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**VERSIONS OF THIS BILL**

[12/13/2016](file:///p:\pprever\2017-18\38_20161213.docx)

**A** **BILL**

TO AMEND SECTION 59‑1‑425 OF THE 1976 CODE, RELATING TO THE STATUTORY SCHOOL YEAR, TO REMOVE REQUIREMENTS CONCERNING THE SPECIFIC NUMBER OF DAYS THAT MUST BE INCLUDED IN A SCHOOL YEAR; TO PROVIDE THAT A DISTRICT SHALL REPORT THE SCHOOL CALENDAR THAT IT SELECTS TO THE STATE BOARD OF EDUCATION, ALONG WITH A RATIONALE BEHIND THE STRUCTURE OF THE CALENDAR; AND TO PROVIDE THAT WHEN DEVELOPING A CALENDAR, THE LOCAL SCHOOL DISTRICT BOARD SHALL FOCUS ON STRUCTURING THE CALENDAR TO MAXIMIZE THE EDUCATIONAL BENEFIT IN THE UNIQUE CIRCUMSTANCES OF EACH SCHOOL BECAUSE CIRCUMSTANCES VARY AMONG DISTRICTS AND SCHOOLS WITHIN DISTRICTS.

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

SECTION 1. Section 59‑1‑425 of the 1976 Code, as amended by Act 21 of 2015 and Act 281 of 2016, is amended to read:

“Section 59-1-425. (A) A local school district board of trustees of the State has the authority to establish an annual school calendar for teachers, staff, and students. When establishing a calendar, the local school district board shall focus on structuring the calendar to maximize the educational benefit in the unique circumstances of each school because circumstances vary among districts and schools within districts. ~~The statutory school term is one hundred ninety days annually and must consist 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.~~ Three days must be used for collegial professional development based upon the educational standards as required by Section 59‑18‑300. The professional development must 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~~ School calendars and 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. A district shall report the school calendar that it selects to the State Board of Education, along with the rationale behind the structure of the calendar.

(B) Notwithstanding any other provisions 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 school districts shall designate annually at least three days within their school calendars to be used as make‑up days in the event of these occurrences. If those designated days 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, operate schools on Saturday, or may waive up to three days. A waiver granted by the local board of trustees of the requirement for making up the three or fewer days missed only may be authorized by a majority vote of the local school board, and, after the completion of the 2014‑2015 school year, may not be granted for a school in the district until the school has made up three full days, or the equivalent number of hours, missed due to snow, extreme weather, or other disruptions requiring the school to close during the same school year in which the waiver is sought. When a district waives a make‑up day pursuant to this section, the make‑up day also is waived for all charter schools located in the district and for all students participating in a home schooling program approved by the board of trustees of the district in which the student resides. 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 through 12 may be taught on Saturday at the direction of the local school board. If a local school board authorizes make‑up days on Saturdays, tutorial instruction normally offered on Saturday for seventh through twelfth graders must be scheduled at an alternative time.

(C)(1) The State Board of Education may waive the requirements of making up days beyond the three days forgiven by the local school district, not to exceed three additional days missed because of snow, extreme weather conditions, or other disruptions requiring schools to close. Such a waiver only may be considered and granted upon the request of the local board of trustees through a majority vote of that local school board. The State Department annually before July first shall provide the General Assembly with a detailed report of information from each district listing the number of:

~~(1)~~(a) days missed and the reason, regardless of whether any were missed;

~~(2)~~(b) days made up; and

~~(3)~~(c) days waived.

(2) When requesting a waiver from the one hundred eighty instructional day requirements of this section to operate on a year‑round modified school calendar, a school shall submit to the State Board of Education a plan detailing the goals that the school seeks for its students to achieve from operating on a year‑round modified school calendar. This plan must be approved by the State Board before the waiver may be granted. The school shall annually report to the State Board the progress that the school has made during the preceding year toward reaching the student achievement goals that the school stated as the rationale for seeking the waiver. The State Board shall review the annual report of each exempt school and make a finding as to whether this progress is satisfactory. A school that receives a waiver from the one hundred eighty instructional day calendar requirements of this section is not required to request a renewal of the waiver annually or otherwise, and the waiver must remain in full effect as long as the school demonstrates improvement at a rate of progress considered satisfactory by the board. If the State Board determines that satisfactory progress is not being made, it initially may not revoke the school’s waiver but instead must put the school on probation for one year, during which time the school and the State Board shall develop a probation improvement plan for the school to demonstrate improved progress to a level considered satisfactory to the State Board. If the school fails to achieve this level of progress during the probationary year, the State Board shall revoke the school’s waiver and direct the transition of the school back to the one hundred eighty instructional day calendar. A school that has lost its waiver subsequently may seek a waiver from the one hundred eighty instructional day calendar as provided in this section, but the State Board may consider the previous revocation of a school’s waiver when considering whether to grant a subsequent waiver to the school.

(D) If a school is closed early due to snow, extreme weather conditions, or other disruptions, the day 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 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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