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Indicates New Matter

AMENDED

April 28, 2011

**H. 3035**

Introduced by Reps. Erickson, Daning, Clyburn, Long, Lucas, Norman, Owens, Patrick, Herbkersman, Crosby, Brady, Allison, Merrill, Bowen, Pinson, Whipper and R.L. Brown

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Read the first time January 11, 2011.

**A** **BILL**

TO AMEND SECTION 59‑1‑425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BEGINNING AND LENGTH OF SCHOOL TERM AND SCHOOL MAKE‑UP DAYS, SO AS TO ALLOW A LOCAL SCHOOL DISTRICT TO ESTABLISH ITS CALENDAR BASED ON A STATUTORY TERM OF ONE HUNDRED EIGHTY DAYS OF INSTRUCTION OR THE EQUIVALENT NUMBER OF INSTRUCTIONAL HOURS.

Amend Title To Conform

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

SECTION 1. Section 59‑1‑425 of the 1976 Code, as added by Act 260 of 2006, is amended to read:

“Section 59‑1‑425. (A) ~~Each~~ A local school district board of trustees of the State ~~shall have~~ has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term ~~is one hundred ninety days annually and shall consist~~ consists of a minimum of one hundred eighty days of instruction ~~covering at least nine calendar months. However, beginning with the 2007‑2008 school year the opening date for students must not be before the third Monday in August, except for schools operating on a year‑round modified school calendar~~ or the equivalent one thousand one hundred seventy instructional hours and ten additional days or the equivalent sixty hours as provided in this section for secondary schools or one thousand eighty hours and ten additional days or the equivalent sixty hours for elementary schools as provided in this section. A local school district may decide how best to structure the instructional day and how many days of instruction comprise the school year, in that the local school district calendar includes instructional days to coincide with official testing dates as set by the South Carolina Department of Education for the administration of the statewide testing program. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among schools in the district. However, beginning with the 2007‑2008 school year, the opening date for students may not be before the third Monday in August, except for schools that operate on a year-round modified school calendar. A local school district shall schedule ten additional days. Three days or the equivalent eighteen hours must be used for collegial professional development based upon the educational standards ~~as required by~~ provided in Section 59‑18‑300. The professional development shall address, at a minimum, academic achievement standards including strengthening teachers’ knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools, and the remaining five days may be used for teacher planning, academic plans, and parent conferences. ~~The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district.~~

(B) Notwithstanding ~~any other provisions~~ another provision of law ~~to the contrary~~, ~~all~~ school days missed because of snow, extreme weather conditions, or other disruptions requiring schools to close must be made up. ~~All~~ A school ~~districts~~ district shall designate annually at least three days or the equivalent number of instructional hours within ~~their~~ its school ~~calendars~~ calendar to be used ~~as make‑up days~~ to make up missed time in the event of these occurrences. If ~~those~~ the designated days or times have been used or are no longer available, the local school board of trustees may lengthen the hours of school operation by no less than one hour per day for the total number of hours missed or operate schools on Saturday. Schools operating on a four‑by‑four block schedule shall make every effort to make up the time during the semester in which the days are missed. A plan to make up days by lengthening the school day must be approved by the Department of Education before implementation. Tutorial instruction for grades ~~7~~ seven through ~~12~~ twelve may be taught on Saturday at the direction of the local school board. If a local school board authorizes make‑up ~~days~~ time on Saturdays, tutorial instruction normally offered on Saturday for seventh through twelfth graders must be scheduled at an alternative time.

(C) The General Assembly by law may waive the requirements of making up missed days or time or, by law, may authorize the school board of trustees to forgive up to three days or the equivalent number of instructional hours missed because of snow, extreme weather conditions, or other disruptions requiring schools to close. A waiver granted by the local board of trustees of the requirement for making up missed days or time also must be authorized through a majority vote of the local school board.

(D) If a school is closed early due to snow, extreme weather conditions, or other disruptions, the day or equivalent number of instructional hours may count towards the required minimum to the extent allowed by State Board of Education policy.

(E) The instructional day for secondary students must be at a minimum six hours a day, or its equivalent weekly, excluding lunch. The school day for elementary students must be at a minimum six hours a day, or its equivalent weekly, including lunch.

(F) Elementary and secondary schools may reduce the length of the instructional day to not less than three hours for not more than three days each school year for staff development, teacher conferences, or for the purpose of administering end‑of‑semester and end‑of‑year examinations.

(G) Priority during the instructional day must be given to teaching and learning tasks. Class interruptions must be limited only to emergencies. Volunteer blood drives as determined by the principal may be conducted at times ~~which would~~ that do not interfere with classroom instruction such as study period, lunch period, and before and after school.

(H) The State Board of Education may waive the school opening date requirement pursuant to subsection (A) of this section on a showing of good cause or for an educational purpose. For the purposes of this section:

(1)’Good cause’ means that schools in a district have been closed eight days per year during any four of the last ten years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

(2) ‘Educational purpose’ means a district establishes a need to adopt a different calendar for a:

(a) specific school to accommodate a special program offered generally to the student body of that school,

(b) school that primarily serves a special population of students, or

(c) defined program within a school.

The state board may grant the waiver for an educational purpose for that specific school or defined program to the extent that the state board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the opening date set forth in this subsection. Waiver requests for educational purposes may not be used to accommodate system‑wide class scheduling preferences. Nothing in this subsection prohibits a district from offering supplemental or additional educational programs or activities outside of the calendar adopted under this section.”

SECTION 2. This act takes effect upon approval by the Governor.

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