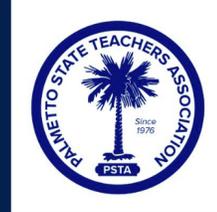


March 5th, 2021

Legislative Recap A Look Back at Week 8



This was a busy week for education policy in South Carolina, both at the state and federal levels.

Federal Policy

South Carolina continues to pursue a “flexibility waiver” from the United States Department of Education for testing requirements for the 2020-2021 school year. Superintendent Spearman submitted this waiver request in 2020, and she has fulfilled all the federal statutory requirements for the waiver, including soliciting public feedback. Here is a quick status update on testing based on the most recent announcements from the U.S. Department of Education:

- **South Carolina MUST-** administer assessments as required under the federal Every Student Succeeds Act. This means students must be assessed in reading and math in grades 3-8 and once in high school, and they must be assessed in science once in grades 3-5, once in 6-8, and once in 9-12. In South Carolina, these requirements are traditionally met through administration of SC READY, SC PASS, and the high school End of Course Exams in English 2, Algebra 1, and Biology 1. Failure to administer assessments in these areas could result in the federal government withholding Title I funds from the state.
- **South Carolina can-** request “flexibility” to how those assessments are administered. Such flexibility could include administering a shortened version of tests traditionally used for federal accountability requirements. In effect, South Carolina can seek- and is seeking- authority to administer modified assessments that would not require the extensive disruption to instructional time or high levels of student stress associated with the traditional assessments.

PSTA supports Superintendent Spearman’s efforts to secure a “flexibility waiver” from the U.S. Department of Education. To aid in these efforts, PSTA staff have been in communication this week with Superintendent Spearman’s office as well as South Carolina’s congressional delegation in Washington. PSTA will keep members updated on the status of the waiver request.

South Carolina House of Representatives

Committee Action

This week, multiple committees addressed education policy in the House:

Ways and Means- The House Ways and Means Committee met throughout the week to produce the state budget for FY 22. Chairman Murrell Smith repeatedly noted that the budget passed by the Committee this week represents a “pandemic budget” due to continued uncertainty for state revenues as a result of the economic impact of the pandemic on the state. Currently the state is projected to have ***an increase of \$180 million in recurring revenue for the coming budget year***, which is less than 25% of the increased revenue the state was projecting last year prior to the start of the pandemic. As a result, the budget passed by the Committee contains few areas of substantial spending increases, but several of those increases are related to education. They include:

- **An increase in the state aid to classrooms (Base Student Cost) from \$2489 to \$2500.**
- **The Committee also approved 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* school year. Retroactive payment of step increases for THIS school year is moving through the legislature through different legislation (see below concerning H. 3609).**
- **\$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 charter schools**
- **\$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
- **\$30 million to continue state broadband expansion**
- **\$48.4 million for instructional materials-** mix of recurring, non-recurring, and lottery funds

As a final note, Chairman Smith noted that the Committee is hopeful that the state will see increased revenue projections in April once tax returns are completed. ***In that event,***

Chairman Smith committed to bringing back the entire Ways and Means Committee in May to restart the budget process in order to appropriate those additional revenues. This would be a full budget process with subcommittee hearings, not simply a series of supplemental spending measures. Chairman Smith noted several Committee priorities in the event of increases revenues, including:

- Increased funding in early childhood education to achieve universal access
- Increased funding to ensure universal broadband access across the state

The budget will be debated by the full House during the week of March 22-25.

K-12 Education Subcommittee- the subcommittee met on Tuesday and reviewed the following bills:

- [H. 3590](#)- this bill would allow a district that is unable to fill all certified teaching vacancies to fill those vacancies with non-certified individuals (not to exceed 25% of teaching positions). **Director of Governmental Affairs Patrick Kelly testified against this legislation ([video here](#)), but the bill received favorable report and forwarding to the full committee by a vote of 5-1 (Rep. Michael Rivers voting against).**
- [H. 3925](#)- would allow former public school students that opted to homeschool this year to participate in public school sports for the next two school years. **The bill received favorable report by vote of 5-0.**
- [H. 3614](#)- this bill would require high school seniors to complete the FAFSA prior to graduation. The committee debate included testimony that only 38% of the Class of 2021 has currently completed the FAFSA. **The bill received favorable report by vote of 6-0.**
- [H. 3465](#)- this bill would allow individuals with more than 20 years of teaching experience in South Carolina to renew their teaching certificate without requirements to complete renewal hours beyond what is acquired through required district professional development. The subcommittee amended the bill to include [H. 3353](#), which would create a study committee to examine teaching credential requirements with an eye toward "supporting the development of higher standards for teacher credentialing and making teachers with such credentials available in areas of greatest need." **PSTA supported both pieces of legislation, and the amended bill includes a provision requested by PSTA for the inclusion of current classroom teachers on the credentialing "study committee." The amended (combined) bill received favorable report by vote of 6-0.**

3M Committee- on Tuesday, a 3M subcommittee met to review H. 3336, which would allow trained "volunteer school personnel" to administer insulin to students. **PSTA joined with the**

South Carolina Association of School Nurses in opposition to this bill. The bill failed to advance out of subcommittee by a vote of 3-2.

Floor Debate

The only education-related floor debate this week in the House concerned **H. 3208**. This bill would allow school buses to pass another bus on a multilane highway. The bill was passed unanimously by the House and has been sent to the Senate.

South Carolina Senate

Committee Action

Senate Finance Committee- on Tuesday, the committee met and voted unanimously to advance two pieces of legislation:

- **H. 3608-** provides \$9 million in state reserve funds to charter schools to cover costs associated with increased student enrollment for the 2020-21 school year. The committee added an amendment offered by Senator Setzler that prohibits charter schools from using the money for administrative pay raises.
- **H. 3609-** appropriates up to \$50 million in state reserve funds to retroactively award step increases to all educators eligible under the state salary schedule for the 2020-2021 school year. The committee amended the House version to change the way the funding to districts from the state is calculated, but the Senate version would ***ensure the full cost of the step increases are funded by the state.***

Senate Education Subcommittee- on Thursday, an Education Subcommittee issued a favorable report for **S. 202**, which would include school districts in the list of state agencies that are subject to oversight by the Office of the State Inspector General.

Floor Action

- **Tuesday-** the Senate unanimously passed **S. 38**, which adds the Emancipation Proclamation to the list of foundational documents that must be covered in high school social studies instruction. The bill also includes an amendment offered by PSTA that removes a testing requirement in state statute requiring students to pass a test on foundations of American democracy in order to graduate. This statutory requirement has not been enforced, but the bill will ensure it is removed from state statute.
- **Wednesday-** the Senate engaged in extended debate of **S. 208**, which allows for districts to create multiple “schools of innovation.” After extended discussion and negotiation, the Senate, by vote of 41-1, adopted an amended version of the bill based

on an amendment jointly offered by Senator Hembree and Senator Fanning. The amended legislation provides for greater oversight and accountability for “schools of innovation” and raises the bar to a $\frac{2}{3}$ vote of the local school board AND the State Board for the authorization of a school of innovation. The amended legislation also still includes language suggested by PSTA during the committee review of the bill to ensure local school boards “must ensure transparent and timely reporting of fiscal and academic performance for each school of innovation.”

- **Thursday-** the Senate unanimously approved **H. 3608** and **H. 3609**. Because the Senate amended both bills, they now must return to the House. The House can choose to concur with the Senate version, which would send the bills to the Governor for signature. If the House declines to concur, the House and Senate will form a conference committee to develop a unified version of the legislation. In either scenario, the prospects for passage of H. 3609 remain strong. The Senate also took up **H. 3589**, which is the House’s version of **S. 208** (schools of innovation). The Senate unanimously voted to “strike and insert” their version of the schools of innovation bill into H. 3589. This means the Senate will send back their version of the bill to the House. Similar to H. 3609, the House can either concur with the Senate version or reject it, resulting in formation of a conference committee.

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 full House will most likely take up the Senate versions of **H. 3608**, **H. 3609**, and **H. 3589/S. 208**. Based on House action, all three bills could be on the Governor’s desk for signature by the end of the week.

The K-12 Education Subcommittee is set to meet on Tuesday to review the following pieces of legislation:

- [H. 3941](#)- this bill would encourage districts to use federal COVID relief funds to ensure staff have access to additional days of COVID-related leave for the remainder of the school year. **PSTA supports this legislation.**
- [H. 3795](#)- this bill would establish credentialing requirements for sign language interpreters employed by various state agencies, including public school districts.
- [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.
- [H. 3028](#)- this bill would establish a “Pledge of Parental Expectations.” **PSTA supports this legislation.**
- [H. 3064](#)- this bill would require public schools to display the official mottos of the United States and South Carolina.
- [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.”
- [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 supports this legislation.**
- [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.” The legislation is highly prescriptive of the curriculum to be taught, with annual instruction required in “four sections with each section consisting of no less than five hours of classroom instruction time.” The bill would also require similar coverage for “at least one year” in public institutions of higher learning. **PSTA strongly opposes this legislation (see below for how you can engage on this topic).**

Senate

On Wednesday, the Senate Education Committee will review the following legislation:

- **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.
- **S. 241**- this bill would amend the qualifying criteria for military veterans to receive tuition assistance at state schools.
- **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.

On Thursday, the Senate K-12 Finance Subcommittee will hear budget requests from several agencies, including the Education Oversight Committee.

Membership Advocacy Suggestions for the Week Ahead



1. **Start 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. [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. **Be on the lookout early next week for a special Action Alert about advocacy efforts (and ways to engage) concerning H. 3976.**
2. **Contact House K-12 Subcommittee-** The K-12 Subcommittee has a FULL agenda for their meeting on March 9th,, so please review the legislation scheduled for committee review above. If you have a strong opinion on any of the pieces of legislation, please consider contacting the committee members- Chairwoman Raye Felder, Rep. Terry Alexander, Rep. Lin Bennett, Rep. Case Brittain, Rep. Gil Gatch, and Rep. Michael Rivers. You can find their contact information by [clicking on their name on this webpage](#). (Representatives are listed alphabetically). The subcommittee is also accepting virtual testimony, so you can do this without traveling to the State House. The subcommittee meeting time is not set as it is dependent on adjournment of the full House, but the most likely start time will probably be around 2:30 PM. If you would like to sign up to testify concerning one of these pieces of legislation, please send an email to gingerlee@schouse.gov prior to 10 AM on March 9th. In the email, please make sure to indicate the bill number for which you would like to offer testimony. **If you do want to testify, PLEASE clear this with your building administrator in advance as the subcommittee meeting time is likely to occur during school hours. Please do NOT testify during school hours without administrative approval.**
3. **Contact Representatives Regarding Step Increases-** The step increase for 2020-21 is almost to the finish line! H. 3609 is returning to the House. As a result, please reach out to your Representative and ask them to ensure House review of H. 3609 (as amended by the Senate) *this week* so it can get to the Governor's desk. You can find the contact information for your Representative by [clicking here and entering your address](#).
4. **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!
5. **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.