



Education Law and Policy

SCALJC seeks to improve the public school system so that it better serves low-income and minority students in South Carolina. By collaborating with the legal, educational, and social service communities to assess needs, SCALJC is able to advocate on a statewide level for legislation and policies that ensure equal educational opportunities for all children. SCALJC also serves as a resource for community groups and individuals who wish to become active in their local schools.

Project Overview

A survey of South Carolinians on what needs to be done to improve public education in our state would likely produce as many responses as participants. However, even a cursory inquiry into available data on South Carolina schools reveals that many of our state's students receive an education based upon where they are born and whether they are born into poverty. An alarming 46.5% of students are eligible for free or reduced price lunch, and for too many of these students, this status accurately predicts that their school experiences will be quite different from their more fortunate peers. The students experience inordinately high rates of failure on standardized tests, incidence of disciplinary action often leading to total exclusion from school, and of dropping out. SCALJC's Education Law Project works to improve the availability of equal educational opportunity for all South Carolina students.

SCALJC monitors education policy changes in this state to determine how they help or hinder students living in poverty. This work also involves analyzing federal law and state plans designed to set standards to assure equal educational opportunity in all schools. Our advocacy is helping expand support for the specific needs of low-income students in our state. When elected leaders and

other policymakers are made aware of how their actions impact low-income students and their families, they can help schools become better-equipped to serve all students. To accomplish this, SCALJC is maintaining an active voice and presence in education policy discussions in our state. Also, training and community education by SCALJC is recruiting others to work toward the goal of equal educational opportunities. Whether providing information on enrolling children in school, on the special education process, on working with students who have been suspended or expelled from school, or on other education issues, SCALJC is working to support both legal and lay advocates who work on behalf of South Carolina's children.

We will continue to keep you updated on this project. For more information, or if you are interested in sharing information that may be useful to the project, please contact Susan Rose at the South Carolina Appleseed Legal Justice Center, 803-779-1113, ext. 102.

What's New?

SCALJC Publishes Student Rights and Responsibilities Guide

Students often have questions about their rights in school: "Can someone search my locker? Can I use a cell phone? What happens if I am suspended?" These and many more questions are addressed in "What South Carolina Students Need to Know About Rights and Responsibilities in School." This guide contains plain-language explanations about many types of situations that students can find themselves in while at school. In addition, it also provides information about what the student is expected to do to help everyone enjoy a safe and productive learning environment.

Appleseed Weighs in on School Funding Lawsuit

The South Carolina Appleseed Legal Justice Center, working with the South Carolina Association of School Nurses, has submitted a "friend of the court" brief to the South Carolina Supreme Court in Abbeville School District, et al v. State of South Carolina, et al. The case centers around the school funding methods used by the state and whether the state has fulfilled their constitutional obligation to provide to all children the opportunity to obtain a "minimally adequate education." This important litigation will have far-reaching consequences for all school-age children throughout the state- now and for future generations. Appleseed has been monitoring the lawsuit since the trial stage, and is appreciative of the opportunity to participate as a voice for the affected students

and communities. For more information on funding adequacy lawsuits, see the 'Resources' section of this webpage.

Appleseed Addresses Educational Needs of Children in Foster Care

In conjunction with the Department of Social Services and USC's Center for Child and Family Studies, Appleseed is studying the issues affecting foster children in school and the effects that placement changes have on educational outcomes. Discussions with those directly involved in the foster care system indicate that gaps in communication between foster parents, case workers, and educators need to be addressed to ensure that records are transferred, special needs services continue, and a student's educational transition is as smooth as possible. Our goal is to work with the organizations involved in the delivery of foster care to make internal and cross-agency adjustments that will improve the process and facilitate academic success. For more information on foster care and education, see the 'Resources' section of the webpage.

Policy & Legislation

School Affidavits Helping Children in S.C.

The start of a new school year means gathering pencil, paper, and other school supplies in preparation for that all-important first day. For some students, though, beginning the school year may also mean having to move to a new home and a new district and school. When certain circumstances force students to live with a non-custodial parent or other adult, that adult may enroll the child in school using a special document called a school affidavit. That document states that due to death, incarceration, abuse, neglect, homelessness or other very limited reasons, the child is unable to live with their parent or legal guardian, and needs to enroll in a new school. SCCEJ has provided information and support to school leadership so that these affidavits are uniformly recognized and accepted. This will ensure that all students - especially those dealing with very difficult circumstances - are able to start the school year on time, ready to learn. [To view a sample affidavit, click here.](#)

Legislation Protects Parents and Students from School Fees

Schools often charge fees for such things as science lab, workbooks, art supplies and driver's education. These fees are common in most school districts and are justified as "user's fees" for subjects that may not be part of a district's required curriculum. However, with the current budget crisis in schools, there will likely be more and more school fees charged to students. Under state law, all school

districts have the authority to charge fees, but part of that law ensures that families in need will be protected from this additional financial burden. In part, the law states: "Fees may not be charged to students eligible for free lunches and must be reduced pro rata for students eligible for reduced price lunches." Schools should automatically reduce or eliminate these fees for students that qualify. To view the entire text of this law, click here:

<http://www.scstatehouse.net/code/t59c019.htm>

Early Childhood Education Prepares Students for School

Many children who are at-risk of not graduating from high school can begin to overcome this hurdle by enrolling in 4-year-old kindergarten. Studies show that children who attend "pre-K" or 4-year old kindergarten classes can get a head start on gaining the educational and social tools they need for success. Appleseed is advocating for expansion of 4K programs to all at-risk students in South Carolina. Currently, publically-funded 4-K programs serve over half of the at-risk population of the state. For more information on South Carolina's pre-kindergarten programs and early childhood education, click here: [Pre-K Now | Resource Center | State Profiles | South Carolina](#)

Virtual School Classes Provide Educational Option

In 2007, Governor Sanford signed into law the South Carolina Virtual Schools Program. The program, established and administered by the South Carolina Department of Education, will allow South Carolina students, age twenty-one or younger, to gain credit for classes taken online that are not available in their "brick-and-mortar" school. Students may also participate in "credit recovery" programs to take a class online that they may have taken in school previously and not received credit for. Appleseed continues to work to ensure that education initiatives provide access to students from poor or rural areas that may have limited access to technology and other resources. For the entire text of the law, click here: [S.C. Code of Laws Title 59 Chapter 16 South Carolina Virtual School Program - www.scstatehouse.net-LPITS](#)

Publications

Brochures on Issues Impacting South Carolina Students

- **School Attendance** Quiz yourself: Do you know what the law says about students who do not live with their parents or legal guardians? What happens when students miss too many school days? For the answers to these and other questions about school attendance law, check out SCALJC's brochure, written to help parents, students, and advocates working with families on education issues. [School Attendance](#)
- **Expulsion** Sometimes parents and students need help when the school seeks the harshest punishment available to them, expulsion. When incidents happen at school, officials are very well-trained about how to discipline students, and parents and guardians need to have as much information as possible. Before problems arise, families can help their students by gathering information about school policies by reading the school's student handbook and by getting to know their student's teachers, principals, and school office staff. If you are notified that there has been a serious problem at school, this brochure contains some of the information you need. [Expulsion](#)
- **Student Homelessness** Due to there being too few affordable places to live, and other issues, homelessness is a very serious problem in our state and nation. It is important to know how the law defines homelessness because schools have special responsibilities to students and youth who are homeless. Sometimes we tend to think of homeless people and families only as those who live in shelters, in cars, or on the street. However, the law says that if students and families have had to move in with friends or other family members, or into a hotel or motel due to hard times, they can be considered homeless under the law. [Rights of Students without Permanent Housing](#)

Reports

Rural Citizens Call for School Policies to Strengthen Their Schools

With the support of the South Carolina Appleseed Legal Justice Center and The Rural School and Community Trust, the South Carolina Rural Education Grassroots Committee published [Building Strong Rural Schools in South Carolina: The Foundations We Need](#). In it, six foundations are identified as needed for rural schools to continue to be

the heart of rural communities, and policy recommendations to reach this goal are identified. It is our hope that all South Carolinians who have high aspirations for our schools and students will read the report and help to implement its recommendations.

Resources

SC Legal Services Education Law Task Force

Legal Services staff from across the state come together to serve South Carolina students and their families on education issues such as enrollment, access to special education, accountability measures, and school discipline. Through training and collaboration, these advocates are addressing the holistic needs of students and helping them access the education they deserve.

No Child Left Behind

The Public Education Network (PEN) has developed an excellent resource in their [Action Guide for Community and Parent Leaders](#). It outlines central NCLB provisions, how they are being implemented, and strategies for parents and community leaders to improve public education beyond NCLB. For more information, or to view this guide, click here.

<http://www.publiceducation.org/nclb.asp#>

The following web page offers specific information on how much federal funding South Carolina and other states receive for implementation of NCLB mandates, with links to further information on funding of individual programs.

[NEA: State by State Look at NCLB Implementation](#)

School Funding Litigation

South Carolina is hardly alone in its legal struggle over the responsibility for adequate school funding. 46 of the 50 states have faced major school finance litigation during the last 30 years. For more historical background, or for information on these lawsuits' current status in other states, click here.

<http://www.schoolfunding.info/litigation/litigation.php3>

Links

The Food Research and Action Center has published helpful information for homeless students on getting school meals: Click on the following link to view: [FRAC - Federal Resources for Feeding Homeless Children and Youth](#)

<http://www.myschools.com>

(South Carolina Department of Education)

<http://www.sceoc.org>

(South Carolina Education Oversight Committee)

<http://www.ruraledu.org>

(The Rural School and Community Trust)

<http://nces.ed.gov>

(National Center for Education Statistics)

<http://www.accessednetwork.org>

(Advocacy Center for Children's Educational Success with Standards)

<http://www.schoolfunding.info>

(Access Project of the Campaign for Fiscal Equity)