

STATE BOARD OF EDUCATION

SYNOPSIS AGENDA/EXECUTIVE SUMMARY

CODE:	PH-02
COMMITTEE:	Public Hearing
DATE:	February 10, 2016

SUBJECT/TITLE

Proposed Amendments to State Board of Education (SBE) Regulation 2 S.C. Code Ann. Regs. 43-243 (R.43-243), Special Education, Education of Students with Disabilities (Second Reading)

PURPOSE OF REPORT/REGULATION/ITEM

This item proposes to amend or clarify R.43-243, Special Education, Education of Students with Disabilities, in order to remove duplicative language already present in federal regulations, clarify components that are specific to South Carolina, and amend language to be reflective of other state statutes and requirements.

CRITICAL FACTS

Regulation 43-243, Special Education, Education of Students with Disabilities, was last amended in 2013. The following critical facts are essential reasons for amending the regulation:

- Currently, the vast majority of this regulation is identical to the implementing regulations of the Individuals with Disabilities Education Act, 2004 (IDEA) found in the Code of Federal Regulations in Chapter 34, Part 300. As such, the majority of the language in state regulation is unnecessary.
- Although the federal regulations are comprehensive, there are areas that need clarification as those components are unique in South Carolina.
- There are state statute references and requirements that need to be inserted in R.43-243.

Due to the size of this regulation, and for the convenience of the State Board Members, the General Assembly's recommended changes are located at

- III(B), page 3
- IV(E)(1), page 120
- IV(E)(1)(b), page 120
- IV(E)(1)(e), page 120
- IV(E)(3)(c), page 121
- IV(E)(3)(f), page 121
- IV(E)(3)(i), page 121
- IV(E)(4), page 122

TIMELINE/REVIEW PROCESS

- July 24, 2015
 - August 24, 2015
 - September 9, 2015

 - September 2015

 - October 26, 2015
 - November 10, 2015

 - January 13, 2016

 - February 10, 2016
- Drafting notice printed in the *State Register*.
Written comments were due.
R.43-243, Special Education, Education of Students with Disabilities, was submitted to the Standards and Learning Committee for review and approval and to the SBE with proposed amendments (First Reading).
South Carolina Department of Education (SCDE) staff met with Legislative Council staff.
Written comments were due.
SBE public hearing and promulgation of the amendments to R.43-243 (Second Reading).
Amendments to R.43-243 submitted to the General Assembly.
General Assembly request to withdraw, make changes, and resubmit for General Assembly review and approval.

ECONOMIC IMPACT

COST: There is no cost impact with the proposed changes.
FUND/SOURCE: N/A

ATTACHMENTS

Attachments: yes no
(attachments must be submitted with synopsis)

Name of Attachments: R.43-243 (Second Reading)

RECOMMENDATION

The SCDE recommends that the SBE approve the General Assembly’s proposed amendments to R.43-243, Special Education, Education of Students with Disabilities (Second Reading).

ACTION REQUEST

FOR APPROVAL: FOR INFORMATION ONLY: