base, camp, post, station, yard, center, homeport facility for any ship, or other installation) within a school district.

School districts are directed to accept applications for enrollment and course registrations by electronic means, including enrollment in a specific school or program.

After arrival, military parents must provide the school district proof of residence, which may include any of the following:

- a temporary on-base billeting facility
- a purchased or leased home or apartment
- any federal government housing or off-base military housing, including off-base military housing that may be provided through a public-private venture

Local district action required: SCSBA has created a model policy and recommends districts consider it for adoption.

Policy reference: JFABH (Military Temporary Remote School Enrollment)

Model policy JFABH follows this summary.

Text: The text of this law can be found [here](#).

Omnibus Tobacco Enforcement Act of 2023

Effective date: August 14, 2023

The General Assembly amended the existing law related to the prevention of youth access to tobacco and other nicotine products to continue its prohibition against the use of any tobacco product by any person in school buildings, in school facilities, on campuses, and any other school or property owned or operated by a local school district. To that effort, the definition of “Tobacco Product” was changed along with other conforming provisions to the mandatory public-school tobacco-free campus policy.

Local district action required: SCSBA has revised model policies related to tobacco-free school environments and recommends that districts adopt the models to incorporate the changes.

Policy references: ADC (Tobacco-Free School District), GBED (Tobacco-Free Workplace), and JICG (Tobacco Use By Students)

Model policies ADC, GBED, and JICG follow this summary.

Text: The text of this law can be found [here](#).

Paid Parental Leave

Effective date: June 26, 2023

A year after passing legislation to provide state employees with six weeks of paid leave for the birth, fostering or adoption of a child, lawmakers quickly moved to extend the benefit to full-time employees of school districts this legislative session. More specifically, the Paid Parental Leave Act mandates that school districts provide, and fund paid parental leave (PPL) for certified school personnel and full-time equivalent classified staff “to the same extent as employees of the state.”

The leave duration depends on the qualifying event (birth, adoption, or foster care placement) and the relationship of the employee to the child as follows:

- Six weeks of PPL for the birth of a child or adoption of a child if the employee is the primary caregiver.
- Two weeks of PPL are provided to employees considered to be the co-parent of a newborn or adopted child.
- All eligible employees are provided two weeks of PPL who foster a child under the age of 18 who is in state custody.

Other provisions of the act are as follows:

- Where an employee’s entitlement to PPL extends beyond their designated term of employment as provided in their contract (ex. 190 days, 230 days etc.), a district may enact policies to allow the affected employee to continue their PPL in the subsequent contractual term.
- School district holidays and vacations on the district calendar must not be counted against PPL.
- The use of PPL by an eligible employee does not prevent him/her from earning a STEP increase the following year.
- Employees cannot be required to exhaust all other forms of leave, such as sick or annual leave, before they are eligible to take PPL, and they may not donate PPL.
- If both parents are eligible state employees, PPL may be taken concurrently, consecutively or at different times. No child may have more than two parents eligible for PPL, which expires at the end of the 12-month period beginning on the date of the qualifying event.
- Foster parents may request and receive approval for parental leave in nonconsecutive one-week time periods.

Finally, the legislation directs the State Board of Education to promulgate regulations, guidance, and procedures to implement the PPL program. The PPL guidance from South Carolina Department of Education can be found [here](#).

Local district action required: SCSBA developed a model policy for Paid Parental Leave that was sent out to Districts on June 5, 2023, for districts to consider adopting.

Policy reference: GCCAC/GDCC (Paid Parental Leave)

Model policy GCCAC/GDCC follows this summary.

Text: The text of this law can be found [here](#).

South Carolina Athletic Trainer Act

Effective date: June 19, 2023

The regulatory authority of athletic trainers, including those employed by school districts, was moved from the Department of Health and Environmental Control to the Board of Medical Examiners under the Athletic Trainer Act of South Carolina.

The Act directs the medical board, with the advice of a nine-member Athletic Trainers' Advisory Committee, to implement and develop standards and promulgate regulations for the improvement of athletic training services in the state, which includes setting the biennial renewal date of licenses. Among other things, it provides penalties for anyone declaring to be an athletic trainer without obtaining a license.

Further, it grandfathers the continued employment of persons currently employed by the South Carolina Department of Education, local boards, or private schools treating injuries received by students participating in school sports activities, serving as an athletic training student, or any similar position if services are under the supervision of a physician or certified athletic trainer. It reiterates that school districts are not required to hire licensed athletic trainers.

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

Policy reference: N/A

Text: The text of this law can be found [here](#).

Sunscreen in Schools

Effective date: May 16, 2023

The General Assembly passed legislation to clarify any questions concerning the possession or use of sunscreen in schools. More specifically, the current law was amended to prevent public schools or charter schools from prohibiting the possession or personal use of sunscreen in schools or at school events. Sunscreen is defined as “a topical, non-aerosol product regulated by the United States Food and Drug Administration for over-the-counter use for the purpose of limiting ultraviolet light-induced skin damage. Sunscreen does not include prescription medication.”

Local district action required: SCSBA has created a model policy dedicated to the possession or use of sunscreen in schools. Districts should consider adopting the model policy.

Policy reference: JLIG (Sun Safety)

Model policy JLIG follows this summary.

Text: The text of this law can be found [here](#).

Workforce Development Housing

Effective date: May 19, 2023

Lawmakers took steps to give local governments revenue options for constructing affordable workforce housing, which could include educators. Under the updated law, cities and counties can use up to 15 percent of their local accommodations tax revenue for the development of workforce housing, which must include programs to promote home ownership. The new provision, however, ends December 31, 2030.

Workforce housing is defined as residential housing that is reasonably and appropriately priced for rent or sale to a person or family whose income falls within 30 percent and 120 percent of the median income for the local area, with adjustments for household size, according to the latest figures available from the U.S. Department of Housing and Urban Development (HUD).

Cities or counties using this option are required to conduct a housing impact analysis, which includes the following:

- the cost of developing, constructing, rehabilitating, improving, maintaining, or owning single-family or multi-family dwellings
- the purchase price of new homes or the fair market value of existing homes
- the cost and availability of financing to purchase or develop housing
- housing costs
- the density, location, setback, size or height development on a lot, parcel, land division, or subdivision
- an analysis of the relative impact on low- and moderate-income households

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

Policy reference: N/A

Text: The text of this law can be found [here](#).

