

January 19, 2007

Phillip J. McDaniel, Ed.D., Superintendent  
Beaufort County School District  
Post Office Drawer 309  
Beaufort, South Carolina 29901-0309

Dear Dr. McDaniel:

In a letter to this office you indicated that currently the Beaufort County School District has thirteen schools operating under a year-round calendar that starts in mid-July and fifteen more that open on a traditional (mid-August) schedule. For a variety of reasons, you indicate that it is your desire that the school system unite under a single calendar. As a result, a hybrid of the two calendars has been proposed for the 2007-2008 school year. You have questioned whether the proposed calendar is acceptable under state law.

You made reference to current state law that provides for the beginning and length of school terms in South Carolina. S.C. Code Ann. § 59-1-425 states that

(A) Each local school district board of trustees of the State shall have the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ninety days annually and shall consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. However, beginning with the 2007-2008 school year the opening date for students must not be before the third Monday in August, except for schools operating on a year-round modified school calendar. (emphasis added).

As set forth, beginning with the 2007-2008 school year, the opening date for schools must not be before the third Monday in August with an exception for year-round schools. Subsection (H) of such provision does allow for the waiver by the State Board of Education of the school opening date requirement "on a showing of good cause or for an educational purpose" as defined in that provision. However, you have not indicated that such a waiver is being sought by your school district.

The proposed calendar for the 2007-2008 school year which you forwarded reflects a start date for students of July 30 ending with an early dismissal date on May 30. There is apparently no

Dr. McDaniel  
Page 2  
January 19, 2007

school for students scheduled during the months of June and July of 2008. In the opinion of this office, such a proposed calendar does not constitute a year-round school calendar. As a result, it appears that such proposed calendar would be in conflict with Section 59-1-425 and its requirement that the opening date for students not be before the third Monday in August.

If there are any questions, please advise.

Sincerely,

Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

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Robert D. Cook  
Assistant Deputy Attorney General