

March 12, 2021

Legislative Recap A Look Back at Week 9



Most of the education-related policy discussion this week occurred in the House of Representatives, but there is also big news at the federal level:

Federal Policy

Yesterday, President Biden signed the American Rescue Plan, the latest COVID-19 relief package to be passed by Congress. The legislation includes a significant allocation of funding for K-12 education, including \$2.1 billion for South Carolina schools. The vast majority of this funding (90%) will flow directly to districts based on the same formula used for distribution of annual federal Title I funds. To put this in context, for FY21, South Carolina received \$252 million in Title I funds, meaning the American Rescue Plan will send nearly **eight times** more money to the state than our annual Title I appropriations. This is on top of more than \$200 million in federal funds that districts received in ESSER funds in summer 2020 and an additional \$940 million in ESSER 2 funds in early 2021.

Districts must use at least 20% of the new stimulus funds on addressing student "learning loss." In addition, districts are encouraged to spend (or at least encumber) the first two rounds of stimulus prior to using this third round. Districts will have until September 23, 2023 to spend funding appropriated under the American Rescue Plan.

One other notable federal policy note for this week is the introduction of the Accessible, Affordable Internet for All Act by South Carolina Congressman Jim Clyburn. The bill, if passed into law, would appropriate over \$100 billion to "deploy secure and resilient broadband infrastructure for communities nationwide," with special focus on "unserved and underserved rural, suburban, and urban areas." This school year, the state has used federal stimulus dollars to deploy nearly 100,000 mobile hotspots to increase student home internet access. Legislation of the type proposed in Congress, coupled with investments in broadband already being made by our state government, would potentially provide a more permanent broadband solution.

South Carolina House of Representatives

Committee Action

On Tuesday, the House EPW K-12 Subcommittee met for a marathon 3 hour session to review a wide range of education bills:

- [H. 3941](#)- this legislation directs districts to use federal relief dollars to provide extended paid leave to school staff that are required to miss work due to contracting COVID-19 or quarantining as a result of potential exposure to COVID-19. The federal paid leave provisions expired at the end of 2020, and this legislation directs districts to reinstitute that extended leave through the end of 2021. **PSTA testified in support of this bill, and it received a favorable report from the committee by vote of 4-0.**
- [H. 3795](#)- this bill would establish credentialing requirements for sign language interpreters employed by various state agencies, including public school districts. **The bill received favorable report by vote of 4-0.**
- [H. 3883](#)- this bill would expand the capacity of a district or school to seek necessary waivers from state policies in order to implement a "competency-based" education model. **The bill received a favorable report by a vote of 5-0.**

- **H. 3028**- this bill would establish a “Pledge of Parental Expectations.” **The subcommittee adjourned debate on the legislation in order to develop amendments to make the bill more aligned to current class registration procedures in schools.**
- **H. 3064**- this bill would require public schools to display the official mottos of the United States and South Carolina. Concerns were raised about potential cost to districts associated with passage of the legislation. **The subcommittee adjourned debate on the bill to consider possible amendments.**
- **H. 3164**- this bill would allow homeschool students to participate in testing at public schools for AP, PSAT, Pre-ACT, and college and career readiness assessments required by state law. Homeschool students would be required to pay the same “fees, if any, charged to public school students for the same service.” **The subcommittee issued a favorable report on the bill by vote of 6-0.**
- **H. 3319**- this bill would prohibit schools from denying meal access to students that have a negative balance due to previous meals. Schools would also not be allowed to penalize students for failing to pay for a school lunch through means such as prohibiting participation in field trips, graduation ceremonies, or attending other academically related activities. **PSTA testified in favor of this bill, and you can see [video of the testimony here](#) (including a moment where testimony was interrupted when an individual on Microsoft Teams failed to realize their camera was on while getting a haircut!) The bill received favorable report from the subcommittee by vote of 6-0.**
- **H. 3002**- this bill would require students in grades 6-12 to receive a minimum of thirty hours of classroom instruction each year in “United States foundational history.” This legislation had the heaviest public participation for the day with over 20 individuals signed up to testify. *Included among the testimony were fantastic remarks from PSTA Board Member Frances Meetze and PSTA member Albert Robertson.* After hearing roughly half of the scheduled speakers, **the subcommittee voted to adjourn debate on the bill (meaning, it has not been sent forward to the full committee).**

Floor Action

The House spent far more time in floor debate than usual this week, which caused the cancellation of several committee hearings, including a scheduled meeting of the full Education and Public Works Committee on Wednesday.

The most significant floor action in the House came on Wednesday when the House unanimously concurred with Senate amendments to H. 3609. This legislation unfreezes the teacher salary schedule and appropriates up to \$50 million in state reserve funds to districts to fully fund the cost of retroactively awarding eligible step increases under the state salary schedule (through year 23). On Thursday, the Governor signed H. 3609 into law, meaning a core legislative priority for PSTA has been passed into law before the mid-point of this legislative session! PSTA staff have been working with leaders in the General Assembly and the Governor’s office on this priority since September 2020, and it is notable that this is one of the first laws signed by the Governor in 2020. This legislation is obviously important to educators, so here are answers to some of the most frequently asked questions about H. 3609.

- ***Who receives a step increase through H. 3609?*** Any school employee that is paid according to the state salary schedule for certified teachers. This salary schedule extends to 23 years of experience.
- ***I have more than 23 years of experience. Will I receive a step increase with passage of H. 3609?*** It depends on your district. While the state salary schedule stops at 23 years, districts can extend their salary schedules beyond 23 years. Many districts across the state have extended salary schedules, with some extending to 30 years. If you are in a district that extends the salary schedule, you will be eligible for a step increase as H. 3609 unfreezes the salary schedule. However, H. 3609 does not send funds to the districts to cover steps beyond 23 years, so it will be up to local school boards to fund those steps. It is important to note that this is the same fiscal situation for steps beyond 23 years in any school year.
- ***I think the state should extend steps beyond 23 years. Is this being considered?*** PSTA agrees with this position, and that is why extending salary steps through 28 years is part of our [2021 legislative agenda](#). Legislation to extend the state salary schedule has been introduced in the Senate, but the prospects of that bill passing this year do not appear promising given the limited current projected growth in state revenues. However, PSTA will continue to advocate for this change.

- ***When will I see the step increase in my check?*** That depends on your district, but H. 3609 requires districts to pay out eligible steps no later than June 15, 2021.
- ***What about step increases for NEXT year?*** The funding for step increases for next year is dependent on the current budget process. The House Ways and Means Committee passed a budget last week that would fund step increases for 2021-22, but that still needs to make it through the full legislative process. However, since H. 3609 has unfrozen steps, that means that eligible individuals will see their take-home pay move forward *two* pay steps at the start of the 2021-2022 school year. For example, if you had 9 years of experience at the end of 2019-2020, you started this school year frozen at 9 years of experience. H. 3609 moves you to 10 years of experience on the salary schedule, but instead of seeing that change reflected in paychecks, you will see it in a one-time lump sum payment. Assuming passage of the House Ways and Means budget into law, you would move to step 11 for 2021-22, and you would see the corresponding pay increase in each paycheck.

Beyond H. 3609, the House took a few more education-related actions on the floor:

- H. 3608- this bill appropriates \$9 million in state reserve funds to public charter schools to address funding shortfalls caused by increased student enrollment. The Governor has five days to sign or veto the bill; if he fails to do so, it becomes law without his signature.
- H. 3925- this bill would allow students that moved from public school to homeschool this school year to participate in public school sports at their zoned school for the next two school years without having to sit out of athletics for one year (which is usually required for a student leaving public schools). The bill received 3rd reading in the House on Thursday and now heads to the Senate.
- H. 3589- this bill would extend the capacity of local school districts to form "schools of innovation." The House passed this bill several weeks ago, but last week, the Senate took up the House bill and struck out the House language and inserted the Senate version of the bill (which PSTA believes is much stronger than the original House version). The House adjourned debate on H. 3589 until March 16th.
- H. 3588- this bill would require students to earn one credit in English and one in math or computer science during their senior year in order to be eligible for the LIFE scholarship. The House adjourned debate on the bill until April 8th.

South Carolina Senate

Committee Action

On Wednesday, the Senate Education Committee met to discuss several bills:

- **S. 202**- this bill would include school districts in the types of state agencies that are subject to oversight by the Office of the State Inspector General. ***The committee unanimously passed the legislation with favorable report to the full Senate.***
- **S. 241**- this bill would amend the qualifying criteria for military veterans to receive tuition assistance at state schools. ***The committee unanimously passed the legislation with favorable report to the full Senate.***
- **S. 607**- this legislation would allow for removal of members of a charter district school board members by the Governor if the Board member is found to "willfully commit or engage in" certain illegal or unethical activities. This legislation establishes a similar removal provision for members of charter school boards as the Senate passed for local board members in S. 203. ***The committee unanimously passed the legislation with favorable report to the full Senate.***
- **S. 615**- this bill would allow private school students to participate in sports at their zoned public school in a sport not offered by the private school. ***After extended debate, the committee unanimously passed the legislation with favorable report to the full Senate, but several committee members indicated their intent to offer amendments on the legislation during floor debate.***

Also on Wednesday, a Senate Education Subcommittee met to review [S. 383](#). This legislation would allow hired district security personnel to carry weapons. The legislation would apply exclusively to individuals hired for security

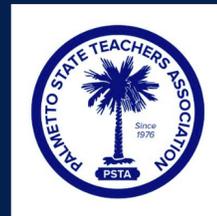
purposes and not to other school employees. The subcommittee adjourned debate on the legislation after indicating they wanted to hear testimony from SLED and sheriff departments.

The Senate K-12 Finance Subcommittee met on Thursday to hear agency budget requests. This is the same process that took place several weeks ago in the House Ways and Means Committee, and all the testimony was reflective of the same requests provided to the House. Of special note is the continued request from the Education Oversight Committee for an increase of \$1 million to CERRA to expand the Teaching Fellows program and ensure a Teacher Cadet class at every high school in the state, both of which are priorities in the 2021 PSTA Legislative Agenda. This \$1 million increase is included in the budget passed last week by the House Ways and Means Committee.

Floor Action

The full Senate did not debate or advance any education-related policies of note this week.

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 afternoon, the House Education and Public Works Committee is scheduled to meet to discuss the following legislation:

- H. 3941, H. 3795, H. 3883, H. 3164, and H. 3319 (see section above on K-12 Subcommittee for background on these bills)
- H. 3614- this bill would require all students to complete the FAFSA during their senior year of high school.
- H. 3590- this bill would allow districts to fill unfilled teaching vacancies with non-certified individuals with specific educational and work experiences. **PSTA testified against this bill in subcommittee and opposes its passage into law.**
- H. 3465- as amended by subcommittee, this bill would establish a study commission to review certification requirements, including those for teachers for more than 20 years of experience. The amended legislation includes an amendment suggested by PSTA to include current classroom teachers on the study group.
- H. 3332- this bill, as amended by subcommittee, would require the infusion of "critical thinking and media literacy skills" into the standards for grades K-12.

Membership Advocacy
Suggestions for the Week Ahead



1. **Thank Legislators for Passage of H. 3609-** Effective advocacy is not exclusively about asking for policy changes; it also requires saying "thank you" when positive policy is passed. This week, the General Assembly passed an incredibly piece of legislation when the House concurred with the Senate amendments to H. 3609. While it is certainly true that step increases are part of the teacher salary schedule and the provision of funding for steps should not be a cause for major celebration in an ordinary year, this year is anything but ordinary. In the context of the pandemic and resulting recession, the General Assembly's appropriation of \$50 million for step increases is significant, especially in light of the education funding cuts being experienced in so many states (for example, Georgia had to *cut* \$500 million in K-12 funding last year). As a result, please consider taking a moment to say "thank you" to members of the General Assembly for their support for H 3609, which passed both chambers unanimously. Start by saying thank you to your representatives in the House and Senate. You can find their contact information by [entering your mailing address here](#). Also consider thanking members of the [Senate Finance](#) and [House Ways and Means Committees](#) for their work, as well as Speaker Jay Lucas and Chairman Murrell Smith, who made H 3609 a legislative priority for the start of session. You can find the contact info for Speaker Lucas and Chairman Smith on [this page](#). The Governor also played a key role in this process by including the step increases in his executive budget and signing the legislation into law. Contact information for the Governor can [be found on this website](#). Regardless of how you communicate your thanks (email, phone call, or letter), saying "thank you" for passage of H 3609 is a powerful tool for ongoing advocacy efforts at the State House.
2. **Contact House Education and Public Works Committee-** The House EPW Committee is set to review numerous education-related bills this week (see above). If you have concerns about these bills, please reach out to members over the weekend to express your position on the legislation. You can find the contact information for members of the [EPW Committee on this webpage](#).
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](#).