CHAPTER 17

School Districts

**SECTION 59‑17‑10.** School districts as bodies politic and corporate.

Every school district is and shall be a body politic and corporate, by the name and style of \_\_\_\_\_\_\_\_\_\_ (a descriptive name may be designated by the county board of education or legislative act) School District No \_\_\_\_\_\_\_\_\_\_ (such number may be designated by the county board of education or legislative act), of \_\_\_\_\_\_\_\_\_\_ County (the name of the county in which the district is situated), the State of South Carolina. In that name it may sue and be sued and be capable of contracting and being contracted with to the extent of its school fund and holding such real and personal estate as it may have or come into possession of, by will or otherwise, or as is authorized by law to be purchased, all of which shall be used exclusively for school purposes.

HISTORY: 1962 Code Section 21‑111; 1952 Code Section 21‑111; 1942 Code Section 5319; 1938 (40) 429; 1950 (46) 2504.

**SECTION 59‑17‑20.** Alteration or division of school districts.

Unless otherwise expressly provided, the school districts of the various counties shall not be altered or divided except:

(1) By act of the General Assembly relating to one or more counties; or

(2) By authorization of the county boards of education under the following conditions:

(a) With the written approval of the Senator and the entire house legislative delegation from the county involved;

(b) Upon a written petition, signed by at least four fifths of the qualified electors embraced within the limits of each of the school districts involved, which shall state plainly to the county board of education the action petitioned and shall also bear the signed certificate of the members of the county board of registration that the number of electors who signed the petition represent at least four fifths of the qualified electors embraced within the limits of each of the school districts involved; or

(c) Upon the written petition, signed by at least one third of the qualified electors embraced within the limits of each of the school districts involved, which shall state primarily the action petitioned and shall bear the signed certificate of the members of the county board of registration that the number of the electors who signed the petition represent at least one third of the qualified electors embraced within the limits of each of the school districts involved; if such consolidation be approved favorably by a majority of the qualified electors of each of the school districts involved at an election called by the county board of education for the purpose.

HISTORY: 1962 Code Section 21‑112; 1952 Code Section 21‑112; 1942 Code Section 5319; 1938 (40) 429; 1950 (46) 2504; 1951 (47) 546.

**SECTION 59‑17‑30.** Effect of alteration or division of school districts on bonds or payment for buildings of existing districts.

When any school district laid out under Section 59‑17‑20 shall embrace cities or towns already organized into special school districts in which graded school buildings have been erected by the issue of bonds, by special taxation or by donation, all the territory included in such school district shall bear its just proportion of any tax that may be levied to liquidate such bonds or support the public schools therein.

HISTORY: 1962 Code Section 21‑113; 1952 Code Section 21‑113; 1942 Code Section 5319; 1938 (40) 429; 1950 (46) 2504.

**SECTION 59‑17‑40.** Alteration or division of school districts; consolidated district for entire county and district formed from two or more counties.

All of the school districts of any county may be consolidated into a single school district embracing the entire county in the manner provided by Section 59‑17‑20 for the alteration or division of school districts, and, whenever territory embraced in two or more counties is proposed to be formed into one school district, such district may be formed by the joint action of the boards of education of the respective counties as provided in Section 59‑17‑20 for the formation of school districts in a county.

HISTORY: 1962 Code Section 21‑114; 1952 Code Section 21‑114; 1942 Code Section 5319; 1938 (40) 429; 1950 (46) 2504.

**SECTION 59‑17‑50.** Consolidation of schools and school districts by county board of education.

A county board of education may consolidate schools and school districts, in whole or in part, whenever, in its judgment, such consolidation will promote the best interests of the cause of education in the county.

HISTORY: 1962 Code Section 21‑114.1; 1952 Code Section 21‑114.1; 1951 (47) 546.

**SECTION 59‑17‑60.** Filing order of consolidation.

When two or more districts are consolidated under the provisions of Section 59‑17‑50, the county board of education shall file a copy of the order of consolidation in the office of the clerk of court and with the State Board of Education. Such filing shall complete the consolidation of such districts for all intents and purposes.

HISTORY: 1962 Code Section 21‑114.2; 1952 Code Section 21‑114.2; 1951 (47) 546.

**SECTION 59‑17‑70.** Effect of consolidation.

Upon consolidation of any two or more school districts, all property, real and personal, and all assets of the districts forming the consolidated school district shall become the property of the consolidated district and all liabilities of the consolidating districts shall become the obligations of such consolidated district. Each such consolidated district shall be a body politic and corporate and its board of trustees shall have such powers as are provided by law.

HISTORY: 1962 Code Section 21‑114.3; 1952 Code Section 21‑114.3; 1951 (47) 546.

**SECTION 59‑17‑80.** Dissolution of school districts in adjoining counties.

Any school district formed of parts of two or more counties under the provisions of Section 59‑17‑40 may be dissolved in the same manner as that by which it may have been formed, as provided in said section.

HISTORY: 1962 Code Section 21‑116; 1952 Code Section 21‑116; 1942 Code Section 5320; 1932 Code Section 5353; Civ. C. '22 Section 2600; Civ. C. '12 Section 1739; 1910 (26) 694.

**SECTION 59‑17‑90.** Purposes for which school districts may combine.

Any two or more school districts in this State may agree to provide special services, make purchases, share equipment, develop curriculum, and interchange pupils or educational services.

HISTORY: 1962 Code Section 21‑117; 1973 (58) 650.

**SECTION 59‑17‑100.** School districts to provide Department of Education with copies of audit reports.

Notwithstanding any other provision of law, each school district of the State shall provide the State Department of Education each year with two copies of its audit report by December first following the close of the fiscal year.

HISTORY: 1982 Act No. 450; 1997 Act No. 108, Section 1.

**SECTION 59‑17‑110.** Duty of school districts to defend actions or proceedings against their employees.

In the event that any employee of any school district in South Carolina is prosecuted in any action, civil or criminal, or special proceeding in the courts of this State, or of the United States, by reason of any act done or omitted in good faith in the course of his employment, it is made the duty of the school district, when requested in writing by any such public school employee, to appear and defend the action or proceeding in his behalf.

HISTORY: 1984 Act No. 512, Part II, Section 48.

**SECTION 59‑17‑120.** Reissue of school bonds subject to debt service budget and debt limit.

Bonds issued by a school district under the bonded indebtedness limitation of Article X, Section 15(7)(a) of the South Carolina Constitution and called before the maturity date only may be reissued if the amount required to service the reissuance and to pay off the called bonds does not:

(1) increase by more than eight percent in any one year the amount of the district's budget needed to service the original bonded indebtedness; or

(2) exceed the debt limit of the district.

HISTORY: 1995 Act No. 55, Section 2.

**SECTION 59‑17‑130.** American Sign Language course; development of teacher qualifications and academic standards; satisfaction of foreign language credit requirement.

(A) The board of trustees of a school district may grant credit as a world language to a pupil who satisfactorily has completed a high school course in American Sign Language. Beginning with the 2008‑2009 school year, American Sign Language awarded as a world language credit may be used to satisfy the foreign language credit requirement specified in Section 59‑39‑100.

(B) The State Department of Education shall determine the required qualifications for teachers of American Sign Language and shall develop academic standards to be approved by the State Board of Education.

(C) Nothing in this section may be construed to require South Carolina four‑year colleges or universities to accept courses in American Sign Language to meet the foreign language admissions requirements set by the institution.

HISTORY: 1996 Act No. 344, Section 1; 2006 Act No. 326, Section 1, eff June 1, 2006.

Effect of Amendment

The 2006 amendment rewrote this section.

**SECTION 59‑17‑135.** Character education.

(A) The General Assembly finds:

(1) the schools of South Carolina must provide the safest environment possible for students to learn;

(2) teaching positive character traits is essential to improving the learning environment, promoting student achievement, reducing disciplinary problems, and developing civic‑minded students;

(3) schools must be encouraged to instill the highest character and academic excellence in each student, in close cooperation with the student's parents; and

(4) elected officials, community and civic leaders, business leaders, religious institutions, youth organizations, government, media, and citizens‑at‑large must be encouraged to become actively involved in creating an atmosphere which encourages positive character development through every sector of the community.

(B) Each local school board of trustees of the State must develop a policy addressing character education. Any character education program implemented by a district as a result of an adopted policy must, to the extent possible, incorporate character traits including, but not limited to, the following: respect for authority and respect for others, honesty, self‑control, cleanliness, courtesy, good manners, cooperation, citizenship, patriotism, courage, fairness, kindness, self‑respect, compassion, diligence, good work ethics, sound educational habits, generosity, punctuality, cheerfulness, patience, sportsmanship, loyalty, and virtue. Local school boards must include all sectors of the community, as referenced in subsection (A)(4), in the development of a policy and in the development of any program implemented as a result of the policy. As part of any policy and program developed by the local school board, an evaluation component must be included.

(C) Beginning with the 2000‑2001 school year, each school district board of trustees is encouraged to require students in the public schools under the jurisdiction of the board to exhibit appropriate conduct, as required in subsection (D) of this section.

(D) When a public school student is speaking with a public school employee while on school property or at a school sponsored event, the student may be encouraged to address and respond to the public school employee by using terms indicative of or reflecting courtesy and respect for a public school's employees position of authority including, but not limited to, sir, ma'am, thank you, and please.

(E) Each school district board of trustees is encouraged to provide for incorporation of the requirements of subsections (C) and (D) into any existing discipline policy or policies or any code of conduct of the school district or of each school within its jurisdiction.

(F) No school board may provide suspension or expulsion from school as an appropriate punishment for violation of subsection (D).

(G) Upon request, the State Department of Education must provide to the school districts of the State information on currently available programs, curriculums, and resources. In addition, the State Department of Education must provide to the school districts of the State information on best practices and successful programs currently being implemented.

HISTORY: 2001 Act No. 4, Section 8; 2005 Act No. 88, Section 2, eff May 27, 2005.

Effect of Amendment

The 2005 amendment, in subsection (B), in the second sentence substituted "respect for authority and respect for others" for "respect for others" and added "good work ethics, sound educational habits,".

**SECTION 59‑17‑140.** Religion and public schools training for teachers and administrators.

(A) Effective July 1, 2001, each school district during annual in‑service training shall provide a program of instruction for teachers and administrators in the essentials of constitutional protections and prohibitions as they relate to religion and public school operations. Subjects shall include, but not be limited to:

(1) student prayers;

(2) graduation prayers and baccalaureates;

(3) participation in or encouragement of religious activity by school officials;

(4) religion in school curriculum;

(5) religious content in student assignments;

(6) distribution and use of religious literature;

(7) student participation in religious events before and after school;

(8) religious persuasion versus religious harassment;

(9) religious holidays;

(10) permitted absences from objectionable lessons in religion;

(11) released time for religious instruction;

(12) teaching values;

(13) religious attire;

(14) Federal Equal Access Act;

(15) Federal Religious Freedom Restoration Act;

(16) South Carolina Religious Freedom Act;

(17) other statutory and constitutional provisions regarding the establishment of religion and free exercise thereof, as they relate to a public school context;

(18) instruction on how to access legal advice concerning the establishment of religion and free exercise thereof in a public school context; and

(19) instruction on how to access the State Department of Education's guidelines on religion and the public schools on the department's website.

(B) Once a teacher or administrator has completed the program of instruction contained in this section, it is not necessary that they participate in the same program of instruction on an annual basis. However, such teachers and administrators who have completed the program of instruction shall annually participate in instruction regarding updates and new developments in the subject matter contained in this section.

HISTORY: 2001 Act No. 4, Section 7C.

**SECTION 59‑17‑150.** Promotion of walking or bicycling to school safety.

(A) Municipal and county governing bodies shall work with school districts located in their jurisdictions to identify barriers and hazards to children walking or bicycling to and from school. The municipalities, counties, and districts may develop a plan for the funding of improvements designed to reduce the barriers and hazards identified. The sources of these funds may include federal funding or grants, state funding, or funding from private sources. Nothing in this section shall obligate any agency of federal, state, or local government to provide funding for identified improvements.

(B) Each school district in this State may establish a Safe Routes to School District Coordinating Committee. The coordinating committee shall include parents, children, teachers, administrators, local law enforcement officials, public health officials, interested citizens, and other persons familiar with the transportation needs of the school district. Duties of the coordinating committee may include gathering information about the schools in the district through surveys and traffic counts; organizing incentive‑based events and contests to encourage students to try new modes of transportation; and promoting the program through school newsletters, assemblies, web sites, and other means to reach parents and students.

Any school within the district may establish a Safe Routes to School Team. The team shall include parents, children, teachers, administrators, and neighbors of the school. The team may be expanded to include local law enforcement officials, public health officials, and other persons familiar with the transportation needs of the school. The team shall select a representative to serve on the District Coordinating Committee. Duties of the team may include gathering information about their school through surveys and traffic counts; organizing incentive‑based events and contests to encourage students to try new modes of transportation; and promoting the program through school newsletters and other means to reach parents and students.

(C) The first Wednesday of October of each year is designated as "Walk or Bicycle with Your Child to School Day" in each school district of this State to promote walking or riding bicycles to school by students, with escorts if necessary, and to identify needed improvements such as sidewalks or safer pedestrian routes not open to vehicular traffic.

HISTORY: 2004 Act No. 307, Section 2, eff September 8, 2004.

**SECTION 59‑17‑155.** Automated external defibrillator program; immunity from civil liability; state contract for purchase of defibrillators.

(A) Subject to appropriations by the General Assembly, each school district shall develop and implement an automated external defibrillator program meeting the requirements of Chapter 76 of Title 44 of the 1976 Code for each high school in the district. The program must include provisions that:

(1) require an operational automatic external defibrillator on the grounds of the high school;

(2) require all persons who are reasonably expected to use the device to obtain appropriate training, including completion of a course in cardiopulmonary resuscitation or a basic first aid course that includes cardiopulmonary resuscitation training and demonstrated proficiency in the use of an automated external defibrillator. The school district superintendent, or the superintendent's designee, shall determine who is reasonably expected to use the device;

(3) establish guidelines for periodic inspections and maintenance of the defibrillators; and

(4) define the purpose of the program and the manner in which the program will operate.

(B)(1) Any person or entity acting in good faith and gratuitously shall be immune from civil liability for the use of an automated external defibrillator unless the person was grossly negligent in the use.

(2) Any designated automated external defibrillator user meeting the requirements of Section 44‑76‑30(1) and acting according to the required training shall be immune from civil liability for the application of an automated external defibrillator unless the application was grossly negligent.

(3) A person or entity acquiring an automated external defibrillator and meeting the requirements of Section 44‑76‑30 or an automated external defibrillator liaison meeting the requirements of Section 44‑76‑30 shall be immune from civil liability for the use of an automated external defibrillator by any person or entity described in items (1) or (2) of this subsection.

(4) A prescribing physician shall be immune from civil liability for authorizing the purchase of an automated external defibrillator, unless the authorization was grossly negligent.

(C) Any person or entity, acting in good faith and gratuitously, that teaches or provides a training program for cardiopulmonary resuscitation that includes training in the use of automated external defibrillator is immune from civil liability for providing this training for use if the:

(1) person or entity has provided the training in accordance with the guidelines and policies of a national training organization, as defined in Section 44‑76‑30(1);

(2) person providing the training is authorized to deliver that course or curriculum; and

(3) training delivery was not grossly negligent.

(D) The Department of Administration may establish a state contract for the purchase of automated external defibrillators.

HISTORY: 2008 Act No. 278, Section 1, eff June 5, 2008, first applies for the 2008‑2009 school year.

**SECTION 59‑17‑160.** Model fire and safety policy and program guidelines.

(A) Prior to the beginning of the 2019‑2020 School Year, the State Department of Education and the Office of the State Fire Marshal shall collaborate and develop model fire and safety policies and program guidelines that must be made available to each school district and charter school in the State. The provisions of this section do not apply to charter schools whose instruction is primarily delivered online.

(B) Each school district board of trustees and the governing body of each charter school shall adopt a policy and program for school facility fire and safety, including inspections, before the beginning of the 2020‑2021 School Year. The policy and program must:

(1) be adopted in open meetings in which the public may provide comment on the terms of the policies and programs;

(2) include routine self‑assessments; and

(3) be published on the district's or charter school's Internet website in a prominent location that is easily accessible by the public.

(C) Prior to July 1, 2021, each district and charter school shall submit its fire and safety policy and program to the Office of the State Fire Marshal and the State Department of Education. The office and department shall collaborate in the review of the school policies and programs. Within one hundred twenty days of the receipt of a policy or program, the office and department must jointly provide written comments to the district on how the policies and programs may be improved.

(D) Local school district boards of trustees and charter school governing bodies may request technical assistance in the development of fire and safety policies and programs.

HISTORY: 2018 Act No. 256 (S.709), Section 1, eff July 2, 2018.