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To: Superintendents of School Districts Affected by SC. Code § 11-35-5340

From: Delbert H. Singleton, Jr.
Director of the Division of Procurement Services
State Fiscal Accountability Authority

Re: 2021 Model School District Code

Date: 9/15/2021

Please find enclosed the final version of the 2021 South Carolina Model School District Procurement Code. All school districts subject to Section 11-35-5340 are encouraged to consider adopting this version.

This version amends and supersedes the 2011 Model School District Procurement Code (effective Aug. 15, 2011). Since the adoption of the 2011 Model Code, the General Assembly has made several changes to the South Carolina Consolidated Procurement Code and regulations, including significant changes in 2019 and 2020. To the extent those changes are relevant to school districts, the 2021 Model Code incorporates those changes. A redline comparison of the 2011 and 2021 Model Codes is found at the following link: <https://www.procurement.sc.gov/schoolscodes>. In updating the model code, the Division of Procurement Services has been guided by the regulations that authorize such a model code. To that end, this model code “is designed to serve and comply with the purpose and policies enumerated in Section 11-35-20 in the specific context of local school district operations, with due regard for minimizing administrative costs of compliance with the model code.”

As you are aware, a school district is largely exempt from the South Carolina Consolidated Procurement Code and regulations if this Division determines in writing that the school district’s code and regulations are “substantially similar” to South Carolina law as of the date of approval. This process is simple if a school district simply adopts the 2021 Model Code as written. If the school district, however, wants to make additional changes to the 2021 Model Code, this Division must use its judgment and determine whether those changes result in a code that is substantially similar to South Carolina law. Forms for submitting a code for approval are found at **Attachment A** to this document.

Finally, a school district may continue to operate under a previously approved code and is not required to adopt the 2021 Model Code. But if a school district wishes to amend a previously approved code, this Division will not approve of a partial amendment that adopts some recent changes in the law while ignoring others. A school district, in other words, must adopt all or none of the recent changes in the law.