



## Highlights of 2018 Legislative Session

**Superintendent of Education** – Voters will consider this fall an amendment to the State’s Constitution to make the position of State Superintendent of Education a gubernatorial appointment rather than an elected position. If approved by voters in the 2018 general election, beginning January 2023, the Governor would appoint the State Superintendent of Education with the advice and consent of the Senate. Act 178 of 2018 further establishes the minimum qualifications of the Superintendent of Education. The State Superintendent of Education must possess either a minimum of a master’s degree and substantive and broad-based experience in the field of public education or a master’s degree and broad-based experience in operational and financial management.

**Reading** – Act 213 of 2018 requires the South Carolina Department of Education to establish a multi-tiered system of supports (MTSS) that uses universal screening procedures to identify students, as early as kindergarten, who may be at risk of experiencing difficulties in reading, math or writing and who also may be at risk of experiencing difficulties in social emotional development. Based upon the results of the screening procedures, each school must have a school-based team that will analyze the data and implement appropriate instruction and evidence-based interventions to assist students. The Department is also required to provide professional development training and resources for all educators in MTSS and the identification of, and evidence-based intervention methods for, students who are at risk of experiencing academic difficulties, including students with dyslexia. To assist the Department, the law creates a Learning Disorders Task Force to advise the Department in matters relating to reading disorders to include, but not be limited to, dyslexia.

**Marching band instruction** may now count as the equivalent of physical education instruction provided the school district submits a plan to the South Carolina Department of Education documenting that all South Carolina Academic Standards for Physical Education are met in the proposed marching band instruction. (Act 185)

**Office of First Steps to School Readiness** was reauthorized through June 30, 2025 by Act 152.

**Educational Credit for Exceptional Needs Children (ECENC) Program** was codified in Act 247 of 2018.

**School District Fiscal Integrity** law was amended by Act 230 of 2018 to clarify the conditions by which the State Superintendent of Education may issue a fiscal watch or fiscal caution for a district to include a review of the district's annual audit, failure to provide the annual audit by more than sixty days after December 1, and consultation with an outside, independent auditing firm declaring the district's financial records as unadaptable or the Department's identification of significant auditing and financial deficiencies. The Superintendent may declare a fiscal watch or fiscal caution if the district does not maintain a sufficient general reserve fund or has not made progress in increasing the general reserve fund balance to meet at least one month of expenditures. The law now applies to any charter school authorizer, including a higher education institution. In the event of a mid-year budget reduction, the legal requirements are suspended for two fiscal years. And, the law includes requirements of a school district or charter sponsor involved in restructuring or the transfer of a school under its governance to another district or charter sponsor including updated assessment records and complete student information files.

**Act 198** of 2018 authorizes a local school district board of trustees or the governing body of a charter school to adopt a policy that all certified and noncertified public school teachers who earn but do not use sick and annual leave in excess of 90 days may be eligible to receive payment at the end of each fiscal year for those days earned in excess of 90 days accrued. The law goes into effect after July 1, 2018.

**Department of Children's Advocacy** is created by Act 160 of 2018. The Department, headed by the State Child Advocate, is responsible for ensuring that children under the care of a state agency (Department of Social Services, the Department of Mental Health, the Department of Health and Human Services, the Department of Juvenile Justice, the Department of Health and Environmental Control, the Department of Disabilities and Special Needs, the John de la Howe School, the Wil Lou Gray Opportunity School and the School for the Deaf and the Blind) "receive timely, safe and effective services," ensuring their health, safety and well-being are safeguarded. The Department will also receive and investigate complaints made. The State Child Advocate is responsible for "ensuring that children receive adequate protection and care from services or programs" offered by these state agencies.

The **South Carolina Released Time Credit Act** was amended by Act 179 of 2018 to allow a school district board of trustees to award a high school student no more than two elective Carnegie units for the completion of released time classes in religious instruction if the district leaves the valuation and assessment function for an off-campus released time class to an accredited private school and accepts the off-campus released time transfer of credit without individually assessing the quality or subject matter of the class. The district is, therefore, allowed to trust the private school accreditation process to ensure that the academic standards of the released time class are adequate.