

STATE BOARD OF EDUCATION POWERS AND DUTIES

Code **ABB** Issued **12/10/96** Revised **4/8/92:4/9/97:4/2/03**

Constitutional and Statutory Provisions:

- §10-1-110** Approve publicly bid construction contracts for public buildings, **which** are to be built with funds furnished by the Board when any such construction contract is not awarded to lowest bidder.
- §59-1-40** Exercise regulatory power within the limits prescribed by law over the state system of public education.
- §59-1-320** Promulgate rules and regulations, not inconsistent with the National Flag Code for the display of the flag of the United States of America and for the display of the flag of the State at public schools.
- §59-1-447** Promulgate regulations concerning test security for mandatory tests administered to students by or through the Board.
- §59-1-450** Promulgate regulations to implement parent education programs in all school districts.
- §59-5-60** General Powers and Duties of the Board - The State Board of Education shall have the power to:
1. Adopt policies, rules and regulations not inconsistent with the laws of the State for its own government and for the government of the free public schools;
 2. Annually approve budget requests for the institutions, agencies, and service under the control of the Board as prepared by the State Superintendent of Education prior to being submitted to the Budget and Control Board and to the General Assembly (Note: Act # 181 of 1993 eliminated the requirement that the State Superintendent and the State Board present an annual budget request to the Budget and Control Board and the General Assembly);
 3. Adopt minimum standards for any phase of education as are considered necessary to aid in providing adequate educational opportunities and facilities;
 4. Prescribe and enforce rules for the examination and certification of teachers;
 5. Grant state teachers' certificates and revoke them for immoral or unprofessional conduct, or evident unfitness for teaching;

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6. Prescribe and enforce courses of study for the free public schools;
7. Prescribe and enforce the use of textbooks and other instructional materials for the various subjects taught or used in conjunction within the free public schools of the state, both high schools and elementary schools in accordance with the courses of study as prepared and promulgated by the Board;
8. Appoint such committees and such members of committees as may be required or as may be desirable to carry out the orderly function of the Board;
9. Cooperate fully with the State Superintendent at all times to the end that the state system of public education may constantly be improved; and
10. Assume such other responsibilities and exercise such other powers and perform such other duties as may be assigned to it by law or as it may find necessary to aid in carrying out the purpose and objectives of the Constitution of the State.

§59-5-61 Establish, maintain, and operate secondary occupational vocational education courses for secondary school students in public schools through local school districts and area vocational centers.

§59-5-63 Promulgate regulations directing principals in grades one to six to develop and implement duty free lunch periods for teachers.

§59-5-65 The State Board of Education shall have the power and responsibility to:

1. Establish regulations prescribing minimum standards of conduct and behavior for all public school students;
2. Promulgate regulations prescribing a uniform system of enforcement by the various school districts of the rules of conduct and behavior;
3. Promulgate rules prescribing scholastic standards of achievement;
4. Establish regulations prescribing a uniform system of enforcement by the various school districts of the state compulsory attendance laws and regulations;
5. Promulgate regulations to ensure the establishment of clearly defined college preparatory programs in the secondary schools;
6. Promulgate regulations to ensure the establishment of clearly defined vocational programs in the secondary or vocational schools designed to provide meaningful employment;
7. Establish criteria for the promotion of students to the next higher grade;

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8. Develop and implement regulations to provide early childhood development programs in the school districts;
9. Deleted by Act 135 of 1993;
10. Adopt guidelines whereby the secondary schools of this State shall emphasize teaching as a career opportunity;
11. Adopt policies and procedures for the local school districts to follow to strengthen the involvement of parents in their children's education;
 - (a) Regular conferences between parents and teachers are encouraged;
 - (b) Each school has active parent and teacher participation on the School Improvement Council and in parent-teacher groups; and
 - (c) Parenting classes and seminars are made readily available in every school district.
12. Adopt policies and procedures for the school districts to follow to increase the participation of business and industry in the public schools;
 - (a) Have school personnel encourage advice and suggestions from the business community;
 - (b) Have business organizations encourage their members to become involved in efforts to strengthen the public schools;
 - (c) Encourage all schools and businesses to participate in adopt-a-school programs; and
 - (d) Encourage statewide businesses and their organizations to initiate a Public Education Foundation to fund exemplary and innovative projects, which support improvement in the public schools.
13. Adopt policies and procedures for the school districts to follow to broaden the community involvement in the public schools;
 - (a) Expand school volunteer programs; and
 - (b) Encourage civic and professional organizations to participate in local adopt-a-school programs.
14. Work with the leadership network established pursuant to §59-6-16;
15. Develop by regulation a model safe schools checklist to be used by school districts on a regular basis to assess their schools' safety strengths and weaknesses (as more fully set forth in this subsection); and

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16. Consult with Clemson University regarding any state plan developed to satisfy the federal Perkins Vocational and Applied Technology and Education Act, or any successor.

§59-5-67 Establish and administer, through the State Department of Education, competitive grants for improving teaching practices and procedures if appropriation is made by the General Assembly.

§59-5-68 Develop and adopt a uniform grading scale.

§59-5-69 Promulgate regulations necessary to fulfill responsibilities assigned by the Education Improvement Act.

§59-5-70 At its discretion, designate one or more of its members to conduct any hearing in connection with any responsibility of the Board and to make a report on any such hearing to the Board for its determination.

§59-5-71 Develop and adopt a uniform beginning date for annual school term.

§59-5-75 Review and make any necessary revisions to regulations to define criteria for out-of-field permits and teaching, and to phase in middle level certification.

§59-5-85 Review and refine, as necessary, the professional performance dimensions in the state's ADEPT program.

§59-5-90 Powers and duties of the State Educational Finance Commission and the State Schoolbook Commission transferred to the Board. (See also §§59-5-100, 59-5-110, and 59-5-120.)

§59-5-95 In conjunction with the Commission on Higher Education appoint a collegial panel of middle grade classroom teachers and teacher preparation faculty to review NCATE.

§59-5-100 Enumerate general powers and duties transferred to the Board based on prior duties of Educational Finance Commission

§59-5-110 Assume additional duty of Educational Finance Commission to make survey of public school system to determine needs.

§59-5-120 Assume additional powers and duties of Educational Finance Commission to promulgate regulations to carry out the provisions of law set forth in §59-5-100, 59-5-110, Chapter 21, State Aid for Schools, Article 3 of Chapter 67, State Aid for Transportation, and Articles 1 and 5 of Chapter 71, School Bond Act.

§59-5-130 Members shall not contract with the Board, or otherwise obtain financial benefit from contract with the Board.

§59-5-135 Develop guidelines for administering and allocating funds for the Governor's Institute of Reading.

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- §59-5-140** Prescribe standards for academic and vocational training provided by the Wil Lou Gray Opportunity School, the John De La Howe School, and the South Carolina School for the Deaf and Blind.
- §59-5-150** Initiate an awards program to recognize businesses, civic organizations, school improvement councils, and individuals making significant contributions to public education.
- §59-6-16** Appoint a leadership network of representatives from the private sector.
- §59-6-30** Provide an annual assessment of the South Carolina Education Improvement Act of 1984 for consideration by the General Assembly.
- §59-18-300** Adopt of educational standards in core academic areas.
- §59-18-310** Develop or adopt statewide assessment program to measure student performance.
- §59-18-360** Review state standards and assessments by academic area.
- §59-18-500** Establish guidelines and regulations addressing academic plans for students lacking skills to perform at current grade level; review of results.
- §59-18-700** Align criteria for instructional materials with educational standards.
- §59-18-710** Outline criteria for state's accreditation system.
- §59-18-900** Work with the Education Oversight Committee to develop an annual report card for each school.
- §59-18-920** Report card requirements for charter, alternative and vocational schools.
- §59-18-1100** Establish the Palmetto Gold and Silver Awards Program established.
- §59-18-1110** Provide flexibility to receive exemption from regulations.
- §59-18-1300** Develop regulations that address district accountability systems.
- §59-18-1510** Approve recommendations of external review committee assigned to unsatisfactory schools.
- §59-18-1520** Declare a state of emergency in school rated below average.
- §59-18-1560** Establish grant programs for schools designated as below average or unsatisfactory.
- §59-18-1570** Appoint an external review committee to study a district rated below average.
- §59-18-1580** Declare a state of emergency in school district rated below average.
- §59-18-1910** Establish a grant program for homework centers.

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- §59-18-1920** Establish a grant program for a modified school year or school day schedule.
- §59-19-45** Approve orientation programs for school district boards of trustees and county boards of education.
- §59-19-190** Approve the request of a District Board of Trustees to acquire land for public school purposes with any State funds and dispose of property purchased after 1952 with any state funds.
- §59-20-20 et seq.** Establish regulations to implement the Education Finance Act and assume the duties delegated to the Board therein.
- §59-21-340** Apply the annual grant for financing needed capital improvements funding in a specified order.
- §59-21-370** Establish application procedures for Capital Improvement Funds.
- §59-21-390** Employ architects, consultants, and sufficient personnel to assist county boards of education in preparation of county plans required under §59-21-360, along with a survey of necessary capital improvements or a plan for tax relief on school indebtedness.
- §59-21-400** Promulgate rules and regulations in order to ensure the wise use of funds derived from the State public school building funds.
- §59-21-410** Approve any construction to be financed from funds received from the State public school building fund.
- §59-21-420** Grant waiver requests of school districts for exemption from requirement that at least 50 percent of the Capital Improvement Funds be used to reduce local debt service millage.
- §59-21-550** Specify qualifications and certification requirements for special education teachers.
- §59-21-580** Establish rules, regulations, and policies for: (1) screening, classifying, and determining the eligibility of pupils to receive the benefits of special education programs, (2) certification requirements and special qualifications of teachers, (3) outlining the manner and procedure by which applications for aid and plans for operation may be made and approved, and (4) other matters necessary to carry out the provisions of the article, Education of Physically and Mentally Handicapped Children.
- §59-21-600** Develop regulations for the distribution of funds for educational services to mentally handicapped pupils.
- §59-21-720** Establish regulations for the certification of school psychologists.
- §59-21-760** Promulgate rules and regulations to carry out the provisions of the article, Employment of Psychologists.

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- §59-21-1030** Grant waivers to school districts submitting applications requesting adjustments to the level of financial effort per pupil required of each school district.
- §59-21-1210** Develop and implement a campus incentive program (in consultation with the Education Oversight Committee) to be funded by the General Assembly.
- §59-21-1220** Appoint three members to the campus incentive advisory committee, and in consultation with the Education Oversight Committee, develop regulations and guidelines.
- §59-24-20** Assist Commission on Higher Education with requirements for admission to graduate programs in school administration.
- §59-24-30** Approve administrative skills and instructional leadership seminars for school superintendents and principals.
- §59-24-40** Adopt criteria, evaluation instruments, and minimum statewide performance standards for the evaluation of all principals.
- §59-24-65** Establish regulations governing the operation of the Principals' Executive Institute.
- §59-24-80** Develop regulations for formal induction program for first year principals.
- §59-24-100** Develop and implement a school principal incentive program to reward school principals who demonstrate superior performance and productivity.
- §59-24-110** Identify incentive criteria for a school principal incentive program and ensure that districts utilize program funds in an appropriate manner.
- §59-24-120** Establish guidelines for a principal apprenticeship program in selected school districts.
- §59-25-110** Formulate a system for the examination and certification of teachers.
- §59-25-150** May, for just cause, revoke or suspend the teaching certificate of any person.
- §59-25-170** Adhere to procedures dealing with the revocation and suspension of teaching certificates.
- through**
§59-25-270
- §59-25-530** Suspend or revoke teacher's certificate for breach of contract, not exceeding one calendar year.
- §59-25-810** Hear appeals of teacher salary discrimination cases.
through
§59-25-860

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- §59-26-20, et seq.** Assume duties delegated to the Board under Act 187 of 1979, to provide for the training, employment, and evaluation of public educators.
- §59-27-20** Approve contracts entered into by the State Superintendent pursuant to the article, Interstate Educational Personnel Contracts.
- §59-28-130** Require school district long-range improvement plans to include parental involvement.
- §59-29-10** Require that certain subjects be taught in the public schools and provide for others to be added as the State Board of Education may from time to time direct.
- §59-29-20** Enforce provisions concerning Alcohol and Narcotics Education in all the grammar and high schools of this state.
- §59-29-30** Provide, through the State Superintendent, materials to school districts for use in the observance of Alcohol and Narcotics Education Week.
- §59-29-40** Require special instruction and films depicting nature of alcoholic drinks and narcotics.
- §59-29-55** Establish regulations for the adoption of history and social studies textbooks, which incorporate black history.
- §59-29-70** Provide for instruction in fire prevention in the elementary public schools of the State.
- §59-29-110** Establish and promulgate rules and regulations governing instruction in military science and tactics.
- §59-29-170** Establish regulations, which specify the manner in which gifted and talented programs are to be developed for elementary and secondary students and the criteria for student eligibility.
- §59-29-179 through §59-29-183** Review procedures used to identify, assess, and evaluate students' higher order thinking and problem solving skills.
- §59-29-190** Promulgate regulations concerning advanced placement courses in all public secondary schools.
- §59-29-220** Plan and develop a discipline-based arts education curricula in the visual arts, music, dance, and drama.
- §59-30-10, et seq.** Assume the duties delegated to the Board under Act 631 of 1978, The Basic Skills Assessment Act, including establishing rules, regulations, and policies to implement the Basic Skills Assessment Program.
- §59-31-30 through §59-31-65** Designate and adopt a uniform series of textbooks and instructional materials.

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- §59-31-210** Provide textbooks on a rental basis.
- §59-31-220** Furnish library books.
- §59-31-290** Promulgate rules and regulations regarding book depositories, distribution, and damage.
- §59-31-320** Require all publishers of textbooks with whom textbook contracts have been made to maintain a joint agency or depository for textbooks.
- §59-31-340** Hear appeals concerning textbook damage determination.
- §59-31-360** Waive textbook rentals and provide free basal textbooks grades one through eight.
- §59-31-380** Certify amount of local school district tax levy for repayment of textbook damages.
- §59-31-400** Promulgate regulations to provide for cooperation of superintendents, principals, and teachers in the administration of the textbook program.
- §59-31-510 through §59-31-600** Negotiate and execute contracts governing instructional materials contracts.
- §59-32-20** Select or develop an instructional unit in order to implement the Comprehensive Health Education Program.
- §59-33-30** Promulgate rules and regulations concerning the establishment of programs and services for handicapped children.
- §59-33-110** Establish a mediation process as part of a due process provision required by P.L. 94-142.
- §59-35-10** Waive full-day kindergarten requirement for a particular school district on an annual basis if school district doesn't have available space or construction of temporary classroom space cannot be justified.
- §59-36-20 through §59-36-40** Establish a comprehensive system for educating children with disabilities, including pre-school aged children, involving the State Department of Education and all other appropriate state agencies.
- §59-37-10, et seq.** Establish grammar or high schools or both in eleemosynary institutions for orphans or needy children and discontinuance thereof.
- §59-39-100** Prescribe the number of units to obtain a State High School Diploma.
- §59-39-140** Prescribe regulations for inspection and classification of all elementary and secondary schools.

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- §59-39-160** Grant a waiver of the requirements for interscholastic activities by handicapped pupils.
- §59-39-170** Establish guidelines for secondary schools to emphasize teaching as a career opportunity.
- §59-39-320 through §59-39-340** Promulgate rules and regulations for establishment of approved driver education and training programs by local school districts; payment and annual accounting of funds.
- §59-40-70** Establish the charter school advisory committee and appoint members.
- §59-40-90** Review a decision of a local school board involving a charter school in accordance with the Charter Schools Act of 1996. (See §§59-40-10 through 59-40-190.)
- §59-40-160** Evaluate effectiveness of charter schools and report to General Assembly on effectiveness of Charter Schools Act of 1996.
- §59-40-180** Promulgate regulations necessary to implement the Charter Schools Act of 1996.
- §59-43-20** Make and enforce regulations for the organization, conduct, administration, management, and supervision of adult basic and adult secondary education, as well as determine the qualifications of teachers, the tuition, and subjects, which may be taught in adult basic and adult secondary education classes.
- §59-45-70** Approve home-study schools.
- §59-52-40 through §59-52-150** Assume responsibility for duties as set out in the School-To-Work Transition Act; establish a structure for preparing students for employment and lifelong learning.
- 59-53-1810 through §59-53-1870** Serve as the State Board for Vocational Education.
- §59-53-1960** Report to the Governor, General Assembly, and the Advisory Council on Vocational Technical Education, the results of the school district surveys of job placement status of graduates from the job preparatory vocational education programs.
- §59-54-40** Appoint one member to the area occupational training advisory committee.
- §59-63-340** Promulgate rules and regulations necessary to enforce the School Crime Report Act.
- §59-63-430** Print and furnish to the teachers in the free public schools copies of § 59-63-410, Enrollment of Pupils, and § 59-63-420, Effect of Transfer on Enrollment Lists.
- §59-63-520** Approve transfer for children with neither a parent nor a legal guardian to an adjacent district to enroll in school.

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- §59-63-710** Appoint supervisor of school lunch division in State Department of Education.
- §59-63-800** Grant waivers under certain conditions from requirement that all public schools provide a breakfast program.
- §59-63-1390** Promulgate regulations for the establishment, maintenance, and operation of alternative school programs.
- §59-65-40** Hear appeals from parents or guardians who have been denied permission by a district board of trustees to begin or continue a program of home instruction.
- §59-65-90** Establish rules and regulations defining lawful and unlawful absences, and regulations for the orderly enrollment of pupils so as to provide for uniform dates of entrance within each school district.
- §59-65-230** Establish qualifications for the certification of attendance supervisors.
- §59-66-20** Promulgate regulations for school districts to implement a school safety coordinator grant program as state funds are provided for this purpose.
- §59-66-30** Promulgate regulations to govern use of metal detectors in public middle and high schools as state funds are provided for this purpose.
- §59-67-20** Establish and enforce regulations to govern the design and operation of school buses used to transport school children.
- §59-67-30** Establish and enforce additional regulations regarding the painting and marking of school buses.
- §59-67-40** Ensure that private school buses comply with State laws and the regulations of the State Board of Education with respect to painting, lettering on the front and rear of the bus, use of stop arm and warning lights for loading and unloading pupils on the highway, maximum speeds, and stopping at railroad crossings.
- §59-67-410** Provide for the control and management of school bus transportation.
- §59-67-440 through §59-67-460** Obtain required financing for the school bus transportation system.
- §59-67-470** Provide school bus training program and issue school bus driver certificates.
- §59-67-490** Approve of bus routes served by state-owned equipment.
- §59-67-530** Assume responsibility for all expenses of operation of state-owned buses and for the replacement of obsolete equipment.
- §59-67-540 through §59-67-550** Establish and operate maintenance and supply stations for school buses if they are determined to be of advantage to the state.

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- §59-67-570** Promulgate rules and regulations to carry out the intent and purposes of this article entitled, Transportation by State or State Aid for Transportation.
- §59-69-30** Apportion to counties income derived from investment of State funds by the State Treasurer.
- §59-71-430** Transmit request for the issuance of State school bonds to the Governor and the State Treasurer.
- §59-71-550** Provide for the disposition and use of the proceeds of sale of bonds.
- §59-101-80** Approve course of study for degree of licentiate of instruction to be provided by the universities and colleges of this state.
- §59-137-20** Establish statewide comprehensive system to be established for preschool-aged handicapped children.
- §59-139-10** Promulgate regulations to carry out the purposes of the article entitled, Early Child Development and Academic Assistance (§§59-139-10 through 59-139-80), including the establishment in each school district of an early childhood initiative and an academic assistance initiative in grades four through 12.
- §59-139-20** Waive funds generated pursuant to the Early Child Development and Academic Assistance Act for students in grades K-3 to be used for students in grades four through 12, under certain conditions, and vice versa.
- §59-139-40** Develop criteria for monitoring district and school plans.
- §59-139-60** Evaluate early childhood development and academic assistance, assessments of students, school, and districts (in consultation with the Education Oversight Committee).
- §59-139-80** Enter into a partnership with district boards to offer targeted technical assistance if goals and time lines are not met.
- §59-144-120** Assume responsibilities pursuant to the Public School Facilities Assistance Act (Act # 468 of 1996), including developing a system for assessment of school district facility needs, for disbursement of funds appropriated pursuant to this Act, and for the assurance of accurate reporting by districts, as required by the Act.
- §59-144-130** Report, periodically, to the General Assembly the facility needs identified by districts, and the facility improvements made since the last report.
- §59-144-160** Recommend, by December 1, 1998, changes to the Public School Facilities Assistance Chapter regarding program objectives, appropriate funding levels, and funding allotment formulas, to the General Assembly.
- §59-146-60** Notify the State Budget and Control Board each March first of request for state school facilities bonds.

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§60-9-30 Select and publish listings of library books, rules and regulations, and supplementary readers pertaining thereto.

Legal Ref.: Cited above, **South Carolina Code of Laws, 1976, as amended.**

State Board Rule: