

SOUTH CAROLINA

Compulsory Attendance Ages:	“five years of age before September first until... [a child’s] seventeenth birthday or graduates 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.
Required Days of Instruction:	180 days. S.C. Code §§ 59-65-40, -45, -47.
Required Subjects:	Reading, writing, math, science, and social studies; additionally, composition and literature in grades 7-12. S.C. Code § 59-65-40, -45, -47.

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

Option I. 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 c) 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; and
7. 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. See South Carolina Code of Regulations R.43-246 for additional details on the appeal process.

Option II. 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 [Option I above].” SCAIHS’ standards must require, at a minimum, that parents or guardians:

1. Hold at least a high school diploma or GED;
2. Provide an instructional year of at least 180 days; and
3. Provide a curriculum which includes the required subjects listed above.

The South Carolina Department of Education is required to annually review SCAIHS’ standards. Annually by January 30, SCAIHS must submit the number and grade level (but not name) of all children “home schooled through the association” to the children’s respective school districts. § 59-65-40. The Department does not have legal authority to publish a list of compliant organizations (per July 27, 2016 email from Roy Stehle, Director of Office of Federal and State Accountability, to Home School Associations).

Option III. Parents may teach their children at home by becoming members of an association for home schools which has at least 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.” The association’s standards must, at a minimum, require that parents or guardians:

1. Hold at least a high school diploma or GED;
2. Provide an instructional year of at least 180 days;
3. Provide a curriculum which includes the required subjects listed above; and
4. Maintain educational records to include:
 - a. A plan book or other record of subjects taught and activities;
 - b. A portfolio of samples of the student's academic work; and
 - c. A semiannual progress report including attendance records and individualized documentation of the student's academic progress in the required subjects.

The South Carolina Department of Education is required to annually review the association’s standards. Annually by January 30, the association must submit the number and grade level (but not name) of all children “home schooled through the association” to the children’s respective school districts. § 59-65-47. The Department does not have legal authority to publish a list of compliant organizations (per July 27, 2016 email from Roy Stehle, Director of Office of Federal and State Accountability, to Home School Associations).

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 I 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 II) or another home school association (Option III) 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 (Opinion No. 89-22).

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