**South Carolina General Assembly**

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**H. 3974**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Calhoon, Bernstein and Erickson

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Currently residing in the House Committee on **Education and Public Works**

Summary: Private Providers

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/12/2025 House Introduced and read first time (House Journal‑page 17)

 2/12/2025 House Referred to Committee on **Education and Public Works** (House Journal‑page 17)

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**VERSIONS OF THIS BILL**

[02/12/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3974_20250212.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 5 TO CHAPTER 10, TITLE 59 SO AS TO AUTHORIZE EVALUATORS TO EVALUATE PUBLIC SCHOOL STUDENTS FOR HEALTH, BEHAVIORAL HEALTH, OR THERAPEUTIC NEEDS, TO AUTHORIZE PRIVATE PROVIDERS TO PROVIDE RELATED SERVICES AT SCHOOLS DURING THE SCHOOL DAY, TO SPECIFY THESE EVALUATIONS AND SERVICES ONLY MAY OCCUR UPON REQUEST OF THE PARENT OR GUARDIAN OF THE STUDENT, TO PROVIDE SCHOOL DISTRICTS MAY NOT PROHIBIT SUCH EVALUATIONS OR SERVICES IN SCHOOLS DURING THE SCHOOL DAY, TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL ADOPT A RELATED MODEL POLICY, TO PROVIDE REQUIREMENTS FOR THE MODEL POLICY, TO PROVIDE SCHOOL DISTRICTS SHALL ADOPT RELATED POLICIES, AND TO DEFINE NECESSARY TERMS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 10, Title 59 of the S.C. Code is amended by adding:

Article 5

Private Providers

 Section 59‑10‑510. For purposes of this article:

 (1) “Evaluation” includes, but is not limited to, the following criteria:

 (a) diagnosis;

 (b) determination of intervention type;

 (c) determination of intervention length;

 (d) identification of the goals of a student;

 (e) identification of the impact of student behavior on the student’s educational program; and

 (f) planning for involvement of the student’s family in the student’s treatment plan.

 (2) “Private provider” means a provider who renders health, behavioral health, or therapeutic services and is licensed by this State and in good standing or, if state licensure is not available, a provider who is certified by and in good standing with a national certification or accreditation organization. A private provider includes, but is not limited to:

 (a) speech language pathologists, occupational therapists, and physical therapists;

 (b) psychiatrists;

 (c) psychologists;

 (d) clinical social workers;

 (e) licensed professional counselors and licensed marriage and family therapists; and

 (f) behavioral interventionists and specialists including, but not limited to:

 (i) board certified behavior analysts;

 (ii) board certified assistant behavior analysts;

 (iii) board certified assistant behavior analyst doctoral practitioners; and

 (iv) certified registered behavior technicians under the appropriate supervision of a board certified behavior analyst or board certified assistant behavior analyst.

 (3) “Classroom aide” means a private paraprofessional who works under the supervision of a private provider to assist students with disabilities and deliver direct services to such students at school during the school day. A classroom aide is not a teacher aide as defined in Section 59‑1‑140 or other employee of a school district.

 (4) “Evaluator” means a private provider who is:

 (a) licensed to perform a medical, behavioral, or therapeutic evaluation at a parent or guardian’s request;

 (b) not an employee of a public school district or the State Department of Education; and

 (c) licensed by this State and in good standing or, if state licensure is not available, a provider who is certified by and in good standing with a national certification or accreditation organization.

 (5) “Medically necessary service” means a service recommended or ordered by a healthcare provider who is:

 (a) licensed in this State or another state and provides services within twenty‑five miles of the border of this State;

 (b) acting within the scope of the provider’s license; and

 (c) covered by an independent third‑party payor.

 Section 59‑10‑520. A school board may not uniformly prohibit:

 (1) an evaluator from performing an evaluation of a student at a public school during school hours if the parent or legal guardian of the student requests such an evaluation from the evaluator; or

 (2) a private provider or classroom aide from providing medically necessary services authorized by an independent third‑party payor to a student at a public school during school hours if the parent or legal guardian of the student requests such services from the provider or aide. For purposes of this section, an independent third‑party payor includes, but is not limited to, Medicaid and commercial insurance.

 Section 59‑10‑530. (A) The State Board of Education shall develop a model policy setting the parameters for evaluators to perform evaluations and for private providers and classroom aides to provide medically necessary services during the school day, including during instructional time, in compliance with:

 (1) the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et seq.;

 (2) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 701; and

 (3) the Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. Section 12101.

(B) At a minimum, the model policy must:

 (1) require districts adopt a case‑by‑case review process for requests made by parents or guardians for a private provider to serve a child at a school during school hours;

 (2) clarify the types of evaluators and private providers covered by the model policy;

 (3) require evaluators, private providers, and classroom aides to complete and pay for a criminal background check conducted by SLED unless such background check is already required for licensure as a private provider or evaluator;

 (4) determine the appropriate amount of general liability insurance coverage for evaluators, private providers, and classroom aides and require them to maintain general liability insurance coverage;

 (5) allow for services to be provided during instructional time in English/language arts, mathematics, or science if the school district and the private provider agree that doing so is in the best interest of the student;

 (6) require any instructional time missed due to services being provided must be forgiven and may not require the student to make up missed instruction;

 (7) require the parent or legal guardian of a student receiving a service from a private provider to execute and submit to the district:

 (a) a written confirmation of the funding source for services provided by the private provider;

 (b) a parent authorization for the provision of services at school during the school day; and

 (c) a consent to release information form between the private provider and the school district; and

 (8) provide procedures for a school district to establish sanctions, including termination of the authorization to provide services on any school campus, against an evaluator, private provider, or classroom aide for failure to comply with the policy of the district.

 Section 59‑10‑540. The board shall finalize its model policy by November 1, 2025. Districts must adopt the model policy or develop their own policy that meets the minimum requirements of the model policy and is subject to department approval by January 1, 2026.

SECTION 2. This act takes effect upon approval by the Governor.

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