

February 26, 2021 LAN

Legislative Recap

A Look Back at Week 7

The General Assembly engaged in limited legislative floor debate this week concerning education issues, but there were several important issues addressed in committee, as well as an important policy announcement from the federal government.

House

Floor Debate

- On Wednesday, H. 3610 was provided third reading and sent to the House. This legislation clarifies and expands the power of the state Superintendent of Education when declaring a school or district to be in an "educational state of emergency." The bill now heads to the Senate, which has already passed a similar piece of legislation (S. 201). However, there are some important differences in the two pieces of legislation that will need to be resolved between the two chambers.
- On Thursday, the House voted to adjourn debate on H. 3588 until March 2nd. This bill would require seniors to take a credit in English and math or computer science in order to be eligible for the LIFE Scholarship.

Committee Actions

- On Tuesday, the Ways and Means Healthcare Subcommittee heard testimony from Superintendent Spearman and the Director of DHEC concerning S. 516, legislation that would move educators to Phase 1A for the COVID-19 vaccine. Superintendent Spearman continued to advocate for prioritized vaccine access for educators and noted that leaving educators in Phase 1B could result in numerous educators facing delays in vaccine access since, statewide, Phase 1B includes roughly 400,000 non-educators. The subcommittee adjourned debate on S. 516, making it unlikely that the General Assembly will take action to prioritize educators prior to the start of Phase 1B (estimated by DHEC to occur in mid-March). Committee Chair Herbkersman, though, did direct Superintendent Spearman and the director of DHEC to ensure plans are in place for vaccination of educators as soon as Phase 1B begins. Superintendent Spearman shared that all South Carolina school districts have plans in place to provide vaccine access for their staff.
- On Wednesday morning, Executive Director Kathy Maness spoke in favor of [H. 3459](#), which would have significantly expanded the number of individuals eligible for teacher loan forgiveness in South Carolina. The committee adjourned debate on the bill due to cost implications.
- On Thursday morning, Director of Government Affairs Patrick Kelly testified in a subcommittee hearing against H. 3445, which seeks to make the office of state Superintendent of Education a position appointed by the Governor rather than a statewide elected office. Video of the testimony [can be viewed here](#). By a 3-2 vote, the subcommittee

voted to move the bill to the full Judiciary Committee. The two votes against the measure were Rep. Bamberg and Rep. Wheeler. Prior to the vote, Rep. Bamberg spoke extensively about the incredible work of South Carolina's educators this school year.

New Legislation

Generally speaking, PSTA doesn't highlight legislation in a LAN until it is scheduled for committee review. In the past two months, there have been over 135 education-related bills introduced in the General Assembly!! However, there were two bills introduced in the past week that merit attention prior to subcommittee review:

- [H. 3901](#) (Rep. Brawley)- this resolution would express the support of the General Assembly for the greater infusion of SEL practices and resources into South Carolina schools. These steps would include two items included in the 2021 PSTA Legislative Agenda- a commitment to provide "ongoing (student) access to school-based mental health professionals" and increased "teacher access to employee assistance programs."
- [H. 3976](#) (Speaker Lucas and 61 others)- The "Education Scholarship Accounts (ESA) Act" would create a voucher program for student educational expenses, including attending private schools. These ESAs would be funded by redirecting state funds to local districts into ESA accounts for eligible students. To be eligible, students must live in a family making below 200% of the federal poverty line, and applications are approved on a rolling basis (meaning, first come, first served). PSTA strongly opposes this legislation as it does not provide true educational "choice" for all South Carolina students and would result in even greater underfunding of public schools by the state government. The bill is unlikely to receive subcommittee review until late March (after the House budget process), so PSTA will be strategic in how we seek to block this legislation. *However, this is a piece of legislation that has strong support in the House, and it will take the concerted effort and engagement of all proponents of strong public education in our state to prevent this bill's passage into law.* Please be on the lookout for resources and strategies for engagement!

Senate

Floor Debate

- On Tuesday, the Senate provided third reading to S. 203, which clarifies the Governor's ability to remove local school board members that "willfully commit or engage" in unlawful or unethical acts. The bill now heads to the House.
- On Wednesday, the Senate passed S. 16, which replaces the half-credit graduation requirement in Economics with a half-credit graduation requirement in Personal Finance (while still allowing high schools to offer Economics as an elective). The bill received 3rd reading and Thursday and now heads to the House.

Committee Actions

- On Tuesday, the Finance Committee cancelled a meeting that was scheduled to review H. 3608 and H. 3609 (teacher step increases). *This cancellation does NOT indicate any threat to the passage of H. 3609. On Tuesday, ALL afternoon Senate committee meetings were cancelled as a result of floor debate that did not end until 8 PM.* The Finance Committee has already rescheduled review of H. 3609 (see below).
- On Wednesday, the Senate Education Committee approved revisions to State Board regulations concerning student misconduct with electronic devices and the requirements

for moving a teaching certificate to the Masters +30 level (the revision makes it easier to receive Masters +30 designation). In addition, the committee passed S. 38, which adds the Emancipation Proclamation to the list of required documents for instruction in the foundations of American democracy. The bill also removes a testing requirement that has been in state law but not enforced. The removal of the test is the result of an amendment suggested by PSTA.

Federal Action

On Tuesday, the U.S. Department of Education announced to states that it will not be granting "blanket" waivers to states from the student testing requirements of the Every Student Succeeds Act. In South Carolina, these tests include SC READY, SC PASS, and the high school End of Course Exams in Algebra 1, English 2, and Biology 1. *However, the Department announced that it is willing to entertain "flexibility waivers" from states for federal testing requirements-* meaning, states can request to modify the testing approach typically employed to meet federal accountability requirements. Successfully receiving such a waiver is a time intensive process for states that requires public feedback, but South Carolina is already well positioned to request such a waiver because of work done last fall by Superintendent Spearman. As a result, she is continuing to push for a "flexibility waiver" that would reduce the testing burden on South Carolina students this spring. This work is obviously time sensitive, and Superintendent Spearman is actively pushing the U.S. Department of Education to expedite review of our state's waiver request.

Legislative Preview A Look at the Week Ahead



The announced education-related legislative actions for the coming week as of the time of this email:

House

- On Tuesday, the full Ways and Means Committee will begin a week-long series of meetings to write the state budget. This process will culminate with the full House debating the budget during the week of March 22-25. Due to continued projections for limited growth in state revenues, the budget is likely to look very similar to current state spending levels. However, this is the process where any significant new recurring spending items- like teacher pay raises for 2021-2022- would be addressed.
- Due to the importance of the Ways and Means meetings, there are few other committee meetings scheduled for the week in the House.

Senate

- On Tuesday, the Senate Finance Committee is scheduled to meet to review H. 3608 and H. 3609 (teacher step increases). Passage by the committee could result in passage by the full Senate by the end of next week or the start of the following week. The Governor has indicated he will sign the legislation when it makes it to him.

Membership Advocacy Suggestions for the Week Ahead



1. **Starting Learning About H. 3976-** H. 3976 poses a significant threat to the future health of public education in South Carolina. As a result, it will take the collective effort of PSTA members to block passage of this legislation. In coming weeks, PSTA will be building an advocacy toolkit for members to use regarding H. 3976. For now, [here is a basic overview of the legislation](#) so you can see what the bill proposes to do- and why the legislation damages public education and falls short of providing true educational "choice" for all South Carolina families.
2. **Contact Senators Regarding Step Increases-** There is a strong possibility that the full Senate will review H. 3609 this week, which would retroactively award the full step increase for the 2020-2021 school year to eligible educators. While there appears to be strong consensus to pass this legislation, nothing can be assumed until the measure is signed into law. Please find the contact information for your [Senator by entering your address at this link](#).
3. **Provide Feedback to PSTA-** Throughout the legislative session, PSTA staff will be providing testimony whenever possible for committee review of education-related legislation. In order to ensure that testimony is aligned to the experiences and concerns of our members, we have created a [feedback form for membership](#) to share their thoughts on upcoming legislation. PSTA staff would love to hear from you!
4. **Follow PSTA on Twitter-** For quick access to a concise record of who said what during debate in the General Assembly, please consider following PSTA on Twitter- [@PSTANews](#).