

March 26, 2021

Legislative Recap A Look Back at Week 11



If you are tight on time, PLEASE take a moment to see #2 under the "Membership Advocacy" section at the end of this LAN.

This was an important week of education policy in both the South Carolina House and Senate, although the two chambers addressed different policy areas.

South Carolina House of Representatives

Committee Actions

This was "budget week" in the House, so there were not any meetings of House committees.

Floor Action

The House started their week a day early by kicking off floor debate on Monday for [H. 4100 \(the FY22 state budget\)](#) and [H. 4101 \(legislation concerning the state's capital reserve fund\)](#). The Monday afternoon session was used for passage of sections of the budget that were uncontested without proposed amendments.

The real budget debate took place in a 10 hour session on Tuesday that included review of 46 different proposed amendments to the budget. A few of these proposed amendments addressed K-12 education, but none were adopted by the House. The most notable education-related amendments introduced (ALL of which were rejected):

- a prohibition on requiring state employees to receive the COVID-19 vaccine
- transferring \$1 million in state appropriations for Teach for America to the PACE program
- creation of an Education Oversight Committee study group to "publish a report identifying and detailing federal funding streams" in K-12 education for the purpose of "breaking out the cost of overhead, compliance, and reporting" required by federal grant programs in order to determine if "the cost of compliance exceeds the value of the (federal) funding"

At the end of Tuesday's session, the House voted 112-6 to pass the state budget for FY22. After the vote, House Ways and Means Chair Murrell Smith explained to the House that he intends for the state to have "two budgets this year." The first, passed this week, is viewed as a fiscally conservative "pandemic budget" designed to ensure the state has sufficient reserves to offset any revenue losses that could result from the ongoing impact of the COVID-19 pandemic. As explained by Chairman Smith, the "first" budget "errs on the side of caution (to) protect agencies and employees." Chairman Smith explained that the House will start the process for the second state budget "after we get through tax filing season." At that

time, the state will receive updated revenue estimates, and if the state is projected to have additional revenue growth, the House will restart the entire budget writing process to appropriate those funds. ***While the "first" budget includes several PSTA legislative priorities, PSTA is already working to achieve additional legislative priorities (including a teacher pay raise) in a "second" state budget for FY22.***

With that in mind, the House sent the "first" budget to the Senate on Wednesday morning. This budget is based on projected revenue growth of \$180 million for FY22, and it maintains \$500 million in a reserve fund to protect state agencies (and school districts) from any consequences of an economic downturn. Of the projected revenue growth and one-time revenues available in the budget, a sizable portion went to education, most notably:

- **An increase in the state aid to classrooms (Base Student Cost) from \$2489 to \$2500.**
- **An additional \$23 million in state aid to classrooms from carry-forward (unspent) money from the prior year.** This money, combined with the increase in base-student cost, increases per pupil appropriations to districts sufficient to cover, at minimum, teacher step increases for the 2021-2022 school year. As noted by Chairman Smith, "the worst case scenario (for salaries) is teachers are going to still receive their step increase." **NOTE- this is for the coming 2021-22 school year. The retroactive step increase for 2020-21 is already signed into law and should be received by eligible individuals by no later than June 15th.**
- **\$5.5 million for school nurses-** this should fund a full-time school nurse in every school
- **\$10.2 million increase for full-day 4K-** this will allow approximately 600 more students to enroll in 4K
- **\$15 million increase for public charter school operations**

- **\$2 million for School Resource Officers-** this will not fund a SRO in every school
- **\$1 million increase for Teaching Fellows-** this would stabilize the funding for Teaching Fellows and increase the number of Teaching Fellows offered each year from 200 to approximately 215 as well as allow for expansion of Teacher Cadets and ProTeam programs

- **\$30 million for continued state efforts to expand broadband access**
- **\$48.4 million for instructional materials-** mix of recurring, non-recurring, and lottery funds

South Carolina Senate

Committee Actions

The only significant committee meeting related to K-12 education occurred on Wednesday morning when the K-12 Finance Subcommittee met to review budget requests from the state's public charter school districts. The charter schools presented the same requests they made a few months ago to the House Ways and Means Committee, which resulted in the additional \$15 million to charter schools included in the budget passed by the House this week. In coming weeks, the K-12 Finance Subcommittee will hear budget requests from

Superintendent Spearman and the state Department of Education, which includes a 2% pay raise for teachers. The full list of SCDE budget priorities can be [found by clicking here](#).

Also on Wednesday, a Senate Education Subcommittee met to review [S. 685](#), which would allow student-athletes at universities and colleges to enter agreements to profit from the athlete's "name, image, and likeness." As shared during the subcommittee hearing, similar legislation is being considered in over 30 states, and the athletic directors from both USC and Clemson testified in favor of the legislation. The bill received a favorable report from subcommittee and was sent to the full committee.

Floor Action

On Tuesday, the Senate voted unanimously to non-concur with the House amendments to [H. 3589](#). This legislation would allow districts to establish multiple "schools of innovation." When the House initially sent H. 3589 to the Senate, the Senate struck out the entire House version of the bill and inserted their own version. Last week, the House removed several of the Senate amendments and sent the bill back to the Senate. Due to Senate non-concurrence with those House actions, the two chambers will now have to appoint a conference committee to develop a unified version of the legislation. **While both the final House and Senate versions of the bill contain an important amendment proposed by PSTA to ensure financial and academic reporting and transparency for schools of innovation, PSTA believes the Senate version of the legislation is stronger. Once the members of the conference committee are announced, PSTA will alert members in order to advocate for the conference committee's work to be as reflective as possible of the Senate version of H. 3589.**

Also on Tuesday, the Senate set two pieces of education legislation for "special order." This parliamentary procedure requires the Senate to pause debate and consideration of all other legislation until business is concluded for the items set to special order. The two bills both dealt with high school athletics. [S. 615](#) allows for a limited number of private school students to participate in high school athletics at the public school they would be zoned to attend. In order to be eligible to participate, the student would have to attend a private school with fewer than 200 students that does not offer the sport in question. The second bill- [H. 3925](#)- applies to students that started the 2019-2020 or 2020-2021 school years in public schools before transitioning to homeschool. The statutory requirements for homeschool instruction for these students would be relaxed for this school year and next school year as they relate to the student's eligibility to participate in public school high school athletics.

On Wednesday, the Senate debated S. 615 for over four hours. Ultimately, the bill was passed on second reading by a vote of 34-9, and, after receiving third reading on Thursday, the bill is now headed to the House. The debate over H. 3925 included a proposed amendment from Senators Massey and Hembree that included two core provisions:

- A requirement for all school districts to offer a five-day, face-to-face instructional option by April 12, 2021

- An increase from \$10,000 to \$50,000 in the earnings cap for educators that return to work and are currently drawing retirement benefits through SCRS. To be eligible, these individuals must have retired prior to April 1, 2020. If eligible, the individual could return to work for the next 36 months and receive compensation up to \$50,000 per year while also drawing full retirement benefits

The amendment was ruled out of order for being non-germane (not related) to the purpose of the bill, which meant it was not added to the legislation. After the amendment was ruled out of order, H. 3925 was unanimously adopted with one additional amendment to clarify the number of credits that must be earned to participate in high school athletics. Because of the amendment, the bill will now return to the House. If the House concurs, the bill will head to the Governor for signature into law.

On Thursday, Senators Massey and Hembree introduced [S. 704](#), which includes the same provisions as the five-day instruction amendment offered for H. 3925 the prior day. The Senate unanimously agreed to place the bill on the calendar "without reference," which means it can be debated on the floor next week without a requirement for committee review. This gives the legislation time to pass the Senate before the "cross over" deadline at the start of April. Any bill not passed by a chamber prior to that deadline is unlikely to be signed into law this calendar year. **According to the latest report from the state Department of Education, there are only three districts in South Carolina that are not either currently offering a five-day, face-to-face option OR do not have an announced date on which they plan to begin offering a five-day, face-to-face option. As of today, 992 of the 1262 public schools in South Carolina are offering a five-day, face-to-face instructional option.**

Also on Thursday, the Senate extensively debated [S. 202](#), which would place local school districts under the oversight of the Office of the State Inspector General (SIG). The SIG would have the authority to conduct an investigation of district or individual school operations and finances at the request of the Governor, the state superintendent of education, the local legislative delegation, the district superintendent (with support from the state superintendent), or a majority vote of the local school board. The debate indicated overall support by Senators for the concept, but disagreement over how the bill could disrupt separation of powers doctrine since the SIG is part of the executive branch of government. In spite of these concerns, the Senate passed the bill on second reading with the option to add amendments next week on third reading of the bill. This means Senators are likely to develop amendments to address concerns over the weekend and then pass the bill- with amendments- next 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

The House will not meet in the coming week and will return to regular meetings on Tuesday, April 6th.

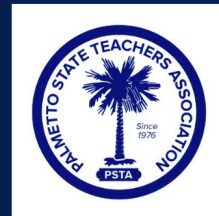
Senate

The Senate is highly likely to debate, amend, and pass S. 202 during floor debate on Tuesday.

The full Senate Education Committee is scheduled to meet on Wednesday morning to review S. 685 ("name, image, likeness" for college student-athletes).

The Senate will not meet on Thursday.

Membership Advocacy Suggestions for the Week Ahead



1. **Contact Members of the House Concerning State Budget-** As noted earlier, the state budget passed by the House this week does not include several key legislative priorities for PSTA. **However, the budget does include some important investments and provides a significant share of projected state revenue growth to education.** As a result, please consider contacting your member of the House this week to thank them for investing in education in this year's state budget. You can find their contact information by [entering your mailing address here](#). You can also contact members of the House Ways and Means committee (the primary "budget writers"); they can be [found by clicking here](#). In your communications, you can address specific spending provisions if you would like (see above for a detailed list), but please make sure to include two important things- 1) say "thanks" and 2) note that you are a member of PSTA. **Saying "thank you" now doesn't mean that the state budget includes everything that is needed for students and teachers (and you can certainly note that fact in your communication)- but saying "thank you" now DOES enhance our association's capacity to gain additional investments when the House starts the "budget 2.0" process in May!!**
2. **Help PSTA Prepare for "Budget 2.0"**- In advocacy related to "budget 2.0," PSTA will emphasize that the state legislature has not done enough this year to address the teaching shortage crisis through passage of policies that will enhance teacher recruitment and retention in this state. To most effectively advocate on that point, we need your input. If you would, [please click here to take this quick 2 minute survey](#). The data from the survey will be very useful in lobbying for increased investments in education- but the power of the data is dependent on the number of responses. **PLEASE share your voice to support advocacy for improved retention policies for teachers!**
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.