**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3686**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Atwater

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Introduced in the House on February 18, 2015

Currently residing in the House Committee on **Education and Public Works**

Summary: Disabled children

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/18/2015 House Introduced and read first time ([House Journal‑page 33](file:///h:\HJ%20Archive\2015\02-18-15.docx))

2/18/2015 House Referred to Committee on **Education and Public Works** ([House Journal‑page 33](file:///h:\HJ%20Archive\2015\02-18-15.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3686&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/18/2015](file:///p:\pprever\2015-16\3686_20150218.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 1, TITLE 59 SO AS TO PROVIDE THAT BEGINNING WITH THE 2016‑2017 SCHOOL YEAR, A PARENT RESIDING IN THIS STATE MAY ENROLL HIS DISABLED CHILD IN ANY SCHOOL DISTRICT OR PRIVATE SCHOOL IN THIS STATE THAT HE CONSIDERS BEST CAPABLE OF MEETING THE UNIQUE NEEDS OF HIS CHILD’S DISABILITY; TO PROVIDE THE CHILD MUST MEET OTHER ADMISSIONS CRITERIA OF THE SCHOOL; TO REQUIRE THE TRANSMITTAL OF ONE HUNDRED PERCENT OF THE BASE STUDENT COST FROM THE DISTRICT IN WHICH THE CHILD RESIDES TO THE DISTRICT OF THE SCHOOL HE ATTENDS OR THE PRIVATE SCHOOL THAT HE ATTENDS; TO PROVIDE THAT WHEN A CHILD ENROLLED IN A SCHOOL UNDER THE PROVISIONS OF THIS ACT MOVES FROM THE DISTRICT THAT TRANSMITTED FUNDS ON HIS BEHALF TO ANOTHER DISTRICT, THE DISTRICT INTO WHICH THE CHILD MOVES SHALL REIMBURSE THE DISTRICT FROM WHICH THE CHILD MOVED ON A PRO RATA BASIS TO BE CALCULATED BY THE DEPARTMENT OF EDUCATION; AND TO PROVIDE THE DEPARTMENT SHALL DEVELOP APPLICATION PROCEDURES FOR A PARENT SEEKING TO ENROLL HIS CHILD IN A SCHOOL PURSUANT TO THE ACT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Article 9

Disabled Children Enrollment Options

Section 59‑1‑610. (A) In an effort to help the disabled children of this State reach their potential by minimizing the impact of their individual disabilities on their respective learning experiences in kindergarten through twelfth grade, a parent residing in this State may enroll his disabled child in any school district or private school in this State that he considers best capable of meeting the unique needs of his child’s disability. The child also must meet other admissions criteria of the school.

(B) A parent enrolling his disabled child in any public school in this State under the provisions of this section must not be required to pay any tuition; provided, however, that the district in which the student enrolls shall receive one hundred percent of the base student cost from the State for the student. If a parent enrolls his disabled child in any private school in this State, the district in which the child resides shall upon request by the parent transmit to the private school an amount equal to the base student cost for the student to offset tuition charged by the school for each academic year in which the child is enrolled in the private school, but the parent remains individually responsible for any unpaid tuition balance and related expenses.

(C) If a child moves outside of a school district that has transmitted funds to another district or private school for the child’s education pursuant to subsection (B), the district that transmitted the money may seek pro rata reimbursement from the district into which the child moves, and the district shall provide this reimbursement. The Department of Education shall determine the pro rata amounts for which each district is responsible.

(D) Before January 1, 2016, the department shall develop by rule application procedures for a parent seeking to enroll his child in a public school other than the school that the child would ordinarily attend based on his residence or a private school under the provisions of this section.”

SECTION 2. Except as provided in Section 59‑1‑610(D), the provisions of this act begin with the 2016‑2017 school year.

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