DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2009 session. The unannotated South Carolina Code, consisting only of Code text and numbering, may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at [LPITS@scstatehouse.gov](mailto:LPITS@scstatehouse.net) regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 16.

SOUTH CAROLINA VIRTUAL SCHOOL PROGRAM

**SECTION 59‑16‑10.** Legislative findings.

(A) The General Assembly finds that:

(1) through the use of technology, South Carolina can create educational opportunities for the students of this State that may not exist without such technology; and

(2) using technology to deliver instruction can provide effective alternatives for credit recovery, meeting graduation requirements, resolving scheduling conflicts, delivering curriculum content when there is a shortage of certified personnel, providing a more flexible and individualized instructional pace, and offering low‑incidence courses.

(B) It is the purpose of the General Assembly, in this chapter to establish the South Carolina Virtual School Program to ensure consistent high quality education for the students of South Carolina utilizing technology‑delivered courses.

**SECTION 59‑16‑15.** South Carolina Virtual School Program established; eligibility to enroll; credits; computer equipment and internet access.

(A) The State Board of Education is authorized to establish the South Carolina Virtual School Program to provide South Carolina students access to distance, online, or virtual learning courses offered for an initial unit of credit. Additionally, the South Carolina Virtual School Program shall offer access to credit recovery programs for students who have been identified by a school district as not having received credit for a course previously taken or for students who have been identified by a school district as not likely to receive credit for a course in which the student is currently enrolled. Students may enroll in courses for credit recovery based on policies established by the State Board of Education. The South Carolina Virtual School Program shall not award a South Carolina High School diploma.

(B) A public, private, or homeschool student residing in South Carolina who is twenty‑one years of age or younger shall be eligible to enroll in the South Carolina Virtual School Program. A private school or home school student enrolled in the South Carolina Virtual School Program must not be entitled to any rights, privileges, courses, activities, or services available to a public school student other than receiving an appropriate unit of credit for a completed course.

(C) Students may be awarded a maximum of three online initial credits in a school year, and no more than twelve online initial credits throughout high school. However, the State Board of Education shall establish an appeals process whereby the governing body of the student’s school district may grant a waiver to exceed the established limit.

(D) Local school districts shall accurately transcribe a student’s final numeric grade to the student’s permanent record and transcript. Home school students and private school students shall receive a certified grade report indicating date, course, and final numeric grade from the South Carolina Virtual School Program or an entity approved by the State Board of Education.

(E) Students enrolled in an online course for a unit of credit must be administered final exams and appropriate state assessments in a proctored environment.

(F) It is not the responsibility of the school, district, or state to provide home computer equipment and Internet access for enrollment in courses provided by the South Carolina Virtual School Program. However, nothing in this section shall prohibit a school or district from providing home computer equipment or Internet access to students enrolled in the South Carolina Virtual School Program.

**SECTION 59‑16‑20.** Housing and management of program; standards for courses; instructor certification and training.

(A) The South Carolina Virtual School Program shall be housed in and managed by the State Department of Education. The department may contract for distance learning courses, develop courses, or approve courses submitted by entities.

(B) Each course offered for a unit of credit shall be reviewed for correlation with the state adopted academic standards prior to being offered.

(C) All distance, online, or virtual learning courses offered for a unit of credit must be aligned with the state adopted academic standards, include appropriate course materials, and be approved by the State Department of Education.

(D) Instructors must hold a valid teaching certificate in each content area being taught or receive approval from the State Department of Education to teach the course.

(E) All virtual schoolteachers must receive appropriate preservice and in‑service training pertaining to the organization, classroom management, technical aspects, monitoring of student assessment, and other pertinent training from the State Department of Education.

**SECTION 59‑16‑30.** Definitions

As used in this chapter:

(1) “Distance learning” means the acquisition of knowledge and skills through mediated information and instruction, encompassing all technologies and other forms of learning at a distance. Distance learning includes online and virtual courses.

(2) “Online learning” means learning delivered by web‑based or internet‑based technologies.

(3) “Proctored” means directly monitored by an adult authorized by the South Carolina Virtual School Program.

(4) “Virtual classroom” means the online learning space where students and instructors interact.

(5) “School year” means the one hundred eighty days of student instruction required pursuant to Section 59‑1‑420 and student instruction received as part of a summer school program.

(6) “Credit recovery” means self‑paced, semester‑long courses that target learning in areas of greatest weakness, allowing nontraditional or at‑risk students to rapidly complete courses, recover credits, and progress to graduation.

**SECTION 59‑16‑40.** Guidelines and regulations.

The State Board of Education shall develop guidelines and promulgate regulations to include, but may not be limited to, the following:

(1) procedures and criteria to be used for the selection of online courses to be offered for a unit of credit;

(2) qualifications and registration requirements of students who may enroll in online courses to include provisions outlining the enrollment of students that have been expelled from school;

(3) procedures for private and homeschool students to enroll in courses offered;

(4) teacher qualifications and the student‑to‑teacher ratio for online courses;

(5) appropriateness and provisions for charging tuition and fees;

(6) procedures for establishing uniform evaluation of student progress and awarding of the final grade;

(7) process for maintaining student records and reporting and recording grades on the student’s transcript;

(8) procedures and requirements for employment, supervision, and evaluation of teachers;

(9) procedures and requirements for supervision, monitoring, assessment, and evaluation of enrolled students; and

(10) student expectations.

**SECTION 59‑16‑50.** Adult education program pilot; recommendations to General Assembly.

Through the use of an online pilot program, the State Department of Education shall examine the feasibility of providing services of the South Carolina Virtual School Program to students enrolled in adult education programs and shall make recommendations to the General Assembly no later than January 1, 2008.

**SECTION 59‑16‑60.** Annual report; contents.

Annually, the State Board of Education shall provide the General Assembly a report that shall include, but not be limited to, the following information:

(1) list of courses offered through the virtual school;

(2) number of local school districts and number of the district students participating in the virtual school;

(3) private schools and number of the private school students participating in the virtual school;

(4) number of homeschool students participating in the virtual school;

(5) success rates for students by courses enrolled in the virtual school;

(6) number of students who dropped a course and reasons for dropping;

(7) expenditures made for the virtual school; and

(8) number of students unable to enroll because of space limitation.

**SECTION 59‑16‑70.** Review of student records by Education Oversight Committee.

At the end of each semester, the State Department of Education shall provide student records, including course grades and performance on state assessments, to the Education Oversight Committee. The Education Oversight Committee shall monitor the impact of credits earned in the virtual school, on the school and district ratings, with particular attention to performance on end‑of‑course examinations and graduation rates.

**SECTION 59‑16‑80.** Implementation contingency.

The implementation of the provisions contained in this chapter are contingent upon the appropriation of funds by the General Assembly.