Agency Name: Board of Education

Statutory Authority: 59-19-90(10), 59-63-30, 59-63-420, 59-63-470, 59-63-480, 59-63-490, 59-63-500, 59-63-510, 59-63-520, 59-63-530, 59-65-30, and 59-65-90

Document Number: 4980

Proposed in State Register Volume and Issue: 44/8

House Committee: Regulations and Administrative Procedures Committee

Senate Committee: Education Committee

120 Day Review Expiration Date for Automatic Approval: 05/12/2021

Final in State Register Volume and Issue: 45/5

Status: Final

Subject: Transfers and Withdrawals

History: 4980

By Date Action Description Jt. Res. No. Expiration Date

- 08/28/2020 Proposed Reg Published in SR

- 01/12/2021 Received by Lt. Gov & Speaker 05/12/2021

H 01/12/2021 Referred to Committee

S 01/12/2021 Referred to Committee

- 05/12/2021 Approved by: Expiration Date

- 05/28/2021 Effective Date unless otherwise

provided for in the Regulation

Document No. 4980

**STATE BOARD OF EDUCATION**

CHAPTER 43

Statutory Authority: 1976 Code Sections 59‑19‑90(10), 59‑63‑30, 59‑63‑420, 59‑63‑470, 59‑63‑480, 59‑63‑490, 59‑63‑500, 59‑63‑510, 59‑63‑520, 59‑63‑530, 59‑65‑30, and 59‑65‑90

43‑273. Transfers and Withdrawals.

**Synopsis:**

The State Board of Education proposes to amend R.43‑273, Transfers and Withdrawals to clarify how district representatives should treat the evidence of work provided by students who desire to transfer from a home school association to a public school in South Carolina.

Notice of Drafting for the proposed amendment was published in the *State Register* on May 22, 2020.

**Instructions:**

Replace the Section II(C) that is currently in regulation with the amended Section II(C) as shown below. All other sections remain the same.

**Text:**

43‑273. Transfers and Withdrawals.

Each student transferring or withdrawing shall be given a form showing name, date of birth, grade placement, and attendance record to present to the appropriate school official where he or she is enrolling. Appropriate additional data shall be furnished by the sending school when requested in writingby the receiving school, as soon as possible, but no later than ten business days upon receiving the written request, excluding weekends and recognized state holidays.

I. Kindergarten; Grades 1–6; 7–8:

A school must transfer a student’s disciplinary record of suspensions and expulsions to the public or private school to which the student is transferring when requested in writingby the receiving school, as soon as possible, but no later than ten business days upon receiving the written request, excluding weekends and recognized state holidays.

Schools must transfer these records within ten business days upon receiving the written request from the public or private school to which the student is transferring. Schools may not withhold the transfer of records to a public or private school for fees owed by the student.

II. Grades 9–12:

A. Accurate accounting records shall be developed and maintained for student transfers and withdrawals. Comprehensive transcripts shall be submitted directly to the receiving school when requested in writing, as soon as possible, but no later than ten business days upon receiving the written request, excluding weekends and recognized state holidays. A permanent record of the transferred student shall be retained in the school from which the student is transferred. The school of record must transfer a student’s disciplinary record of suspensions and expulsions to the public or private school to which the student is transferring as soon as possible, but no later than ten business days upon receiving the written request, excluding weekends and recognized state holidays. Schools may not withhold the transfer of records to a public or private school for fees owed by the student.

B. Units earned by a student in an accredited high school of this state or in a school of another state which is accredited under the regulations of the board of education of that state, or the appropriate regional accrediting agency recognized by the U.S. Department of Education will be accepted under the same value which would apply to students in the school to which they transferred.

C. Home school, private school, or out‑of‑state non‑public school students shall have the opportunity to provide evidence of work to be considered for credit when transferring to a public school. The district shall have the right to evaluate evidence provided by the parent or student before transcribing the credit. If the evaluated evidence is insufficient, districts shall follow the option(s) defined in their district policy, which comply with options listed in the SC Uniform Grading Policy. The receiving school must also use the South Carolina Honors Framework criteria to evaluate such evidence and shall make the final decision on whether to award the said weighting. The South Carolina Department of Education advises districts to adopt a policy for accepting units of credit from home schools, private schools, or out‑of‑state nonpublic schools that is consistent with state regulation.

**Fiscal Impact Statement:**

No additional state funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred in complying with the proposed revisions to R.43‑273.

**Statement of Rationale:**

This change is being proposed to clarify how district representatives should treat the evidence of work provided by students who desire to transfer from a home school association to a public school in South Carolina. The proposed changes were requested by Senator Richard Cash on behalf of representatives from several home school associations in the state. Input was sought from and provided by home school representatives and school counseling personnel representing a number of districts of various sizes and located in various geographic regions.