CHAPTER 59

South Carolina Education and Economic Development Act

CROSS REFERENCES

Department to provide, oversight to regional education centers, see Section 13‑1‑1820.

Transfer of powers relating to regional education centers, see Section 13‑1‑1810.

**SECTION 59‑59‑10.** Citation of chapter.

This chapter may be cited as the “South Carolina Education and Economic Development Act”.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑20.** Development of curriculum based on career cluster system; individual graduation plans; role of school districts.

(A) The Department of Education shall develop a curriculum, aligned with state content standards, organized around a career cluster system that must provide students with both strong academics and real‑world problem solving skills. Students must be provided individualized educational, academic, and career‑oriented choices and greater exposure to career information and opportunities. This system must promote the involvement and cooperative effort of parents, teachers, and school counselors in assisting students in making these choices, in setting career goals, and in developing individual graduation plans to achieve these goals.

(B) School districts must lay the foundation for the clusters of study system in elementary school by providing career awareness activities. In the middle grades programs must allow students to identify career interests and abilities and align them with clusters of study for the development of individual graduation plans. Finally, high school students must be provided guidance and curricula that will enable them to complete successfully their individual graduation plans, preparing them for a seamless transition to relevant employment, further training, or postsecondary study.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑30.** Implementation of chapter; administrative support and staffing.

This chapter must be implemented fully by July 1, 2012, at which time the council created pursuant to Section 59‑59‑170 shall cease to exist. The Department of Education shall provide administrative support and staffing to the council to carry out its responsibilities under this chapter.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005; 2011 Act No. 58, Section 1, eff June 14, 2011.

Editor’s Note

Section 59‑59‑170 was repealed by 2014 Act No. 149, Section 3, effective April 7, 2014.

Effect of Amendment

The 2011 amendment substituted “2012” for “2011”.

**SECTION 59‑59‑40.** Guidance and counseling model.

During the 2005‑06 school year, the Department of Education’s guidance and counseling model must provide standards and strategies for school districts to use and follow in developing and implementing a comprehensive guidance and counseling program in their districts. This model must assist school districts and communities with the planning, development, implementation, and assessment of a school guidance and counseling program to support the personal, social, educational, and career development of pre‑kindergarten through twelfth grade students.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑50.** State models and prototypes for individual graduation plans and curriculum framework of career clusters of study.

(A) Before July 1, 2006, the Department of Education shall develop state models and prototypes for individual graduation plans and the curriculum framework for career clusters of study. These clusters of study may be based upon the national career clusters and may include, but are not limited to:

(1) agriculture, food, and natural resources;

(2) architecture and construction;

(3) arts, audio‑video technology, and communications;

(4) business, management, and administration;

(5) education and training;

(6) finance;

(7) health science;

(8) hospitality and tourism;

(9) human services;

(10) information technology;

(11) law, public safety, and security;

(12) manufacturing;

(13) government and public administration;

(14) marketing, sales, and service;

(15) science, technology, engineering, and mathematics; and

(16) transportation, distribution, and logistics.

(B) The Department of Education is to include in the state models and prototypes for individual graduation plans and curriculum framework the flexibility for a student to develop an individualized plan for graduation utilizing courses offered within the clusters at the school of attendance. Any plan of this type is to be approved by the student, parent or guardian, and the school guidance staff.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑55.** Model for addressing at‑risk students.

The State Board of Education shall develop a state model for addressing at‑risk students. This model shall include various programs and curriculum proven to be effective for at‑risk students.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑60.** Organizing high school curricula around clusters of study and cluster majors.

Before July 1, 2007, school districts shall:

(1) organize high school curricula around a minimum of three clusters of study and cluster majors. The curricula must be designed to provide a well‑ rounded education for students by fostering artistic creativity, critical thinking, and self‑discipline through the teaching of academic content, knowledge, and skills that students will use in the workplace, further education, and life;

(2) promote increased awareness and career counseling by providing access to the South Carolina Occupational Information System for all schools. However, if a school chooses another occupational information system, that system must be approved by the State Department of Education.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑70.** Implementation of career development plan for educational professionals in career guidance.

During the 2006‑07 school year, the department shall begin implementing a career development plan for educational professionals in career guidance that provides awareness, training, release time, and preparatory instruction. The plan must include strategies for certified school counselors effectively to involve parents, guardians, or individuals appointed by the parent or guardian to serve as their designee in the career guidance process and in the development of the individual graduation plans. The plan also must include innovative approaches to recruit, train, and certify professionals needed to carry out the career development plan.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑80.** Integrating career awareness programs into curricula for first through fifth grades.

During the 2006‑07 school year, the department’s school guidance and counseling program model along with career awareness and exploration activities must be integrated into the curricula for students in the first through fifth grades.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑90.** Counseling and career awareness programs on clusters of study for sixth, seventh, and eighth grades; selection of preferred cluster of study; development of graduation plan.

Beginning with the 2006‑07 school year, counseling and career awareness programs on clusters of study must be provided to students in the sixth, seventh, and eighth grades, and they must receive career interest inventories and information to assist them in the career decision‑making process. Before the end of the second semester of the eighth grade, eighth grade students in consultation with their parents, guardians, or individuals appointed by the parents or guardians to serve as their designee shall select a preferred cluster of study and develop an individual graduation plan, as provided for in Section 59‑59‑140.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑100.** Providing services of career specialist; qualification of specialist; career specialists currently employed by tech prep consortia.

(A) By the 2006‑07 school year, middle schools and by 2007‑08 high schools shall provide students with the services of a career specialist who has obtained a bachelor’s degree and who has successfully completed the national Career Development Facilitator (CDF) certification training or certified guidance counselor having completed the Career Development Facilitator certification training. This career specialist shall work under the supervision of a certified guidance counselor. By the 2007‑08 school year, each middle and high school shall have a student‑to‑guidance personnel ratio of three hundred to one. Guidance personnel include certified school guidance counselors and career specialists.

(B) Career specialists currently employed by the sixteen tech prep consortia and their performance responsibilities related to the delivery of tech prep or school‑to‑work activities must be supervised by the State Department of Education’s Office of Career and Technology Education in conjunction with the immediate site supervisor of the tech prep consortia.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑105.** Duties of career specialists.

An individual employed by school districts to provide career services pursuant to Section 59‑59‑100 shall work to ensure the coordination, accountability, and delivery of career awareness, development, and exploration to students in kindergarten through twelfth grade. To ensure the implementation and delivery of this chapter, this individual shall:

(1) coordinate and present professional development workshops in career development and guidance for teachers, school counselors, and work‑based constituents;

(2) assist schools in promoting the goals of quality career development of students in kindergarten through twelfth grade;

(3) assist school counselors and students in identifying and accessing career information and resource material;

(4) provide educators, parents, and students with information on career and technology education programs offered in the district;

(5) support students in the exploration of career clusters and the selection of an area of academic focus within a cluster of study;

(6) learn and become familiar with ways to improve and promote career development opportunities within the district;

(7) attend continuing education programs on the certified career development facilitator curriculum sponsored by the State;

(8) assist with the selection, administration, and evaluation of career interest inventories;

(9) assist with the implementation of the district’s student career plan or individual graduation plan;

(10) assist schools in planning and developing parent information on career development;

(11) coordinate with school counselors and administration career events, career classes, and career programming;

(12) coordinate community resources and citizens representing diverse occupations in career development activities for parents and students; and

(13) assist with the usage of computer assisted career guidance systems.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑110.** Implementation of career guidance program model in high school; counseling of students; declaration of area of academic focus within cluster of study.

During the 2007‑08 school year, each public high school shall implement a career guidance program model or prototype as developed or approved by the State Department of Education. At least annually after that, certified school guidance counselors and career specialists, under their supervision, shall counsel students during the ninth and tenth grades to further define their career cluster goals and individual graduation plans, and before the end of the second semester of the tenth grade, tenth grade students shall have declared an area of academic focus within a cluster of study. Throughout high school, students must be provided guidance activities and career awareness programs that combine counseling on career options and experiential learning with academic planning to assist students in fulfilling their individual graduation plans. In order to maximize the number of clusters offered, a school district is to ensure that each high school within the district offers a variety of clusters. A student may transfer to a high school offering that student’s career cluster if not offered by the high school in his attendance zone.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

Attorney General’s Opinions

A student may transfer from Lincoln Middle‑High School in District 1 to Wando High School in District 2 under Section 59‑59‑110 ‑ i.e., on the basis the student’s career cluster is offered at Wando but not at Lincoln ‑ if the transfer between the districts is authorized by the trustees of both constituent districts as provided in Section 59‑63‑490. S.C. Op.Atty.Gen. (November 5, 2012) 2012 WL 5705579.

**SECTION 59‑59‑120.** Limitation of activities of guidance counselors and career specialists.

School guidance counselors and career specialists shall limit their activities to guidance and counseling and may not perform administrative tasks.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑130.** Implementation of principles of “High Schools that Work” organizational model.

By the 2009‑10 school year, each high school shall implement the principles of the “High Schools that Work” organizational model or have obtained approval from the Department of Education for another cluster or major organizational model.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑140.** Individual graduation plans; requirements.

An individual graduation plan is a student specific educational plan detailing the courses necessary for the student to prepare for graduation and to successfully transition into the workforce or postsecondary education. An individual graduation plan must:

(1) align career goals and a student’s course of study;

(2) be based on the student’s selected cluster of study and an academic focus within that cluster;

(3) include core academic subjects, which must include, but are not limited to, English, math, science, and social studies to ensure that requirements for graduation will be met;

(4) include experience‑based, career‑oriented learning experiences including, but not limited to, internships, apprenticeships, mentoring, co‑op education, and service learning;

(5) be flexible to allow change in the course of study but be sufficiently structured to meet graduation requirements and admission to postsecondary education;

(6) incorporate provisions of a student’s individual education plan, when appropriate; and

(7) be approved by a certified school guidance counselor and the student’s parents, guardians, or individuals appointed by the parents or guardians to serve as their designee.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑150.** Regulations for identifying at‑risk students; model programs.

By July 2007, the State Board of Education shall promulgate regulations outlining specific objective criteria for districts to use in the identification of students at risk for being poorly prepared for the next level of study or for dropping out of school. The criteria must include diagnostic assessments to identify strengths and weaknesses in the core academic areas. The process for identifying these students must be closely monitored by the State Department of Education in collaboration with school districts to ensure that students are being properly identified and provided timely, appropriate guidance and assistance and to ensure that no group is disproportionately represented. The regulations also must include evidence‑based model programs for at‑risk students designed to ensure that these students have an opportunity to graduate with a state high school diploma. By the 2007‑08 school year, each high school of the State shall implement one or more of these programs to ensure that these students receive the opportunity to complete the necessary requirements to graduate with a state high school diploma and build skills to prepare them to enter the job market successfully. The regulation also must include an evaluation of model programs in place in each high school to ensure the programs are providing students an opportunity to graduate with a state high school diploma.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑160.** Parental participation; annual parent counseling conferences.

Parental participation is an integral component of the clusters of study system. Beginning with students in the sixth grade and continuing through high school, schools must schedule annual parent counseling conferences to assist parents, guardians, or individuals appointed by the parents or guardians and their children in making career choices and creating individual graduation plans. These conferences must include, but are not limited to, assisting the student in identifying career interests and goals, selecting a cluster of study and an academic focus, and developing an individual graduation plan. In order to protect the interests of every student, a mediation process that includes parent advocates must be developed, explained, and made available for conferences upon request of the parent or student.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑170.** Repealed by 2014 Act No. 149, Section 3, eff April 7, 2014.

Editor’s Note

Former Section 59‑59‑170 was titled Education and Economic Development Coordinating Council; members; duties and responsibilities and was derived from 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑175.** South Carolina Education and Economic Development Coordinating Council.

(A) There is created the South Carolina Education and Economic Development Coordinating Council. The council is comprised of the following members representing the geographic regions of the State and must be representative of the ethnic, gender, rural, and urban diversity of the State:

(1) State Superintendent of Education or his designee;

(2) Executive Director of the South Carolina Department of Employment and Workforce or his designee;

(3) Executive Director of the State Board for Technical and Comprehensive Education or his designee;

(4) Secretary of the Department of Commerce or his designee;

(5) Executive Director of the South Carolina Chamber of Commerce or his designee;

(6) Chief Executive Officer of the South Carolina Manufacturers Alliance or his designee;

(7) Executive Director of the South Carolina Commission on Higher Education or his designee;

(8) Executive Director of the Office of First Steps to School Readiness or his designee;

(9) the following members who must be appointed by the State Superintendent of Education:

(a) a school district superintendent;

(b) a principal;

(c) a school guidance counselor;

(d) a teacher; and

(e) the director of a career and technology center;

(10) the following members who must be appointed by the Chairman of the Commission on Higher Education:

(a) the president or provost of a research university;

(b) the president or provost of a four‑year college or university; and

(c) the president of a technical college;

(11) ten representatives of business appointed by the Governor, at least one of whom must represent small business, and one whom must represent the health care industry. Of the representatives appointed by the Governor, five must be recommended by statewide organizations representing business and industry. The chair is to be selected by the Governor from one of his appointees;

(12) Chairman of the Education Oversight Committee or his designee;

(13) a member from the House of Representatives appointed by the Speaker of the House; and

(14) a member from the Senate appointed by the President Pro Tempore.

Initial appointments must be made by October 1, 2017, at which time the Governor shall call the first meeting. Appointments made by the Superintendent of Education and the Governor are to ensure that the demographics and diversity of this State are represented.

Appointed members of the council shall serve for terms of four years each and until their successors are appointed and qualify. Vacancies on the council in appointed positions must be filled by appointment in the same manner of original appointment for the remainder of the unexpired term.

Any member of the council who is a public official with a term of office provided by law, including the State Superintendent of Education and members of the General Assembly, shall serve on the council for a term coterminous with his or her term of office as a public official. Designees of a public official shall serve at the pleasure of the designating public official.

Members of the council who are not public officials but who hold a specified position of employment shall serve on the council for as long as that person holds the specified position. Designees of a person who holds a specified position of employment shall serve at the pleasure of that person.

Members of the council are not deemed to hold an office of honor or profit in this State as the functions of council only involve providing advice, review, recommendations, or reports to other officials, boards, or departments.

(B) The council shall:

(1) advise the Department of Education and the Department of Commerce to ensure the components of this chapter are implemented with fidelity;

(2) review accountability and performance measures for implementation of this chapter;

(3) report annually by December first to the Governor, the General Assembly, the Department of Commerce, the State Board of Education, and other appropriate governing boards on the progress, results, and compliance with the provisions of this chapter to specifically include progress toward career pathways and its ability to provide a better prepared workforce and student success in postsecondary education;

(4) make recommendations to the Department of Education and Department of Commerce for the development and implementation of a communication and marketing plan to promote statewide awareness of the provisions of this chapter;

(5) provide input to the Department of Commerce, State Board of Education, and other appropriate governing boards for the promulgation of regulations to carry out the provisions of this chapter including, but not limited to, enforcement procedures, which may include monitoring and auditing functions, and addressing consequences for noncompliance; and

(6) the coordinating council shall be staffed by personnel from the State Department of Education and the Department of Commerce.

(C) The provisions of this section expire five years after its effective date unless the General Assembly by law extends its provisions.

HISTORY: 2017 Act No. 35 (H.3220), Section 1, eff May 10, 2017.

**SECTION 59‑59‑180.** Repealed by 2014 Act No. 149, Section 3, eff April 7, 2014.

Editor’s Note

Former Section 59‑59‑180 was titled Regional education centers; responsibilities; career development facilitators; geographic configuration; advisory board and was derived from 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑190.** Assistance in planning and promoting career information and employment options.

(A) The South Carolina Department of Employment and Workforce, in collaboration with the State Board for Technical and Comprehensive Education and the Commission on Higher Education, shall assist the Department of Education, in planning and promoting the career information and employment options and preparation programs provided for in this chapter by:

(1) identifying potential employers to participate in the career‑oriented learning programs;

(2) serving as a contact point for employees seeking career information and training;

(3) providing labor market information including, but not limited to, supply and demand;

(4) promoting increased career awareness and career counseling through the management and promotion of the South Carolina Occupational Information System;

(5) collaborating with local agencies and businesses to stimulate funds; and

(6) cooperating in the creation and coordination of workforce education programs.

(B) The South Carolina Department of Employment and Workforce shall assist in providing a link between employers in South Carolina and youth seeking employment.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005; 2014 Act No. 149 (H.3410), Section 2, eff April 7, 2014.

Code Commissioner’s Note

Pursuant to the directive to the Code Commissioner in 2010 Act No. 146, Section 122, “Department of Employment and Workforce” was substituted for all references to “Employment Security Commission”, and “Executive Director of the Department of Employment and Workforce” or “executive director” was substituted for all references to the “Chairman of the Employment Security Commission” or “chairman” that refer to the Chairman of the Employment Security Commission, as appropriate.

Effect of Amendment

2014 Act No. 149, Section 2, in subsection (A), deleted at the end the reference to the establishment of regional education centers.

**SECTION 59‑59‑200.** Training of teachers and guidance counselors; review of performance.

Beginning with the 2006‑07 academic year, colleges of education shall include in their training of teachers, guidance counselors, and administrators the following: career guidance, the use of the cluster of study curriculum framework and individual graduation plans, learning styles, the elements of the Career Guidance Model of the South Carolina Comprehensive Guidance and Counseling Program Model, contextual teaching, cooperative learning, and character education. The State Board of Education shall develop performance‑based standards in these areas and include them as criteria for teacher program approval. By the 2009‑10 school year, the teacher evaluation system established in Chapter 26, Title 59, and the principal’s evaluation system established in Section 59‑24‑40 must include a review of performance in career exploration and guidance. The department also shall develop programs to train educators in contextual teaching.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑210.** Review of articulation agreements between school districts and institutions of higher learning.

(A) By September 2005, the Commission on Higher Education shall convene the Advisory Committee on Academic Programs to address articulation agreements between school districts and public institutions of higher education in South Carolina to provide seamless pathways for adequately prepared students to move from high school directly into institutions of higher education. The committee shall review, revise, and recommend secondary to postsecondary articulation agreements and promote the development of measures to certify equivalency in content and rigor for all courses included in articulation agreements. The advisory committee shall include representatives from the research institutions, four‑year comprehensive teaching institutions, two‑year regional campuses, and technical colleges. The committee, for purposes pursuant to this chapter, shall include representation from the State Department of Education, and school district administrators, to include curriculum coordinators and guidance personnel.

(B) By July 2006, the Advisory Committee on Academic Programs shall make recommendations to the Commission on Higher Education regarding coursework that is acceptable statewide for dual enrollment to be accepted in transfer within a related course of study. Dual enrollment college courses offered to high school students by two‑year and four‑year colleges and universities must be equivalent in content and rigor to the equivalent college courses offered to college students and taught by appropriately credentialed faculty. Related policies and procedures established by the Commission on Higher Education for dual enrollment and guidelines for offering dual enrollment coursework and articulation to two‑year and four‑year colleges and universities for awarding of credit must be followed.

(C) The advisory committee, in collaboration with the Department of Education, shall coordinate work to study the content and rigor of high school courses in order to provide a seamless pathway to postsecondary education.

(D) The Commission on Higher Education shall report annually to the Education and Economic Development Coordinating Council regarding the committee’s progress.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑220.** Development of appropriate resources and instructional materials.

With the implementation of the clusters of study system, appropriate resources and instructional materials, aligned with the state’s content standards, must be developed or adopted by the State Department of Education and made available to districts.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑230.** Promulgation of regulations.

The State Board of Education, with input from the Education and Economic Development Council, shall promulgate regulations necessary to carry out the provisions of this chapter.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑240.** Private and home schools.

The requirements of this chapter do not apply to private schools or to home schools.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

**SECTION 59‑59‑250.** Funding.

Each phase of implementation of this chapter is contingent upon the appropriation of adequate funding as documented by the fiscal impact statement provided by the Office of State Budget of the State Budget and Control Board. There is no mandatory financial obligation to school districts if state funding is not appropriated for each phase of implementation as provided for in the fiscal impact statement of the Office of the State Budget of the State Budget and Control Board.

HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.

Code Commissioner’s Note

At the direction of the Code Commissioner, reference in this section to the former Budget and Control Board has not been changed pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), until further action by the General Assembly.