**South Carolina General Assembly**

126th Session, 2025-2026

**H. 4068**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Calhoon and Bernstein

Document Path: LC-0304WAB25.docx

Introduced in the House on February 20, 2025

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

Summary: Suspensions of students in publicly-funded preschools

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/20/2025 House Introduced and read first time ([House Journal‑page 6](h:\hj\20250220.docx))

2/20/2025 House Referred to Committee on **Education and Public Works** ([House Journal‑page 6](h:\hj\20250220.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4068&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/20/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4068_20250220.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59‑63‑285 SO AS TO DEFINE TERMS RELATED TO THE SUSPENSION OF PRESCHOOL STUDENTS, TO PROVIDE FOR EDUCATION AND TRAINING FOR ADMINISTRATORS, TEACHERS, AND STAFF, TO REQUIRE EFFORTS TOWARD MAINTAINING STUDENT ENROLLMENT, AND TO PROVIDE FOR RELEVANT DATA COLLECTION.

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

SECTION 1. Article 3, Chapter 63, Title 59 of the S.C. Code is amended by adding:

Section 59‑63‑285. (A) For purposes of this section:

(1) “Challenging behavior” means any repeated pattern of behavior, or adult perception of behavior, that interferes with or is at risk of interfering with optimal learning or engagement in positive interactions with peers and adults.

(2) “Publicly funded preschool” means formal education programs funded by CERDEP, EIA, Title I, and district funds.

(B) A student enrolled in 3K or 4K programs in a publicly funded preschool may not receive an out‑of‑school suspension unless a serious safety threat exists that has not been reduced or eliminated despite the implementation and exhaustion of the services and interventions in subsection (E) and no other reasonable option is appropriate.

(C) A student enrolled in 3K or 4K programs in a publicly funded preschool may not receive an in‑school suspension unless the provision of services and interventions in subsection (E) has been implemented and are unsuccessful. Preschool students removed from the classroom for short periods of time to collect themselves after exhibiting challenging behavior must be returned to the classroom as quickly as possible when deemed appropriate by school personnel.

(D) If an in‑school or out‑of‑school suspension is deemed necessary, school personnel shall assist the preschool student in returning to full participation in all program activities as quickly as possible while minimizing loss of instruction and ensuring child safety.

(E) Before a publicly funded preschool expels or suspends a child for challenging behavior, the school shall first attempt to maintain participation and enrollment by:

(1) exhausting its own interventions and strategies available, such as multitiered system of support measures, trauma‑informed care, early childhood behavioral specialists, and school mental health therapists;

(2) if determined to be appropriate for the student, ensuring the student has received referrals for assessments or evaluations for special education or other support services, the assessments or evaluations have been completed, and any interventions, services, or accommodations have been implemented. A school or program is not required to exhaust the services and interventions prior to suspension if the preschool student’s parents or guardians have refused evaluation or interventions, and these refusals have been documented by the school;

(3) if the student has an IEP or 504 Plan, convening an IEP or Section 504 meeting to review if appropriate supports are being provided; and

(4) revising existing student codes of conduct and publishing revised written codes of conduct that acknowledge age‑appropriate behavior for preschoolers and age‑appropriate consequences for challenging behavior exhibited by preschoolers as distinguished from conduct expected of and consequences appropriate for older students.

(F) The provisions of Sections 59‑63‑230 and 59‑63‑240 must be extended to students enrolled in a publicly funded preschool in a public school.

(G) All efforts to maintain participation and enrollment, provide due process, and accurately report suspensions as required in this section must be documented in the student information system as directed by the State Department of Education. First Steps and Head Start 4K programs that qualify as publicly funded preschools must collect this data through the systems in use or of its choice as long as the program captures the documentation, actions, and data required in this section except for the due process procedures in subsection (F).

(H)(1) The State Department of Education shall make available to publicly funded preschools in public school districts:

(a) preservice and in‑service professional development on working with children in preschool with challenging behaviors to administrators, teachers, and staff. This professional development should include, but is not limited to:

(i) making administrators, teachers, and staff aware of additional resources available in the community for families with young children who have more intensive needs;

(ii) publicizing the resources available to administrators, teachers, and staff in relation to navigating a child’s challenging behaviors and maintaining enrollment; and

(iii) training administrators, teachers, and staff on trauma‑informed practices to support children whose challenging behaviors may arise from trauma;

(b) materials on available resources and working with children with challenging behaviors to parents and caregivers; and

(c) technical assistance for districts:

(i) to build internal capacity to provide ongoing support and professional development for preschool classroom teachers on evidence‑based strategies to prevent challenging behavior and to appropriately intervene if challenging behavior persists;

(ii) to develop and revise existing district codes of conduct to acknowledge age‑appropriate behavior and consequences for preschoolers and to distinguish it from conduct expected of and consequences appropriate for older students; and

(iii) to implement trauma‑informed frameworks to support children attending school after or while experiencing trauma.

(2) This section may not be construed to prevent publicly funded preschools in public school districts and those in other programs from collaborating on training materials and opportunities if they desire to do so.

(I) The State Department of Education shall collect at the school, school district, and state level data concerning publicly funded preschool suspension and expulsion for the current school year and four immediately previous school years and any other data as requested by the Joint Citizens and Legislative Committee on Children or the Education Oversight Committee. The department shall report this data annually by September first to the Joint Citizens and Legislative Committee on Children and the Education Oversight Committee. First Steps and Head Start 4K programs that qualify as publicly funded preschools shall collect data concerning preschool suspension and expulsion for the current school year and any other data as requested by the Joint Citizens and Legislative Committee or deemed informative by the programs. First Steps and Head Start shall report these aggregated data annually by September first to the Joint Citizens and Legislative Committee on Children.

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

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