

# State of South Carolina

## Office of the Governor

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April 8, 2009

The Honorable Robert W. Harrell, Jr.  
Speaker of the House of Representatives  
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Dear Mr. Speaker and Members of the House:

I am vetoing and returning without my approval H. 3583, R. 18, a Joint Resolution waiving the requirement for Kershaw County Schools to make up a school day missed on February 4, 2009, due to snow. The bill also waives up to three days for all school districts for any reason.

Time is always limited. For this reason we have long believed it was not in the best interest of South Carolinians for the General Assembly to spend days passing bills on school days missed on the coast due to hurricanes, snow in the Upstate, ice storms in other parts of the state, or a variety other natural disasters. In the first year of this Administration, we worked with the General Assembly to enact legislation requiring all school districts to set aside three days to make up for lost time due to inclement weather. Prior to this Administration, every time a school district closed for inclement weather they would ask the General Assembly to waive the 180 day requirement and grant them the day off. The law recognized there would be unusual circumstances that would affect one or just a few schools in a given district and, in those unusual cases, the make-up day requirement could indeed be waived by the General Assembly.

Though Section 2 of the bill is intended to provide budgetary relief for school districts around the state, we do not believe that closing schools down during instructional days should be the first order of business. We agree that school districts should have greater flexibility to manage their costs, and that is why I signed legislation giving greater flexibility to school districts. But we should not be in a rush to sacrifice classroom time in the name of making budget decisions – even if it is three days.

Allowing school districts to simply shut down for three days may save on some transportation and food services costs, but we agree with Senator Greg Ryberg that doing so will come at the expense of reducing valuable instructional days for students. We thank Senator Ryberg for his leadership in opposing this legislation and thank those who joined him in the fight.

Our administration has consistently vetoed legislation that allows school districts to waive missed school days due to bad weather, except in extremely unusual circumstances like isolated disruptions at a single school or a small group of schools, because we believe attendance policy should be as

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uniform as possible throughout the state. It would be an unfair disadvantage for students in one school district to lose valuable instructional time because their school district chose to close schools while students in other districts did not.

Additionally, this bill would essentially allow teachers to furlough on what *should be* an instructional day, rather than furlough on non-instructional days as intended by H. 3352. This is a clear circumvention of the requirements in H. 3352.

Second, I continue to believe that school districts, like Kershaw County, should not get legislative relief for a missed school day except in extremely unusual circumstances. Section 1 of this bill allows the school day missed on February 4, 2009, by schools in the Kershaw County School District due to snow to be exempt from the make-up requirement that full school days missed due to inclement weather or other disruptions be made up. When I signed Act 89 of 2003, which requires school districts to designate three make-up days in their school calendar for missing school due to bad weather or other disruptions, it was my aim to require students to make up missed days except in extremely unusual circumstances. My opposition to legislation like H. 3583 is that it circumvents the make-up requirement that most other schools now use.

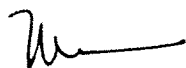
Since the enactment of Act 89 six years ago, very few school districts have sought legislative relief except in extremely unusual circumstances. For example, I signed legislation today that exempts three schools in the Greenville County School District from the make-up requirement because of a power outage that only affected a small group of schools. Last year, I signed a bill that exempted one elementary school in Richland School District One that closed due to a collapsed ceiling. Power outages and collapsed ceilings represent the type extremely unusual circumstances that justify the need for a waiver because it is burdensome for the school district to open up transportation and food services for only a few schools in the district.

Unfortunately, the Kershaw County School District has chosen to seek legislative relief with this bill when no extraordinary circumstances are present. Even though the school district has already used two out of three scheduled make-up days and no other make up days are available, current law gives school districts other options to require students to make up missed days.

As a policy, we should require school districts to exhaust their make-up days and other available make-up options prior to providing legislative relief, except in extremely unusual circumstances, so that instructional time is provided uniformly to all students throughout the state.

For these reasons, I am vetoing H. 3583, R. 18.

Sincerely,



Mark Sanford