

## SOUTH CAROLINA

<b>Compulsory Attendance Ages:</b>	“five years of age before September first until ... seventeenth birthday or” graduation from high school. Any parents whose child is “not six years of age on or before the first day of September of a particular school year may elect for their child” not to attend kindergarten, and then must sign a written document with the school district. S.C. Code § 59-65-10.
<b>Required Days of Instruction:</b>	180 days. S.C. Code § 59-65-40(A)/§ 59-65-45/§ 59-65-47.
<b>Required Subjects:</b>	Reading, writing, math, science, and social studies; (grades 7-12) composition and literature. S.C.Code § 59-65-40(A)/§ 59-65-45/ § 59-65-47.

**Home School Statute:** There are *three options* to legally home school:

**Option 1.** S.C. Code § 59-65-40. Parents “may teach their children at home if the instruction is approved by the district board of trustees.” The boards “shall approve” (they have no discretion) if:

1. the parent has either: (a) at least a high school diploma or GED (the basic skills exam was struck down by the South Carolina Supreme Court—see below); (b) or earned a baccalaureate degree;
2. the instructional day is at least four and one-half hours, and the year at least 180 days;
3. the curriculum includes the required subjects listed above;
4. the parent presents a system of maintaining records as evidence of regular instruction including: a) a plan book or other record of subjects taught and activities, b) a portfolio of the child’s work, and a record of academic evaluations, with a semiannual progress report to be submitted to the school district;
5. the student has access to library facilities;
6. the student participates in the annual statewide testing program and the Basic Skills Assessment Program;
7. and the parents release the district from liability regarding their child’s education.

Parents may appeal school district decisions to the State Board of Education within ten days. They may appeal State Board decisions to the Family Court within 30 days.

**Option 2.** Parents may teach their children at home by becoming members of the South Carolina Association of Independent Home Schools (SCAIHS) under S.C. Code § 59-65-45 (effective April 8, 1992). “In lieu of the requirements of § 59-65-40, parents or guardians may teach their children at home if the instruction is conducted under the auspices of the South Carolina Association of Independent Home Schools. Bona fide membership and continuing compliance with the academic standards of South Carolina Association of Independent Home Schools exempts the home school from the further requirements of § 59-65-40.” Under this option parents or guardians must meet the following requirements: (1) hold at least a high school diploma or GED; (2) the instructional year is at least 180 days; and (3) the curriculum includes the required subjects listed above.

Home schoolers who become members of SCAIHS are exempt from all other requirements listed in Option 1 above.

**Option 3.** Parents may teach their children at home by becoming members of an association for home schools which has no fewer than fifty members under S.C. Code § 59-65-47 (effective June 20, 1996). “In lieu of the requirements of Section 59-65-40 or Section 59-65-45, parents or guardians may teach their children at home if the instruction is conducted under the auspices of an association for home schools which has no fewer than fifty members and meets the requirements of this section. Bona fide membership and continuing compliance with the academic standards of the associations exempts the home school from the further requirements of Section 59-65-40 or Section 59-65-45.” Under this option parents or guardians must meet the following requirements:

1. hold at least a high school diploma or GED;
2. an instructional year of at least 180 days;
3. the curriculum includes the required subjects listed above; and
4. educational records maintained by the parent include:
  - a. a plan book or other record of subjects taught and activities;
  - b. a portfolio of the child’s work; and
  - c. a semiannual progress report.

**Teacher Qualifications:** Parents must have a high school diploma or GED. The South Carolina Supreme Court in HSLDA’s case, *Lawrence, et al. v. S.C. State Board of Education*, 412 S.E.2d 394 (1991), found the basic skills exam (Education Entrance Examination) to be invalid and prohibited it from being required for home schoolers.

**Standardized Tests:** All students complying with § 59-65-40 (Option “1” above) must participate in the annual statewide testing program and the Basic Skills Assessment Program, and if they do not perform well enough on the test to meet the public school promotion standard for advancing to the next grade, the school district will decide if they should be put in a public school, receive special handicapped services, or have instructional support for home schooling at the parents’ expense. § 59-65-40(D). The tests must be administered by a “certified school district employee.” Those who enroll in SCAIHS (Option 2) or another home school association (Option 3) are exempt from state testing.

**Home Visits:** On February 27, 1989, the Attorney General issued an opinion declaring that school districts have no authority to require home visits.

**Religious Freedom Act:** S.C. Code Ann. § 1-32-10 et seq.

The South Carolina Religious Freedom Act (RFA), passed with the help of HSLDA members, gives religious home schoolers another legal means to protect their right to home school. If the parents’ free exercise of religion is substantially burdened by having to comply with the homeschool law, the parents may use the RFA as a defense or file suit against the state. Under this statute, the burden is on the state to prove that its requirement "furthers a compelling state interest" and is the "least restrictive means" of fulfilling its interest that children be educated. This Act restores the highest protection of the individual's right to freely exercise his religious beliefs taken away by the U.S. Supreme Court in its 1997 *City of Boerne* decision. 520 U.S. 507.