



# State of South Carolina

## Office of the Governor

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GOVERNOR

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May 6, 2009

The Honorable André Bauer  
President of the Senate  
State House, First Floor, East Wing  
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am vetoing and returning without my approval S. 540, R. 26, a Joint Resolution waiving the requirement for Oconee County schools to make up a school day missed on March 2, 2009, due to snow.

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.

Unfortunately, the Oconee County School District has asked for legislative relief, even though all schools in the district closed and two scheduled make up days – April 10 and April 13 – took place after the missed school day on March 2.

This legislation is also unnecessary given the recent enactment of H. 3583 over my objection. As you might recall, H. 3583 waived up to three instructional days for every school district in the state. While we objected to passage of the legislation, it is the law now. Enacting S. 540, simply adds more time out of the classroom for students in Oconee County than students in many other school districts.

The Honorable André Bauer  
May 6, 2009  
Page Two

Since the enactment of Act 89 in 2003, very few school districts have sought legislative relief except in extremely unusual circumstances. For example, I just signed legislation that exempts three schools in the Greenville County School District from the make-up requirement because of a power outage affecting only those schools. Like Oconee, Greenville schools were also closed on March 2 due to snow, but in contrast, schools in Greenville made up that day missed due to bad weather. Last year, I signed a bill exempting one elementary school in Richland School District One closed due to a collapsed ceiling. This year, Richland One also made up all missed days when the entire district closed due to bad weather this year. Power outages and collapsed ceilings represent the type of extremely unusual circumstances that should 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.

This legislation is precisely the reason we worked so closely with the General Assembly to require scheduled days to make up missed time. This bill excuses Oconee County schools time off, while other districts, such as Greenville and Richland make up those lost days. While some may appreciate not having to make up the school day, we believe it is bad public policy to arbitrarily waive the 180 day requirement for some school districts – and not others when there was legislation passed just a few years ago to deal directly with this issue. In addition, the state has set a length of time for instruction and that should be honored in all but the most unusual of cases. Given the fact that so many other districts complied with the spirit of the law, we would ask Oconee County to do the same.

For these reasons, I am vetoing H. 540, R. 26.

Sincerely,

A handwritten signature in black ink, appearing to be 'MS', written over a horizontal line.

Mark Sanford