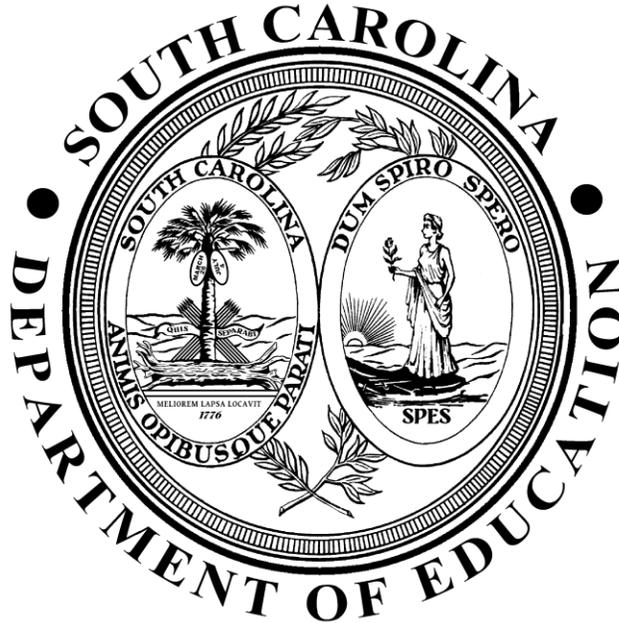


**STATE OF SOUTH CAROLINA**  
**DEPARTMENT OF EDUCATION**

**MOLLY M. SPEARMAN**  
*STATE SUPERINTENDENT OF EDUCATION*



## Act 135 Emergency Powers: Waivers Granted by State Superintendent of Education

The Senate Finance Committee, the House of Representatives Ways and Means Committee, the Senate Education Committee, and the House of Representatives Education and Public Works Committee

Pursuant to Act 135  
August 1, 2020

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### **Act 135 Reporting Requirements**

Pursuant to Act 135, on or before August 1, 2020, the State Superintendent of Education shall provide a report to the Senate Finance Committee, the House of Representatives Ways and Means Committee, the Senate Education Committee, and the House of Representatives Education and Public Works Committee concerning the emergency powers exercised in subsection (A). The report shall identify the statutory requirements waived and the reason for which the waiver was granted and identify and describe any actions taken in regards to subsection (A)(3).

### **Emergency Powers**

As a result of the COVID-19 pandemic and state of emergency declared by Governor Henry McMaster, South Carolina school facilities were closed for in-person instruction from March 16, 2020, to the end of the 2019–2020 school year. During this time, students, families, and educators across South Carolina have experienced an unprecedented disruption to learning, teaching, and daily life.

With this disruption came the need for the ability to provide enhanced flexibilities to districts statewide. Flexibility was needed in accountability measures, assessments, certification, minute requirements, reporting deadlines and others. The following language, included in Act 135, provided the State Superintendent of Education the ability to exercise emergency powers:

(A) The Superintendent of Education is authorized to exercise the following emergency powers if she determines that any, or all, of them are necessary and appropriate measures in response to the COVID-19 public health emergency:

(1) waive statutory requirements concerning testing, assessments, and reporting including, but not limited to, those requirements contained in Chapter 18, Title 59; Article 3, Chapter 18, Title 59; and Section 59-155-160 of the 1976 Code;

(2) include all days of distance learning during which instruction was provided in good faith pursuant to a school district's distance learning plan as an instructional day required to meet the one hundred eighty instructional day requirement contained in Section 59-1-425; and

(3) provide maximum programmatic and financial flexibility including, but not limited to, the authority to carry forward any cash balances to local school districts adjusting to operations in response to COVID-19.

(B) The State Superintendent of Education is authorized to promote and encourage districts to use summer reading camps and all other available tools to ensure appropriate time is spent by students to keep them on grade level and satisfy their learning needs.

(C) The State Superintendent of Education is authorized to carry forward any cash balances maintained by the Department of Education. The superintendent is further authorized to transfer any appropriations within the department to assist local school districts adjusting operations in response to COVID-19.

(D) The state teacher minimum salary schedule will remain at the Fiscal Year 2019-2020 level. Step increases are suspended until the annual general appropriations act for Fiscal Year 2020-2021 is enacted.

For those statutes and regulations where flexibility was deemed necessary, a waiver was granted. The following report outlines the specific sections within the South Carolina Code of Laws and Code of Regulations where such waivers were provided to ensure districts had the ability to continue operations and instruction during this unprecedented time.

As we move towards reopening schools for the 2020-2021 school year in the Coronavirus environment, it is imperative that flexibilities and the authority to make needed decisions and changes to best serve students and educators is continued.

#### *Accountability and Report Cards*

On March 17, 2020, Superintendent Spearman [sent a letter](#) to U.S. Department of Education Deputy Secretary of Education, Mick Zais, indicating South Carolina’s intent to suspend federally required assessments and giving notice of submitting additional accountability measure waivers. On March 20, 2020, the U.S. Department of Education released a form for states to request such waivers. The SCDE completed and submitted [the waiver](#) form on the same day, and the U.S. Department of Education reviewed and gave South Carolina [approval](#) to suspend assessments and waived certain accountability measures.

The following [guidance](#) was provided to districts on March 23, 2020 informing them of such waiver.

This waiver gave flexibility to:

- the state’s accountability system, requiring that designations made in Fall 2019 remain in effect for one additional year;
- the English language proficiency assessment;
- the ESSA required 95 percent participation rate on federally-required assessments;
- the alternate measure of achievement (which is South Carolina’s “Growth” metric on the report card);
- the student success or school quality metrics (which in South Carolina is the “Student Progress” metric, the “Student Engagement” metric, and the “College and Career Readiness” metric); and
- certain public reporting requirements.

Although the federal waiver was granted, the following sections of the South Carolina Code of Laws also required a waiver due to the COVID-19 public health emergency:

<b>Requirement</b>	<b>Notes</b>	<b>Citation</b>
Annual Report Cards and	Schools will receive designation given in Fall 2019	<ul style="list-style-type: none"><li>• Section 59-18-900 (Annual report cards; performance ratings; criteria; annual school progress narrative)</li></ul>

Performance Ratings	for one additional year.	<ul style="list-style-type: none"> <li>• Section 59-18-920 (Cyclical review of accountability system; stakeholders; development of necessary skills and characteristics)</li> <li>• Section 59-18-930 (Report card requirements for charter, alternative, and career and technology schools)</li> </ul>
District Strategic Plans and School Renewal Plans	Typically due by April 30, 2020; Defer until April 30, 2021.	<ul style="list-style-type: none"> <li>• Section 59-18-1300 (District accountability system; support, development, and review)</li> <li>• Section 59-18-1310 (Consolidation of strategic plans and improvement reports; annual submission dates)</li> <li>• Section 59-18-1500 (Schools rated below average or school/district at-risk; renewal plan and compensation packages; department support)</li> <li>• Regulation 46-261 (District and School Planning)</li> </ul>
Growth Model	Because assessments were not administered, growth scores for will be impacted for two years; SCDE will need to work on redefining growth.	<ul style="list-style-type: none"> <li>• Section 59-18-1960 (School growth measurement system)</li> </ul>
Parent Survey	Cancel	<ul style="list-style-type: none"> <li>• Section 59-28-190 (Education Oversight Committee survey; public awareness campaign)</li> </ul>

### *Assessments*

As referenced above, the SCDE applied and received a waiver from the USDE related to administration of assessments for spring 2020. The following [guidance](#) was provided to districts on March 23, 2020 informing them of such waiver.

For spring 2020, South Carolina did not administer the following assessment programs:

- SC READY (English language arts and mathematics in grades 3–8);
- SCPASS science in grades 4 and 6);
- End-of-Course Examination Program (English, Algebra, Biology, United States History and the Constitution) – the State Board of Education (SBE), through an emergency regulation, gave the SCDE the authority to waive the requirement that these courses count 20 percent of students’ final grade;
- Prekindergarten assessments – 4-year-old kindergarten (Phonological Awareness Literacy Screening (PALS Pre-K™), Individual Growth and Development Indicators (myIGDIs™), and Teaching Strategies® GOLD); and

- Alternate Assessments—some students had already taken the alternate assessments. Districts will receive information for returning those materials.

Although the federal waiver was granted, the following sections of the South Carolina Code of Laws also required a waiver due to the COVID-19 public health emergency:

Assessment*	Citation
EOCEP	<ul style="list-style-type: none"> <li>• Section 59-18-310 (Development or adoption of statewide assessment program to promote student learning and measure student performance)</li> <li>• Section 59-18-320 (Review of Field test; general administration of test; accommodations for students with disabilities; adoption of new standards)</li> <li>• Section 59-18-330 (Coordination and annual administration of National Assessment of Education Progress (NAEP))</li> <li>• Section 59-18-350 (Cyclical review of state standards and assessments; analysis of assessment results) - because no test data to review, the Data Reviews due January 15, 2021, cannot be completed</li> <li>• Section 59-18-360 (Dissemination of assessment results) - no assessment results to disseminate</li> </ul>
SC READY and SCPASS	<ul style="list-style-type: none"> <li>• Section 59-18-310 (Development or adoption of statewide assessment program to promote student learning and measure student performance)</li> <li>• Section 59-18-320 (Review of Field test; general administration of test; accommodations for students with disabilities; adoption of new standards)</li> <li>• Section 59-18-325 (College entrance and career readiness assessments; summative assessments)</li> <li>• Section 59-18-350 (Cyclical review of state standards and assessments; analysis of assessment results) - because no test data to review, the Data Reviews due January 15, 2021, cannot be completed.</li> <li>• Section 59-18-360 (Dissemination of assessment results) - no assessment results to disseminate</li> <li>• Section 59-155-160 (mandates grade 3 reading scores to be used to identify students for retention)</li> </ul>
SC-Alt	<ul style="list-style-type: none"> <li>• State law requires testing all students, but does not mention an alternate assessment for students who cannot take the state tests. Will not need to get a state waiver to cancel this test if not census testing.</li> </ul>
4K	<ul style="list-style-type: none"> <li>• Section 59-155-150 – mandates fall testing.</li> <li>• Spring testing is added through proviso 1A.58.</li> </ul>

\* Note: These test scores are also used for accountability (report cards) per Section 59-18-900

The below referenced assessments were unable to be administered due to COVID-19. Therefore, the following sections of the South Carolina Code of Laws and Regulations also required a waiver:

<b>Assessment</b>	<b>Code(s) Requiring Administration</b>
Grade 10 (PSAT, pre-ACT, or 10 <sup>th</sup> grade Aspire tests to assess 10 <sup>th</sup> grade students)	<ul style="list-style-type: none"> <li>• Section 59-18-340 – High schools shall offer to each 10<sup>th</sup> grade student</li> <li>• Proviso 1A.17 - State reimburses.</li> </ul>
Ready to Work	<ul style="list-style-type: none"> <li>• Section 59-18-325.</li> </ul>
ACT, SAT	<ul style="list-style-type: none"> <li>• Section 59-18-325.</li> </ul>
Advanced Placement, International Baccalaureate, and Cambridge International	<ul style="list-style-type: none"> <li>• Proviso 1A.26 – state funds testing</li> <li>• IB cancelled their exams.</li> </ul>

*Carryforward Authority (Act 135, Section 4)*

Districts

Based upon the authority provided in the Continuing Resolution, school districts were able to carry forward, for an additional year, all state funding appropriated in Fiscal Year 2019. Districts will now have until June 30, 2021 to expend all general fund, EIA, and lottery funds allocated in Fiscal Year 2019. This impacted Proviso 1.25 (School District Flexibility) due to the language within the proviso, which states school districts and special schools may only carry forward unexpended funds from the prior fiscal year into the current fiscal year.

The following [guidance](#) was provided to district superintendents and business officials on May 18, 2020.

Agency

Based upon the authority in the Continuing Resolution, specifically Section 4(A)(3) and 4(C), the SCDE carried forward unencumbered appropriations to support district operations and needs. This provided the SCDE the ability to cover costs related to summer reading, digital literacy standards, school value added instrument, and transportation costs.

<b>ACT 135 Section 4(A)(3) and 4(C) Authority</b>	
<b>Amount</b>	<b>Purpose</b>
\$700,000.00	Carried forward Summer Community Partnership Grant due to COVID-19
\$169,477.05	Carryforward for school value add instrument
\$2,238,345.73	Carryforward to use for fuel during Academic Recovery Camps (ARC) and Learn, Evaluate, Analyze, and Prepare (LEAP) Days.

	Also for personal protective equipment (PPE) on buses related to COVID 19
\$279,032.00	4(C): Carryforward to use for school district literacy standards and professional learning opportunity (PLO) delivery impacted by COVID 19
\$3,355,581.57	4(C): Carryforward cash remaining in EIA to use for instructional materials  Ability to allow the SCDE to utilize any funding remaining in the EIA for instructional materials (for example any unused funding for salary, fringe, and operations). The FY 20 appropriations act does not include an EIA surplus proviso.

*Defined Minimum Program and Seat Time Requirements*

Distance Learning Models

Following the school facility closure announcement on March 16, 2020, districts quickly implemented one of three distance learning models. These included a full virtual e-Learning model, a pencil and paper packet model, or a combination of the two. The below chart represents how many districts implemented each model.

<b>Delivery Model</b>	<b>Number of Districts</b>	<b>Number of Students</b>	<b>% of All Students Statewide</b>
<b>eLearning</b>	19	219,988	28%
<b>Paper/Pencil Packets</b>	17	64,206	8%
<b>Blended</b>	45	492,267	63%
<b>TOTAL</b>	81	776,461	

The following [guidance](#) was provided to districts on April 13, 2020, which included recommendations on the amount of instructional minutes to be delivered and guidance on the introduction of new material pursuant to distance learning plans being implemented due to the COVID-19 public health emergency.

Regulations

In an effort to support the shift to full-time distance learning models, flexibility was provided through waivers to the defined minimum program and seat time requirements.

<b>Regulation</b>	<b>Corresponding Code Sections</b>	<b>Specific Provisions Within Regulation from which Relief was Granted</b>
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<p>43-172 (Accounting and Reporting)</p>	<ul style="list-style-type: none"> <li>• 59-13-60 (General duties of county and district superintendents)</li> <li>• 59-13-70 (Superintendent shall keep record of school district bonds)</li> <li>• 59-13-80 (Superintendent shall keep register of claims and other matters)</li> <li>• 59-13-90 (Annual report to county treasurer of claims approved)</li> <li>• 59-13-140 (Annual reports to the state board)</li> <li>• 59-17-100 (Districts to provide SCDE with budget)</li> <li>• 59-20-10, et seq. (EFA)</li> <li>• 59-21-510, et seq. (Education of physically and mentally handicapped children)</li> <li>• 59-25-130 (Record of teachers certificates)</li> </ul>	<p>Section I: Pupil Accounting:</p> <ul style="list-style-type: none"> <li>- A(8) (class period definition)</li> <li>- B(2)(c) (minutes of instruction)</li> <li>- B(3)(c) (exceptional programs criteria)</li> <li>- B(3)(e) (minute requirements for students with disabilities – currently suspending by proviso)</li> <li>- B(4)(a)-(b) (CTE minute requirements)</li> </ul> <p>See highlighted portions <a href="#">attached</a> (page 6).</p>
<p>43-231 (K-5 Defined Program)</p>	<ul style="list-style-type: none"> <li>• 59-5-60 (General Powers of the Board)</li> <li>• 59-29-10, et seq. (Subjects of Instruction; Required subjects)</li> <li>• 59-29-200 (Pupil-teacher ratios)</li> <li>• 59-33-30 (Specialized education program for handicapped children; rules and regulations)</li> </ul>	<p>Section II. Basic Programs/Curriculum, Kindergarten:</p> <ul style="list-style-type: none"> <li>- 1800 minutes or 30 hours per week of instruction in the following subject areas: <ul style="list-style-type: none"> <li>o English/ Language Arts</li> <li>o Mathematics</li> <li>o Science</li> <li>o Social Studies</li> <li>o Health and Safety</li> <li>o Physical Education</li> <li>o Visual and Performing Arts</li> <li>o Foreign Language</li> </ul> </li> <li>- School day must be at least six hours</li> </ul> <p>See highlighted portions <a href="#">attached</a> (page 8).</p>

<p>43-234 (9-12 Defined Program)</p>	<ul style="list-style-type: none"> <li>• 59-1-425(C) (Beginning and length of school term; make-up days; waivers; instructional days)</li> <li>• 59-5-60 (General Powers of Board)</li> <li>• 59-18-110 (Objectives)</li> <li>• 59-18-310 (Development or adoption of statewide assessment program to promote student learning and measure student performance)</li> <li>• 59-29-10, et seq. (Subjects of Instruction; Required subjects)</li> <li>• 59-29-200 (Pupil-teacher ratios)</li> <li>• 59-33-30 (Specialized education program for handicapped children; rules and regulations)</li> </ul>	<p>Section I. Requirements for Earning a South Carolina High School Diploma:</p> <ul style="list-style-type: none"> <li>- (D):</li> <li>- (E): student must pass a high school credit course in science in which an End-of-Course exam is administered.</li> </ul> <p>Section II. Provisions for Schools in the Awarding of High School Credit:</p> <ul style="list-style-type: none"> <li>- (B): hours of instruction required to receive credit; various levels of credit students may receive.</li> <li>- (D): credit awarded for gateway courses only if student meets requirements of the End-of-Course Exam Program.</li> </ul> <p>Section V. Instructional Program:</p> <ul style="list-style-type: none"> <li>- Students must declare area of academic focus before the end of the second semester of their tenth-grade year.</li> <li>- (B)(4): driver education programs were briefly suspended due to behind the wheel training not able to be offered.</li> <li>- (B)(8): health education requirement related to hands on CPR training.</li> <li>- (B)(9): physical education requirements.</li> </ul> <p>Section VI. Other Program Requirements:</p> <ul style="list-style-type: none"> <li>- (C): School day must be at least six hours.</li> <li>- (E): Assessment requirements – addressed in</li> </ul>
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		<p>“Assessments” section above.</p> <p>Section VIII. Emergency Closings:  - Addressed in “One Hundred Eighty Day” section below.</p> <p>See highlighted portions <a href="#">attached</a> (page 10).</p> <p>The following <a href="#">guidance</a> was provided to districts on March 30, 2020, regarding grading, instructional deadlines for seniors, reporting information in PowerSchool, and waiver of specific provisions in regulations relating to minute requirements for instructional time in light of COVID-19.</p>
43-238 (Health Education Requirements)	<ul style="list-style-type: none"> <li>• 59-29-10 (Required subjects)</li> <li>• 59-32-10, et seq. (Comprehensive Health Education Program)</li> </ul>	<p>Flexibility provided for the following provision: “Each student shall receive instruction in a comprehensive health education course for 36 weeks or a semester from the list of approved high school health courses.”</p> <p>Erin’s Law: <a href="#">Guidance</a> related to instruction in sexual abuse and assault awareness and prevention being delivered through distance learning was provided to districts on May 19, 2020.</p>

One Hundred Eighty Day Requirement

South Carolina Code of Laws § 59-1-425 sets the statutory school term as being one hundred eighty days of instruction covering at least nine calendar months. Also within this section is the requirement that all school days missed due to disruptions requiring schools to close must be made up. Although school facilities remained closed for the remainder of the 2019-2020 school year, this does not mean that instruction stopped. Therefore, as stated in Act 135, the Superintendent was authorized to include, and determined, “all days of distance learning during which instruction was provided in good faith pursuant to a school district’s distance learning plan as an instructional day required to meet the one hundred eighty instructional day requirement contained in Section 59-1-425.”

*Early Learning and Literacy*

<b>Requirement</b>	<b>Notes</b>	<b>Code(s) Requiring Action or Reporting</b>
School and District Reading Plans	Deadline moved to October 15 <sup>th</sup> .	Section 59-155-140
Identify students eligible for retention	Instead of SCREADY, districts continued using normal retention metrics for all grade levels.	Section 59-155-160
Offer Summer Reading Camp	A majority of districts were able to provide summer learning, but not all.	Section 59-155-160 Proviso 1.58
Summer Reading Camp Reporting	Districts are expected to report on summer learning by mid-September due to camps occurring later than usual.	Section 59-155-160 Proviso 1.58
Reading Partners Report (using district data)	Once data is received from organization, report will be provided.	Proviso 1A.23
Universal Screening (MTSS third administration)	Districts must screen three times a year for reading difficulties; most screened twice during the 2019-2020 school year before school closures occurred.	Section 59-33-520

*Educator Certification*

For all information related to educator certification, please visit the following [link](#).

Emergency Provisions for Certified Educators

1. *One-Year Grace Period for Professional (including Limited Professional) Certificates Expiring June 30, 2020, if renewal requirements were not met by such date.*
  - South Carolina Code of Regulations §43-55. Renewal of Credentials.
    - Corresponding South Carolina Code and Regulation Sections:
      - § 59-5-60 (General powers of the board)
      - § 59-5-65 (Powers and responsibilities of the board)
      - § 59-25-110 (System for examination and certification of teachers)
      - R. 43-53 (Credential Classification)
  - The new validity period with the grace year added is July 1, 2020, to June 30, 2021.
  - Professional Certificates Utilizing Grace Period: **7,052**
  
2. *One-Year Grace Period for Initial Certificates Expiring June 30, 2020, if requirements to advance to a Professional certificate have not been met due to circumstances surrounding COVID-19.*
  - Initial Certificates Utilizing Grace Period: **1,891**

### 3. *Renewals for Certification Permits Issued for 2019-20*

- Requirements found in State Board of Education guidelines pursuant to South Carolina Code of Regulations §43-53. Credential Classification.
  - Corresponding South Carolina Code Sections:
    - § 59-5-60 (General powers of the board)
    - § 59-5-65 (Powers and responsibilities of the board)
    - § 59-25-110 (System for examination and certification of teachers)
    - § 59-25-115 (Notice to enrollee in teacher education program...)
    - § 59-26-40 (Induction, annual and continuing contracts; evaluations; termination of employment for annual contract teacher; hearing)
    - § 59-26-85 (NBPTS recertification)
- Due to closures of Praxis testing centers and changes in college and university schedules, renewal requirements will be waived for educators issued a certification permit for 2019-20. Districts must request the permit for 2020-21, but educators do not need to submit coursework or Praxis scores for the renewal.

### 4. *Flexibility for Teachers with a Final Alternative Route Certificate Expiring June 30, 2020.*

The maximum number of conditional or alternative route certificates that an educator may hold while pursuing full certification is established in South Carolina statute, as indicated below:

- Teachers pursuing certification through the American Board program are limited to a maximum of three conditional teaching certificates pursuant to Section 59-25-330.
- Teachers pursuing a Professional certificate through all other approved alternative route preparation programs (e.g., PACE, Teach for America, Teachers of Tomorrow, etc.) are limited to a maximum of four conditional teaching certificates pursuant to Section 59-26-30.

The COVID-19 public health emergency has affected the ability of some teachers holding their final conditional certificate to complete necessary requirements for a Professional certificate due to closures of schools and testing centers and changes to college and university course schedules.

This additional certificate option is available due to the COVID-19 public health emergency and is not renewable beyond the 2020-21 school year.

Note: Educators on their final Alternative Route certificate who have completed all program requirements and have all documentation on file may submit a request to advance to a standard Professional certificate.

### Emergency Provisions for Prospective Educators

#### 1. *Exemptions for Spring 2020 Student Teachers*

In a special called meeting held March 24, 2020, the SBE approved [Emergency Exemptions for spring 2020 Clinical and Field Experiences due to COVID-19](#). Under the provisions of this emergency policy, the following SBE requirements are waived for the spring 2020 student teaching semester: the minimum length of the clinical experience, the number of days

of independent teaching, and the number of formative and summative observations as part of the state's ADEPT system.

Preparation program faculty in each college or university, in consultation with clinical supervisors and school-based cooperating teachers, have been granted flexibility to make decisions regarding a candidate's overall performance and eligibility for certification based on the available observations, evidence, and documentation collected during the clinical experience.

2. *Provisional Educator Certificate for 2020-21*

To assist prospective educators impacted by the closure of testing centers, the SCDE will issue a Provisional certificate for the 2020-21 school year to eligible candidates. The purpose of the Provisional certificate is to provide a one-year, temporary certificate option for an individual who has successfully completed all requirements of a state-approved educator preparation program with the exception of one or more certification assessments required by the SBE. For additional information on eligibility requirements, please review the [Provisional Educator Certificate](#) webpage. The following [guidance](#) was provided to districts on March 30, 2020.

South Carolina Code of Regulations §43-51

Provisional Certificates Issued as of July 31, 2020: **98**

3. *Certificate Eligibility Letters*

The COVID-19 public health emergency has impacted the ability of some prospective educators to complete the fingerprinting process and to take subject area and pedagogy tests required for certification. To assist these prospective educators, the Office of Educator Services will issue a Certificate Eligibility Letter to applicants who have met all requirements for an educator certificate, except for the exams and/or the criminal history review process. Applicants may present a copy of this eligibility letter to districts where they seek employment.

Emergency Provisions for Candidates Seeking Admission to an Alternative Route Program

Pursuant to S.C. Code Ann. § 59-26-30 and § 59-25-330, an individual must earn a qualifying score on the required subject area assessment in the certification field for issuance of a conditional (i.e., Alternative Route) certificate. Due to the COVID-19 public health emergency, closures of testing centers administering certification assessments have delayed candidates in completing the testing requirement for admission to an approved alternative route program.

*Temporary Alternative Route certificate for the 2020-21 School Year*

To assist these prospective educators affected by the closure of testing centers, the SCDE will issue a Temporary Alternative Route certificate for the 2020-21 school year to eligible candidates. The purpose of the temporary certificate is to provide a one-year, non-renewable certificate option for an individual who has successfully completed all requirements to participate in an approved alternative route preparation program with the exception of one or more certification assessments required by the SBE.

Act 135 SCDE Emergency Waivers

August 1, 2020

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The Temporary Alternative Route certificate is valid only for the 2020-21 school year and is not renewable. No later than June 30, 2021, the candidate must have a qualifying score on the required subject area assessment on file with the SCDE for continued program participation and eligibility for certification. Issuance of an Alternative Route certificate for 2021-22 or beyond is contingent upon the candidate meeting the testing requirement, demonstrating successful progress in the specific preparation program, and continuing employment in a South Carolina public school district.

Temporary Alternative Route Certificates for 2020-21:

- Total as of July 31, 2020: **12**
  - American Board: **2**
  - APEC **2**
  - Teachers of Tomorrow **8**
- Eligible PACE Candidates **45** (Pending final grades from recent PACE I Pre service)

*Restrictions:* Candidates with three or more unsuccessful attempts on a required subject area assessment in the certification field are not eligible for the temporary certificate.

Emergency Provisions for Career and Technical Education (CTE) Work-based Teachers

These emergency provisions apply to CTE teachers completing the five-year work-based teacher certification process.

CTE educators in the 5-year certification process utilizing flexibility for 2020-21: **80**

Requirements found in State Board of Education guidelines pursuant to South Carolina Code of Regulations §43-63.

*1. Educators with a Year 1 Induction Certificate Expiring June 30, 2020*

Due to closures of testing centers and the cancellation of the DIRECT Institute 2 scheduled for June 2020, some first-year CTE teachers may be unable to attempt all three sections of the WIN assessment, the basic skills assessment adopted by the State Board of Education for the certification of work-based teachers, or to complete first-year DIRECT requirements by June 30, 2020.

To assist these educators, the SCDE will waive the basic skills testing requirement and/or completion of DIRECT 2 for issuance of the second-year Induction certificate for the 2020-21 school year with confirmation of employment by the hiring school district. A CTE participant, however, must meet these requirements for issuance of a CTE certificate for the 2021-22 school year.

*2. Educators with a Year 2 Induction Certificate Expiring June 30, 2020*

CTE educators who meet requirements by June 30, 2020, will be issued the three-year Pre-professional certificate with confirmation of employment by the hiring school district.

Due to emergency closures affecting certification examinations and the cancellation of the DIRECT Institute 4 scheduled for June 2020, some second-year CTE educators may be unable to complete a state or national industry certification by June 30, 2020. To assist these educators who have been unable to complete a required industry certification or DIRECT Institute 4 due to the COVID-19 public health emergency, the SCDE will issue the educator a one-year Pre-professional certificate for the 2020-21 school year upon confirmation of employment by the hiring district. The educator must successfully complete the industry certification and/or DIRECT requirements no later than June 30, 2021, in order to be issued a Pre-professional certificate for an additional two years.

3. *Educators with a Pre-professional Certificate Expiring June 30, 2020*

The certificate of a CTE educator who has met all requirements by June 30, 2020, will be advanced to the Professional level.

A CTE educator who is unable to complete all requirements for the Professional certificate by June 30, 2020, will be issued a one-year grace period for the 2020-21 school year with confirmation of employment by the hiring district. During the grace period, the educator must complete any remaining requirements successfully in order to complete the certification process and advance to a standard Professional certificate.

*Negotiations of Retired Teacher Salary*

South Carolina Code of Laws § 59-25-57 allows districts to negotiate salaries below the district salary schedule for those retired teachers who are not participants in the Teacher and Employee Retention Incentive (TERI) program. The provisions of this section were set to expire on July 1, 2020. Through the emergency powers granted to the Superintendent in Act 135, a waiver was granted so that this section of law would not expire on July 1, 2020. This allows districts to continue negotiating such salaries in a time where, due to the impacts of COVID-19, teachers are needed in the classroom.

*Transportation*

South Carolina Code of Regulations §43-80 requires school bus stops on each route shall not be closer than two-tenths of a mile apart at safe points. In an attempt to minimize the number of students at a single bus stop, and to comply with social distancing guidelines, the SCDE has waived the above requirement. Certain stops have more than ten students, which makes compliance with social distancing difficult. By waiving the two-tenths requirement, districts will be able to limit the number of students at one stop.