

2026 K-12 Legislation

Debbie Elmore
*SCSBA Director of
Governmental Relations*

Rasheeda Cleveland
*SCSBA Director of Policy
& Legal Services*

SOUTH CAROLINA SCHOOL BOARDS ASSOCIATION



2026 POLICY & LEGISLATIVE UPDATE

2026 legislative session

- More than 20 bills that directly or indirectly impact K-12 school districts from purchasing U.S.- made flags, steel and iron to prohibiting grade floor policies and more.
- 2nd year of a 2-year session and an election year = greater urgency to pass legislation
- Contentious year for the FY2026-2027 state budget setting up for next year.



School Board Training, Ethics

Formerly new board orientation

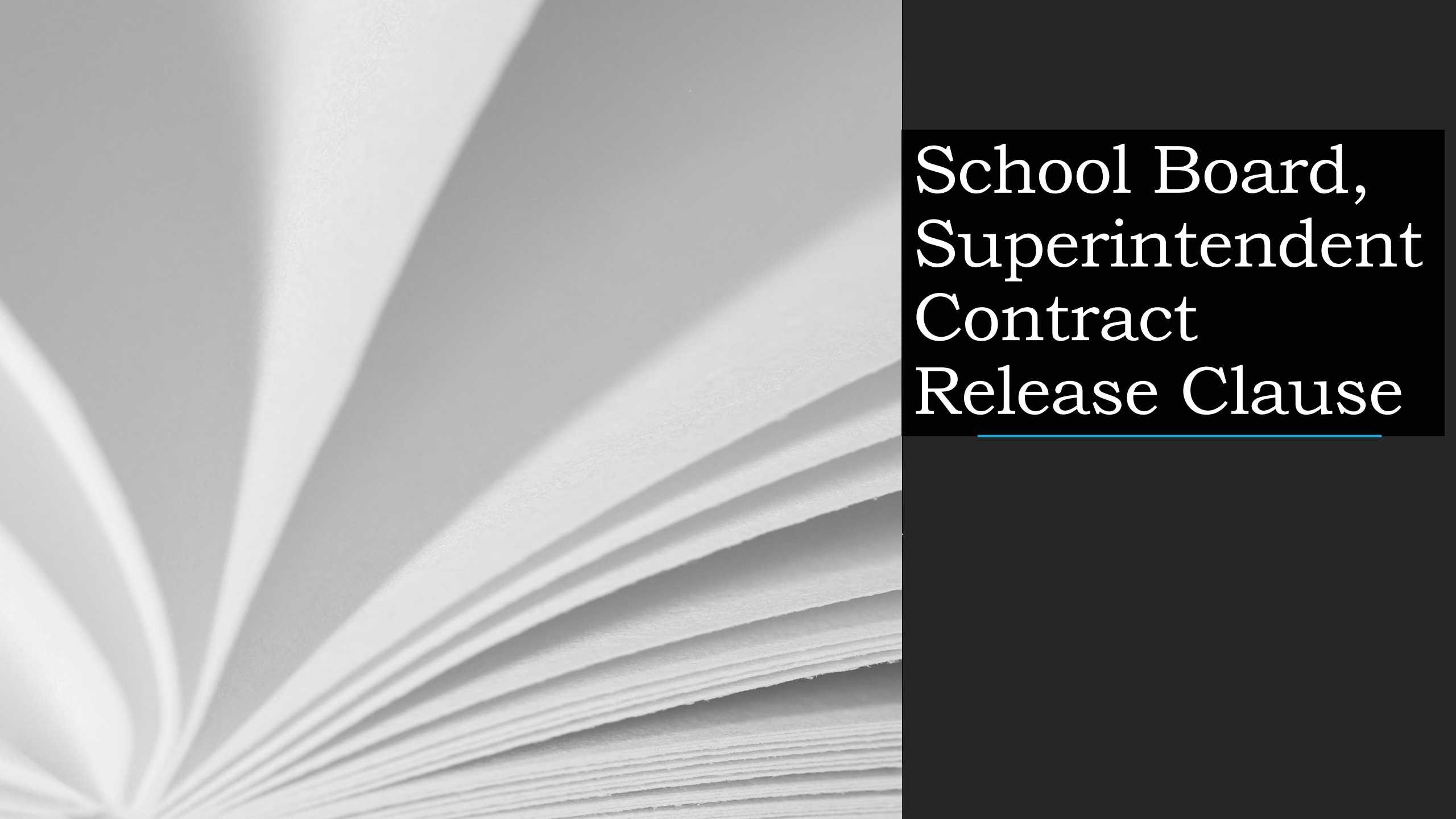
- Revised mandated training for newly- elected and re- elected, newly appointed and re-appointed school board members (charter schools, charter school authorizers)
- Conflicting provisions: completion must be w/in 9 months of taking office regardless of election, appointment; completion must be w/in 9 months of election, appointment
- Department or designee; SCDE stated it will provide
- State Board of Education (SBE) records, maintains attendance
- Local boards (meeting minutes) and members (signed statement) must certify compliance; those who do not will be referred to governor for removal
- Required topics: policies, personnel, superintendent and board relations, instructional programs, finance, school law, ethics, nepotism, conflicts of interest, community relations

Board member code of ethics

- SBE adopts model code of ethics consistent with state ethics laws that local boards must:
 - adopt within 3 months of SBE adoption;
 - provide a copy to the SBE within 60 days of its adoption;
 - revise as necessary and after any future SBE revisions
- Code cannot prevent members from freely discussing board policies, actions of the board, except for:
 - matters discussed in executive session
 - certain disclosures prohibited by law
- Applies to (charter schools, charter school authorizers)

Local board policy impact

- ❖ BBBD (Board Member Removal from Office)
- ❖ BIA/BIB (Board Member Training/Development Opportunities)
- ❖ BCA (Board Member Code of Ethics) **when SBE releases the model code.*



School Board, Superintendent Contract Release Clause

New buyout clause requirement

- New Proviso 1.112 (SDE: Employment Contract)
- Requires local board to include in all superintendent contracts ENTERED into on or after July 1, 2026 a provision limiting any settlement paid as part of a mutual contract dissolution to no more than 1 year's salary OR the remaining value of the contract, whichever is less.



Expulsion, Suspension Changes

Student restrictions

- Suspended, expelled students prohibited from entering school or school grounds, riding on a school bus (day or night) for duration of suspension, expulsion period; except to attend scheduled conference with school administrator.
- Restrictions do not prevent enrollment, attendance in any alternate education program including adult education or virtual programming or transfer to another school in the district under certain conditions.
- Removes an old provision that prohibits school boards from suspending, expelling students (under 18) who purchase a lottery ticket.

Revised expulsion standard

- Still illegal for students to possess a firearm in school or in setting under the school board's jurisdiction.
- Creates new expulsion standard for students possessing a firearm on school property.
- A determination that the student “knowingly brought a firearm” must be made to impose expulsion of no less than one year from the date of the incident.
- Expulsion hearing results must be approved the school board.
- Affirms right to appeal, option to send expelled student to virtual school

Student threats of violence

- New language requiring district to expel for up to one academic year students who knowingly and willfully communicate a threat to commit bodily harm with a weapon against students, personnel
- Requires determination that the threat:
 - Was directed at specific students, staff or school
 - Could be reasonably carried out by the student
 - Caused a material, substantial disruption to school operations (lockdowns, cancelled classes or families keeping students at home
- Expelled student must have access to educational services through an alternative education program or virtual setting.
- School board or district superintendent may modify expulsion length on a case-by-case basis.
- Boards adopt a policy requiring expelled students to be referred to the local office of DJJ or its representative.

Local board policy impact

- ❖ JFABC (Transfer Students)
- ❖ JICI (Weapons in School)
- ❖ JICDA (Code of Conduct)
- ❖ JKD (Suspension of Students)
- ❖ JKE (Expulsion of Students)



School traffic guards

Senate bill 711

- Address 2014 S.C. Attorney General's opinion stating only uniformed police officers have authority to direct traffic on public roadways under state law.
- Districts can designate trained personnel to direct school traffic on public roadways near schools during student drop-off and pickup times for the purpose reducing traffic congestion and ensuring safety.
- School traffic personnel must be trained by a certified law enforcement officer who has completed training by the S.C. Criminal Justice Academy.
- Traffic directors must wear highly visible clothing or equipment.



Charter School Accountability

Charter school accountability

- Comprehensive bill that makes numerous changes and additions to state charter school law aimed at greater oversight.
- Of note is the removal of requirements and review provisions regarding racial composition of student enrollment including enrollment reflect that of the local school district or targeted student population with a variance of no more than 20 percent.
- Removal of local school districts to appeal the approval of a charter school located in their districts to Administrative Law Court to show:
 - the school would “adversely affect students in the district; or
 - Approval failed to meet the spirit and intent of the Charter School Act.

Local board policy impact

❖ IHBH (Charter Schools)



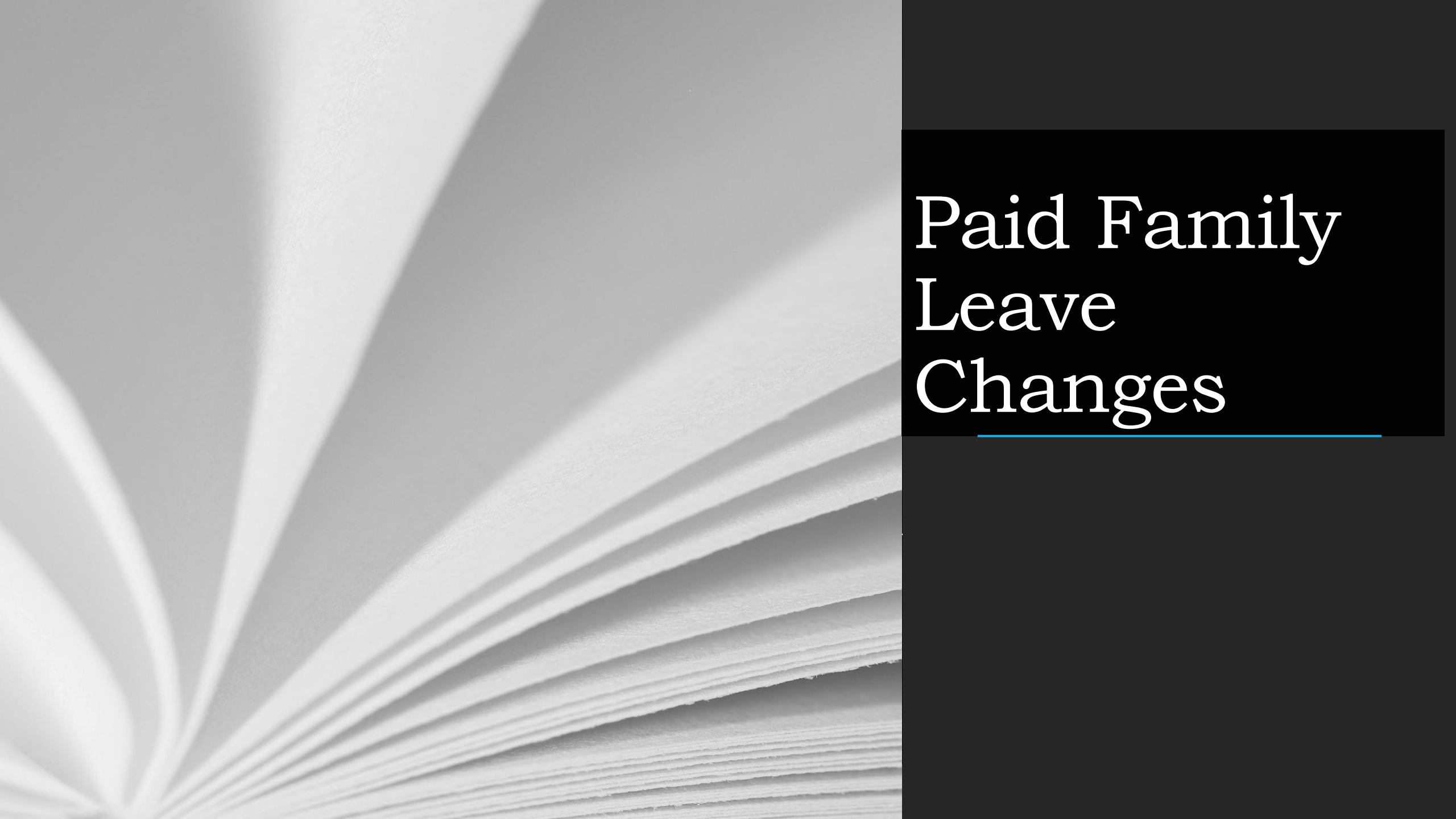
Floor Grades, Credit Recovery

Floor grades, credit recovery

- Near end of sessions lawmakers moved to shut down use of floor grades and place restrictions on credit recover programs, more.
- Grades must reflect actual performance; SCDE will withhold 10% of state funding to districts in violation.
- SCDE to establish grade policy taskforce to evaluate grading policies and practices and recommend changes.
- To participate in district credit recovery or content recovery programs, student must complete or submit all required assignments for the applicable course in accordance with district deadlines

Local board policy impact

- ❖ IKA (Grading/Assessment)
- ❖ IKA-R (Grading/Assessment)
- ❖ IKAD (Grade Adjustments)
- ❖ IKADD (Content and Credit Recovery)
- ❖ IKADD-R (Content and Credit Recovery)
- ❖ IKADD-E (Content and Credit Recovery)



Paid Family Leave Changes

Co-parent expansion, stillbirths

- Affirmatively states PPL applies to stillbirths.
- Paid parental leave (PPL) for the co-parent expanded from two weeks to four weeks.
- May require an employee to use PPL before using accrued annual leave if the employee is taking leave under the federal Family and Medical Leave Act (FMLA).
- Amends the definition of an eligible state employee.

Local board policy impact

❖GCCAC/GDCC (Paid Parental Leave)



Recess, PE Changes

Mandated recess, more PE

- 4K - 5th grade students must receive a minimum of 20 minutes of unstructured outdoor recess every day.
- “Majority” of the required 150 minutes a week in physical education (PE) and/or physical activities must be provided in PE for K – 5 students.
- No more than 2 days a week of no recess can be used as a form of punishment; indoor recess space conducive to physical activity (as practical) must be provided for inclement weather.
- Middle school student exemptions: enrolled in 9th grade or higher courses at an off-campus location; taking 3 or more units of 9th grade or higher credit courses.

Local board policy impact

- ❖ ADF (District Wellness)
- ❖ IHAE (Physical Education)



Other Policy Considerations

Smart Heart Act

- Requires schools to develop and implement Cardiac Emergency Response Plans (CERPs), provide training for designated personnel in first aid, CPR, and the use of automated external defibrillators (AEDs), and ensure that AEDs are accessible in certain locations and at designated events.
- ❖ EBCA (Cardiac Emergencies) NEW

Religious expression

- The United States Department of Education issued guidance on constitutionally protected prayer and religious expression, advising districts that they are responsible for ensuring that they do not enforce or maintain any policy that prevents private prayer and religious expression.
- ❖ GBEB (Staff Conduct), IHAE (Physical Education), IHAL (Religious Instruction), IJ (Instructional Resources and Materials), IJKA (Technology Resources Selection and Adoption), JH (Student Absences and Excuses), JHCB (Released Time for Religious Instruction), JJAB (Limited Open Forum), JICA (Student Dress), JJ/JJA (Student Activities and Organizations), and JK (Student Discipline).

Parental opt-outs

- The South Carolina Department of Education (SCDE) provided guidance on district obligations following the U.S. Supreme Court's decision issued on June 27, 2025, in *Mahmoud v. Taylor*, 606 U.S. 522 (2025). In *Mahmoud*, the Supreme Court held that public schools violate parents' constitutional rights when they require elementary students to participate in instruction on gender or sexuality that conflicts with parents' sincerely held religious beliefs without advance notice and an opportunity to opt out.
- ❖ IMBC (Religious-Based Exemptions) NEW
- ❖ IMBC-E (Religious Opt-Out Form) NEW

Other policy considerations

- ❖ACE (Service Animals-Public)
- ❖GBGAA (Service Animals-Staff)
- ❖JLCDD (Service Animals (Students)
- ❖JLCDD-R (Service Animals -Students)
- ❖DIG (Whistleblower Protections)
- ❖ECAH (Use of Unmanned Aircraft Systems (Drones)
- ❖GBAA-R (Sexual Harassment and Retaliation-Staff)
- ❖GBEEB (Staff Use of Artificial Intelligence)
- ❖IJND (Artificial Intelligence Responsible Use)

Thank you