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 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 39.

 HIGH SCHOOLS

ARTICLE 1.

 GENERAL PROVISIONS

**SECTION 59‑39‑10.** Establishment and maintenance of high schools.

The board of trustees of any school district, acting singly or in cooperation with the boards of trustees of adjoining school districts, may establish and maintain a high school, with the privileges herein granted; provided, that such high school meets all the requirements of this article and the regulations of the State Board of Education.

**SECTION 59‑39‑20.** Board of trustees of high schools.

Except as otherwise expressly provided, if a single school district establish a high school, the board of trustees of such district shall be the high school board of trustees; and if any two or more districts establish a high school, the board of trustees of the district wherein the high school is located, together with the chairman of each of the cooperating districts, shall constitute the high school board of trustees. And except as otherwise expressly provided, if three or more adjoining school districts, none of which contains an incorporated town of twenty‑five hundred inhabitants according to the last preceding census, shall cooperate to establish a centralized high school, the chairmen of the several cooperating districts shall constitute the board of trustees for the centralized high school.

**SECTION 59‑39‑30.** High schools established prior to February 19, 1907 may claim privileges of article.

Any public high school established prior to February 19, 1907 may claim the privileges of this article; provided, that it conforms to the requirements of this article and the regulations of the State Board of Education. But nothing in this article shall be construed to repeal any of the privileges granted special school districts in the special acts of the General Assembly.

**SECTION 59‑39‑40.** Creation of corporate body through establishment of high school districts by adjoining school districts.

When, pursuant to or under color of authority of any general act, any special act or any act making a special provision in or about the subject matter of a general act, a high school shall have been established by the boards of trustees of two or more adjoining school districts located in the same county or adjoining counties in this State, or when the boards of trustees of two or more such school districts, by the adoption of resolutions, authorization of contracts for erection or in any other way jointly or as separate boards of trustees, shall have evidenced an intention to establish a high school district, a body corporate shall be and hereby is created and shall be deemed to have been created at and from the time of the first joint or separate action in any such case and for such purpose by two or more boards of trustees of school districts.

**SECTION 59‑39‑50.** Area of high school districts established by adjoining districts.

Such high school district shall be coterminous with and equal in area to the two or more school districts by action of whose boards of trustees it shall be created, but shall not in any way terminate the continued corporate existence of such school districts as separate entities.

**SECTION 59‑39‑60.** Boards of trustees of high school districts established by adjoining districts.

The governing body of each such district shall be a board known as a high school board of trustees, which shall be constituted, when the boards of trustees of two or more school districts shall have acted in establishing or evidencing an intention to establish a high school pursuant to or under color of authority of any special act or any act making a special provision in or about the subject matter of a general act, in the manner provided in such act and in any other case in the manner provided in Section 59‑39‑20.

**SECTION 59‑39‑70.** Corporate name of high school district established by adjoining districts; seal; clerk.

The corporate name of each such high school district shall be such as shall be adopted by resolution of the high school board of trustees. The high school board of trustees may likewise adopt a corporate seal and may elect from time to time one of their number as clerk to hold office during his term of office as trustee or for a shorter period if the board shall so determine.

**SECTION 59‑39‑80.** Privileges and regulation of high school district established by adjoining districts.

All such districts shall have the privileges and benefits provided by this article and shall be subject to the regulations of the State Board of Education as therein provided.

**SECTION 59‑39‑90.** Rights, powers and privileges of trustees of high school districts established by adjoining districts.

Such high school boards of trustees shall have all of the rights, powers and privileges conferred by law upon the trustees of common school districts and may manage, lease, dispose of, sell, deliver or convey the property of the district upon such terms and conditions as the board shall deem proper and, when authorized by the boards of trustees of a majority of the cooperating districts, may discontinue the operation of such high school. But such right to manage, lease, dispose of, sell, deliver or convey the property of the district or discontinue the operation of the high school shall be subject to the approval of the county board of education.

**SECTION 59‑39‑100.** Issuance of uniform diplomas by accredited high school; units required.

(A) Diplomas issued to graduates of accredited high schools within this State must be uniform in every respect and particularly as to color, size, lettering, and marking. The number of units required for a state high school diploma is twenty units as prescribed by the State Board of Education. Beginning in the 1986‑87 academic year, a minimum of three units must be earned in mathematics and a minimum of two units must be earned in science.

(B) One unit in computer science, if approved by the State Department of Education for this purpose, may be counted toward the mathematics requirement.

(C) Students who earn one unit in science and six or more units in a specific occupational service area will meet the science requirements for a state high school diploma. Career and technology programs operating on a 3‑2‑1 structure may count pre‑career and technology education as one of the six required units.

(D) Beginning with the ninth grade class of school year 1997‑98, the number of units required for a high school diploma is twenty‑four units as prescribed by the State Board of Education by regulation, with one additional unit required in mathematics, science, and computer science to include keyboarding. For students in a college preparatory track, as defined by the state board, one additional unit must be earned in a foreign language; and for students in a track designed to enter the work force, as defined by the state board, one additional career and technology unit must be earned. Beginning with the ninth grade class of school year 1997‑98, if a student counts one unit of computer science toward his mathematics requirement as permitted above, one additional unit of computer science must be earned.

(E) Nothing in this section prohibits local school boards of trustees from awarding recognition to students who complete additional units and credits beyond those required by this section.

**SECTION 59‑39‑110.** Accelerated program of study.

Each accredited high school in this State shall provide an accelerated program of study whereby any student who demonstrates sufficient ability shall, upon approval of the administrative head of such school and of the parent, guardian or other lawful custodian of such student, be allowed to undertake such courses of study as will enable the student to graduate at the end of eleven years of primary and secondary schooling.

**SECTION 59‑39‑112.** Elective credit for released time classes in religious instruction.

(A) A school district board of trustees may award high school students no more than two elective Carnegie units for the completion of released time classes in religious instruction as specified in Section 59‑1‑460 if:

(1) for the purpose of awarding elective Carnegie units, the released time classes in religious instruction are evaluated on the basis of purely secular criteria that are substantially the same criteria used to evaluate similar classes at established private high schools for the purpose of determining whether a student transferring to a public high school from a private high school will be awarded elective Carnegie units for such classes. However, any criteria that released time classes must be taken at an accredited private school is not applicable for the purpose of awarding Carnegie unit credits for released time classes; and

(2) the decision to award elective Carnegie units is neutral as to, and does not involve any test for, religious content or denominational affiliation.

(B) For the purpose of subsection (A)(1), secular criteria may include, but are not limited to, the following:

(1) number of hours of classroom instruction time;

(2) review of the course syllabus which reflects the course requirements and materials used;

(3) methods of assessment used in the course; and

(4) whether the course was taught by a certified teacher.

**SECTION 59‑39‑115.** Issuance of diploma to high school student who enlisted in military during WWII; documentation; posthumous diplomas.

(A) A South Carolinian who enlisted in any branch of the United States military while enrolled as a student in any high school of this State during the period December 8, 1941, through September 1, 1946, must be issued a high school diploma upon presentation of documentation of school enrollment and a copy of an honorable discharge or honorable discharge papers (DD‑214) to the South Carolina Department of Education.

(B) A posthumous high school diploma must be awarded to any person meeting the criteria of this section upon written request of a member of the individual’s family.

**SECTION 59‑39‑120.** Data required to be submitted by high schools and institutions of higher learning concerning high school graduates.

On or before May first of each calendar year, every high school which issues a State high school diploma shall submit to the State Superintendent of Education in such form as he may prescribe the following data:

(1) The number of high school graduates that entered the freshman class of an institution of higher learning, either in or out of this State, for whom a first semester report has been received;

(2) A breakdown showing all courses passed by such group; and

(3) A breakdown showing all courses failed by such group.

Every high school shall seek diligently to obtain such data from out‑of‑State institutions of higher learning. Any high school which fails to file a report or files a false report shall lose its accreditation.

Every institution of higher learning in this State shall submit to the state high school from which he was graduated a report on the first semester accomplishments of each freshman.

**SECTION 59‑39‑130.** Tabulation of information by State Superintendent of Education.

After such reports have been received, the State Superintendent of Education shall cause them to be tabulated so as to show the academic performance of graduates from the respective high schools who entered institutions of higher learning. When such tables have been prepared, they shall be included in the annual report of the State Superintendent of Education as presented to the General Assembly. The State Superintendent of Education shall acquaint the proper officials of the institutions of higher learning with the requirements of Section 59‑39‑120.

**SECTION 59‑39‑140.** Regulations for inspection and classification of schools.

The State Board of Education may prescribe all such regulations as may not be inconsistent with Chapters 35, 37, 39, 43, 45, 53 and 55 and with the School Code to provide for the inspection and classification of all elementary and secondary schools.

**SECTION 59‑39‑150.** High school shall not lose accreditation on basis of enrollment only.

No high school in this State shall lose its accreditation on the basis of class or school enrollment only, and any high school which lost its accreditation status during the school year 1964‑65, based solely upon class or school enrollment, is hereby restored to its former accreditation status.

**SECTION 59‑39‑160.** Interscholastic activities; requirements for participation; monitoring; participation by handicapped; waiver.

To participate in interscholastic activities, students in grades nine through twelve must achieve an overall passing average and either:

(1) pass at least four academic courses, including each unit the student takes that is required for graduation; or

(2) pass a total of five academic courses. Students must satisfy these conditions in the semester preceding participation in the interscholastic activity, if the interscholastic activity occurs completely within one semester or in the semester preceding the first semester of participation in an interscholastic activity if the interscholastic activity occurs over two consecutive semesters and is under the jurisdiction of the South Carolina High School League.

Academic courses are those courses of instruction for which credit toward high school graduation is given. These may be required or approved electives. All activities currently under the jurisdiction of the South Carolina High School League remain in effect. The monitoring of all other interscholastic activities is the responsibility of the local boards of trustees. Those students diagnosed as handicapped in accordance with the criteria established by the State Board of Education and satisfying the requirements of their Individual Education Plan (IEP) as required by Public Law 94‑142 are permitted to participate in interscholastic activities. A local school board of trustees may impose more stringent standards than those contained in this section for participation in interscholastic activities by students in grades nine through twelve.

The State Board of Education may grant a waiver of the requirements of this section. This waiver may be granted only when a written statement from a school district superintendent and athletic director has been received stating that a student’s ineligibility to participate in interscholastic activities is due to misinformation concerning eligibility requirements being provided by district personnel. The State Board of Education shall establish guidelines to administer this section.

**SECTION 59‑39‑170.** Secondary schools to emphasize teaching as career opportunity.

Acting through guidelines adopted by the State Board of Education, the secondary schools of this State shall emphasize teaching as a career opportunity.

**SECTION 59‑39‑200.** Voter registration application forms to be made available to students.

Each high school in this State shall make available to its students voter registration application forms. Pursuant to Section 7‑5‑175, the forms must be provided to high school administrators upon their request to the appropriate county voter registration board or entity charged by law with registering an elector.

ARTICLE 3.

 MANDATORY DRIVER EDUCATION AND TRAINING

**SECTION 59‑39‑310.** School district boards shall establish driver education and training programs.

The governing board of any school district maintaining a secondary school which includes any grades nine through twelve, inclusive, shall establish driver education and training programs for students in high school grades.

**SECTION 59‑39‑320.** Rules and regulations of State Board of Education.

The State Board of Education shall promulgate rules and regulations for establishment by local school districts of approved driver education and training courses, and when duly promulgated shall have full force and effect of law. Such regulations shall require that credit for completion of a driver education training course shall not be given unless the course shall have included not less than thirty classroom hours of instruction in driver education, and not less than six hours of actual behind‑the‑wheel driving.

**SECTION 59‑39‑330.** Supervision of course; instrumental standards, teacher qualifications, reimbursement procedure and other requirements.

The rules and regulations of the State Board of Education and training course shall be under the supervision of a qualified driver education teacher. Such rules and regulations shall include instrumental standards, teacher qualifications, reimbursement procedure, and other requirements which will further implement the purposes and intent of this article.

**SECTION 59‑39‑340.** Payments to school districts.

The State Board of Education shall allow to each school district operating a driver education training program an amount equal to thirty dollars per pupil completing the standard prescribed course in the program in that school district during the preceding fiscal year in accordance with the regulations set forth by the State Board of Education for instructing pupils in driver education and training.