**South Carolina General Assembly**

125th Session, 2023-2024

**S. 1108**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hutto, Shealy, Reichenbach, Devine and Stephens

Document Path: SR-0125JG24.docx

Introduced in the Senate on February 28, 2024

Currently residing in the Senate Committee on **Education**

Summary: Preschool Suspension/Expulsion Language

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/28/2024 Senate Introduced and read first time (Senate Journal‑page 5)

 2/28/2024 Senate Referred to Committee on **Education** (Senate Journal‑page 5)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=1108&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1108_20240228.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59‑63‑285 SO AS TO DEFINE TERMS RELATED TO THE SUSPENSION OR EXPULSION OF PRESCHOOL STUDENTS, TO PROVIDE FOR EDUCATION AND TRAINING FOR ADMINISTRATORS, TEACHERS, AND STAFF, TO REQUIRE EFFORTS TOWARD MAINTAINING STUDENT ENROLLMENT, AND TO PROVIDE FOR RELEVANT DATA COLLECTION.

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

SECTION 1. Article 3, Chapter 63, Title 59 of the S.C. Code is amended by adding:

 Section 59‑63‑285. (A) For purposes of this section:

 (1) "Challenging behavior" means any repeated pattern of behavior, or adult perception of behavior, that interferes with or is at risk of interfering with optimal learning or engagement in positive interactions with peers and adults.

 (2) “Expulsion” means an exclusionary practice in which a child is permanently dismissed from a program for what is deemed challenging behavior by the adults in the program.

 (a) Expulsion includes instances when a program dismisses a child or the parent or family is encouraged to disenroll the child from the program.

 (b) Expulsion does not include a collaboratively‑planned transition to another program, service, or classroom deemed more appropriate for the child by the family, current program, or new program, such as special education services and therapeutic preschool programs.

 (3) “In‑school suspension” means an exclusionary practice in which a child is removed or excluded from a classroom or from activities that include other children for a portion of a school day or a full school day in response to the child’s challenging behavior while the child physically remains in the facility setting and under direct supervision of school personnel.

 (a) In‑school suspension includes a child’s removal from the classroom for short periods of time to collect themselves after exhibiting challenging behavior.

 (b) In‑school suspension does not include a child leaving the classroom to receive recommended services, such as educational or behavioral health services or speech, occupational, physical, or other therapies.

 (4) “Out‑of‑school suspension” means an exclusionary practice in which a child is sent home early or not allowed to return to the program for a portion of a school day or a full school day in response to challenging behavior.

 (5) “Publicly‑funded preschool” means formal education programs, including those funded by CERDEP, EIA, Title I, and district funds.

 (B) The Department of Education shall make available:

 (1) Pre‑service and in‑service professional development on working with children with challenging behaviors to administrators, teachers, and staff. This professional development should include but is not limited to:

 (a) Making administrators, teachers, and staff aware of additional resources available in the community for families with young children who have more intensive needs;

 (b) Publicizing the resources available to administrators, teachers, and staff in relation to navigating a child’s challenging behaviors and maintaining enrollment; and

 (c) Training administrators, teachers, and staff on trauma‑informed practices to support children whose challenging behaviors may arise from trauma.

 (2) Materials on available resources and working with children with challenging behaviors to parents and caregivers; and

 (3) Technical assistance for districts:

 (a) to build internal capacity to provide ongoing support and professional development for preschool classroom teachers on evidence‑based strategies to prevent challenging behavior and to appropriately intervene if challenging behavior persists;

 (b) to develop and revise existing district Codes of Conduct to acknowledge age‑appropriate behavior for preschoolers and to distinguish it from conduct expected of older students; and

 (c) to implement trauma‑informed frameworks to support children attending school after or while experiencing trauma.

 (C) Before a publicly‑funded preschool expels or suspends, either in‑school or out‑of‑school, a child for challenging behavior, the school district or program must first attempt to maintain enrollment by:

 (1) Exhausting its own interventions and strategies available at the district level, such as multi‑tiered system of support measures and early childhood behavioral specialists;

 (2) Ensuring children have received referrals for assessments or evaluations for special education or other support services, the assessments or evaluations have been completed, and any interventions, services, or accommodations have been implemented;

 (3) Convening an IEP or Section 504 meeting to review if appropriate supports are being provided if the student has an IEP pursuant to the IDEA or a 504 plan under Section 504 of the Rehabilitation Act of 1973; and

 (d) Revising existing student Codes of Conduct to acknowledge age‑appropriate behavior for preschoolers and to distinguish it from conduct expected of older students.

 (D) All efforts to maintain enrollment as required in this section must be documented:

 (1) By public school districts in the student information system as directed by the department;

 (2) By First Steps through systems in use or of its choice as long as the program captures the documentation, actions, and data required in this section.

 (E)(1) The Department of Education shall collect at the school, school district, and state level the following data concerning publicly‑funded preschool suspension and expulsion for the current school year and four immediately previous school years:

 (a) the number of publicly‑funded preschool students suspended (unique count), including in‑school and out‑of‑school suspensions, disaggregated by the following variables: grade level (3K, 4K), instructional setting, gender, race, students with an Individualized Education Plan (IEP), students with a 504 Plan, and school district;

 (b) the number of suspensions received by publicly‑funded preschool students, including in‑school and out‑of‑school suspensions, disaggregated by the following variables: grade level (3K, 4K), suspension reason, instructional setting, gender, race, students with an Individualized Education Plan (IEP), students with a 504 Plan, and school district;

 (c) the number of publicly‑funded preschool students expelled (unique count), disaggregated by the following variables: grade level (3K, 4K), instructional setting, gender, race, students with an Individualized Education Plan (IEP), students with a 504 Plan, and school district; and

 (d) other data points as requested by the Joint Citizens and Legislative Committee on Children, the Education Oversight Committee, or the State Board of Education or as deemed informative by the Department.

The Department shall report this data annually by October 31 to the Joint Citizens and Legislative Committee on Children, the Education Oversight Committee, and the State Board of Education.

 (2) South Carolina First Steps shall collect the following data concerning preschool suspension and expulsion for the current school year:

 (a) the number of publicly‑funded preschool students suspended (unique count), including in‑school and out‑of‑school suspensions, disaggregated by the following variables: gender, race, students with an Individualized Education Plan (IEP), students with a 504 Plan, and county;

 (b) the number of suspensions received by publicly‑funded preschool students, including in‑school and out‑of‑school suspensions, disaggregated by the following variables: suspension reasons, gender, race, students with an Individualized Education Plan (IEP), students with a 504 Plan, and county;

 (c) the number of publicly‑funded preschool students expelled (unique count), disaggregated by the following variables: gender, race, students with an Individualized Education Plan (IEP), students with a 504 Plan, and county; and

 (d) other data points as requested by the Joint Citizens and Legislative Committee on Children or the Education Oversight Committee or as deemed informative by First Steps.

First Steps shall report these data annually by July 1 to the Joint Citizens and Legislative Committee on Children and the Education Oversight Committee.

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

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