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U.S. DEPARTMENT OF EDUCATION

State Regulation of Private Schools

State Regulation of Private Schools

**U.S. Department of Education
Office of Innovation and Improvement
Office of Non-Public Education**

2009

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<www.ed.gov/admins/comm/choice/regprivschl/index.html>.

SOUTH CAROLINA

Accreditation/Registration/Licensing/Approval

- *Accreditation* is optional.
 - Accreditation is one alternative to satisfy South Carolina's compulsory school attendance statute. Attendance at a private school satisfies South Carolina's compulsory school attendance statute if the school is a member school of the South Carolina Independent School Association or a similar organization.
 - There are very few laws and regulations that address private schools in South Carolina. The schools which are accredited are governed by their accrediting organizations and may have to meet specific requirements regarding teacher certification, school term, curriculum, and other areas where state law does not specifically regulate with regard to private schools.
- No requirements for *Registration*.
- No requirements for *Licensing*.
- *Approval* is optional.
 - Approval by the State Board of Education is one alternative to satisfy South Carolina's compulsory school attendance statute. Attendance at a nonsectarian private school satisfies South Carolina's compulsory school attendance statute if the State Board of Education has approved the school.
 - Attendance at parochial, denominational, and church-related schools also satisfies this requirement. *S.C. Code* §59-65-10(A).
 - The Attorney General has determined that the State Board of Education has authority to establish minimum standards for private school approval under the Compulsory School Attendance Act, 1967-68 Ops. Atty. Gen., No. 2585, p. 291; however no standards have been developed at this time.
- The clerk of the House of Representatives may distribute the legislative manual to private schools without charge. *S.C. Code* §2-1-130.

Teacher Certification

- Teacher certification is not required for private school teachers.

Length of School Year/Days

- There is no state requirement for private schools' length of the school year.

Curriculum

- There are no state requirements for the curriculum of private schools.

Recordkeeping/Reports

- Private schools must report annually to the local superintendent of education the following information: 1) the number of students receiving instruction; 2) the number of students in regular attendance; 3) the number of teachers employed; and 4) such

other facts demonstrating the grade and amount of educational work actually done in the private school. *S.C. Code* §59-13-130.

- A private school failing to file the information within two weeks after the close of the regular session is subject to a fine not more than \$25. *S.C. Code* §59-13-130.

Health and Safety Requirements

- The Department of Health and Environmental Control has the authority to inspect private school lunchrooms and sanitary facilities. 1982 Op. Atty. Gen., No. 82-10, p. 12.
- Potential staff members of a private school must be evaluated for tuberculosis prior to hiring. Applicants must present a health certificate certifying that they do not have tuberculosis in an active stage as a prerequisite to employment. *S.C. Code* §§44-29-150, 160.
- No child shall be admitted to any public, private, or parochial school, grades kindergarten through twelve (K–12), or any child development program under the control of the Department of Education without first presenting a valid South Carolina Certificate of Immunization. 24 *S.C. Code Regs.* 61-8.
- The distribution of a controlled substance within a radius of one-half mile of a private elementary, middle, or secondary school is a criminal offense and punishable by fine or imprisonment. *S.C. Code* §44-53-445. *S.C. Code* §16-17-420 (Disturbing Schools); *S.C. Code* §16-11-110 (Arson).

Transportation

- School buses owned and operated by private schools or under contract for a private school must conform to state laws and regulations of the State Board of Education. Buses failing to comply with the laws and regulations must be painted a color other than yellow and are not entitled to the privileges and protection of a school bus operating on the highways. *S.C. Code* §59-67-40.
- Private school bus drivers must be certified by the State Board of Education. *S.C. Code* §59-67-108 (Supp. 2007).

Textbooks

- There is no state policy at this time.

Testing

- There is not state policy at this time.

Special Education

- Handicapped students may be placed in private schools that maintain approved special education facilities if the school district cannot provide an appropriate education. *S.C. Code* §59-33-50.
- South Carolina school districts place handicapped students in private schools provided the school accepts children into the program regardless of color, race, sex, or religion. *S.C. Code* §59-33-50.
- All private school administrators must report the names of visually handicapped students to the Commission for the Blind. The Commission may provide itinerant

teachers to assist private school teachers who are responsible for teaching visually handicapped children. *S.C. Code* §43-25-60.

Nursing and Health

- There is not state policy at this time.

Technology

- There is not state policy at this time.

Professional Development

- There is no state policy at this time.

Reimbursement for Performing State/Local Functions

- There is not state policy at this time.

Tax Exemption

- The South Carolina Constitution exempts private schools from property taxes except where profits are applied to private use. *S.C. Const.* Art. 10, 4.

Public Aid for Private Education

- **Constitutional Provisions:** The South Carolina Constitution prohibits public appropriations for the direct benefit of any religious or private educational institution. *S.C. Const.* Art. 11, Sec. 4.
- **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

Homeschooling

- In general, home schooling¹⁰ programs are approved by the local school district.
- Parents or guardians may teach their children at home if the district board of trustees in the district in which the child resides approves the instruction. *S.C. Code* §59-65-40(A).
- A home school parent must hold at least a high school diploma or the equivalent GED certificate. *S.C. Code* §59-65-40(A).
- The instructional day must at least four and one-half hours, excluding lunch and recesses, and the instructional year is at least 180 days. *S.C. Code* §59-65-40(A).
- The curriculum must include, but is not limited to, the basic instructional areas of reading, writing, mathematics, science, and social studies and, in grades 7 through 12, composition and literature. *S.C. Code* §59-65-40(A).
- As evidence that a student is receiving regular instruction, the parent shall maintain the following records for inspection upon reasonable notice by a representative of the school district: a plan book, diary, or other written record indicating subjects taught and activities in which the parent and student engage; a portfolio of samples of the student's work; and a record of evaluations of the student's academic progress. *S.C. Code* §59-65-40(A).
- The student must have access to library facilities. *S.C. Code* §59-65-40(A).

¹⁰ "Home school" is the term written in state law,

- Students must participate in the annual statewide testing program and the Basic Skills Assessment Program approved by the State Board of Education for their appropriate grade level. *S.C. Code* §59-65-40(A).
- Should a student in a home schooling program score below the test requirements of the promotion standards prescribed for public school students by the State Board of Education for one year, the district board of trustees shall decide whether or not the student shall receive appropriate instructional placement in the public school, special services as a handicapped student, or home schooling with an instructional support system at parental expense. *S.C. Code* § 59-65-40(D).
- The right of a parent to enroll his child in a private or parochial school as provided in *S.C. Code* §59-65-10(A) is unaffected by this provision. *S.C. Code* §59-65-40(D).
- A parent or guardian denied permission by a district board of trustees to begin or continue a program of home instruction may appeal that decision to the State Board of Education. *S.C. Code of Regs.* Rule 43-246.
- The parent must agree in writing to hold the district, the district board of trustees and the district's employees harmless for any educational deficiencies of the student sustained as a result of home instruction. *S.C. Code* §59-65-40(A).
- The following option is a non-district approved home school option. In lieu of the requirements of *S.C. Code* §59-65-40, parents or guardians may teach their children at home if the instruction is conducted under the auspices of the South Carolina Association of Independent Home Schools. Bona fide membership and continuing compliance with the academic standards of South Carolina Association of Independent Home Schools exempts the home school from the further requirements of *S.C. Code* §59-65-40.
- The following option is a non-district approved home school option. In lieu of the requirements of *S.C. Code* §59-65-40 or §59-65-45, parents or guardians may teach their children at home if the instruction is conducted under the auspices of an association for home schools which has no fewer than 50 members and meets the following requirements, determined by the State Department of Education through an annual review of the association: a) a parent must hold at least a high school diploma or the equivalent GED certificate; b) the instructional year is at least 180 days; c) the curriculum includes, but is not limited to, the basic instructional areas of reading, writing, mathematics, science, and social studies, and in grades 7 through 12, composition and literature; and d) educational records maintained by the parent-teacher. *S.C. Code* §59-65-47.
- The State Department of Education shall conduct annually a review of the association standards to insure that requirements of the association, at a minimum, include a) a parent must hold at least a high school diploma or the equivalent GED certificate; b) the instructional year is at least 180 days; and c) the curriculum includes, but is not limited to, the basic instructional areas of reading, writing, mathematics, science, and social studies, and in grades 7 through 12, composition and literature. *S.C. Code* §59-65-45.

State Regulation of Private Schools—South Carolina

Information resources

- [South Carolina Department of Education: Homeschooling](http://ed.sc.gov/topics/educationinsc/homeschool/)
<<http://ed.sc.gov/topics/educationinsc/homeschool/>>
- [South Carolina Code of Laws](http://www.scstatehouse.gov/code/statmast.htm) <<http://www.scstatehouse.gov/code/statmast.htm>>
[Title 59: Education](http://www.scstatehouse.net/code/titl59.htm) <<http://www.scstatehouse.net/code/titl59.htm>>
- [South Carolina Code of Regulations](http://www.scstatehouse.gov/coderegs/statmast.htm)
<<http://www.scstatehouse.gov/coderegs/statmast.htm> >
- South Carolina Department of Education
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Columbia, SC 29201
Phone: 803-734-8815
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E-mail: info@ed.sc.gov
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