

Legislative Update

March 24, 2023

Senate Finance Committee

On Tuesday, the Senate Finance Committee debated two bills of interest to the education community. The committee gave a favorable report to these two bills and sent them to the full Senate for discussion.

The two bills receiving favorable reports were:

- [S. 284](#), which expands the allowable expenses of local accommodations and hospitality taxes and a portion of the state accommodations tax to include the development of workforce housing. It would be up to the local governments to develop criteria for what should be considered workforce housing in their areas. The author of the bill, Sen. Tom Davis of Beaufort County, stated that workforce housing could be offered to employees of restaurants and hotels in his area where housing can be expensive. Other areas of the state may want housing for teachers or medical workers. Finally, the bill authorizes local governments to issue bonds for housing developments and could be backed by tax revenues.
- [S. 557](#), which expands the current apprenticeship tax credits to businesses that employ apprentices. The bill increases the amount of the business' credit from \$1,000 to \$4,000 per apprentice or \$6,000 for a youth apprentice (ages 16–24). Further, it allows a \$1,000 tax credit for three additional years if the apprentice remains an employee after completion of the program. Finally, it allows any unused credits to be carried forward for three years. The committee adopted an amendment to cap the total tax credits statewide to \$5 million.

Senate Education Subcommittee

On Wednesday, a Senate Education Subcommittee met again to discuss [S. 126](#), the Charter School Accountability Act. The subcommittee did not take public testimony and spent most of the meeting reviewing a comprehensive amendment that incorporated the suggestions and feedback from the committee members and public testimony. Senator Setzler indicated that he had 6 or 7 amendments that he planned to offer in addition to the comprehensive amendment, but he was still working through the legislation and requested that the committee carry over the bill after working through the other proposed changes.

The committee suggested incorporating several changes into [a working document](#) for the committee to review. The discussed changes include:

- Creating a mechanism for the State Board of Education to monitor charter school authorizers by setting up a system for regular charter authorizer performance reviews.
- Clarifying that charter management contracts are to be posted publicly and must include the following:

- The length of the agreement between the charter management company and charter school;
- The roles and responsibilities of the governing board of the charter school, the staff of the charter school, and the staff of the management company;
- The evaluation measures of the management company and charter school; and
- The scope of services the management company will provide to the charter school.
- Detailing the process to handle vacancies and removal of board members to more closely mirror the process for school district trustees.
- Reiterating that no charter school may request an authorizer transfer as a way to avoid accountability measures.
- Indicating that a charter school may only request a transfer to a new authorizer twice within a ten year period and cannot request a transfer if they have operated for less than two years with their current authorizer.

After going through the proposed changes, there were two points of discussion in the committee:

- Clarification on the use of the term sponsor vs authorizer.
- Clarification on if an authorizer is obligated to accept a transfer.

The subcommittee decided that the amended working document would use the term authorizer (and would update other sections of law to conform to that change) and would specify that that while a charter school must be allowed to request a transfer from their current charter authorizer, their proposed charter authorizer is not obligated to accept the transfer.

The bill was carried over and the subcommittee will meet again to review the working document. At that time, additional proposed changes will be discussed by subcommittee members.

Senate Floor Debate

The Senate on Wednesday voted 44–1 to amend, give second reading, and order for third reading a joint resolution, [H. 3312](#), creating the Child Food and Nutrition Services Study Committee. The study committee is charged with developing recommendations for transferring the administration of certain federal school food services programs from the S.C. Department of Education to the S.C. Department of Agriculture.

The Senate amended the bill to expand the committee’s study to include “whether child-related national food and nutritional programs should be provided at no cost to all South Carolina students” and to “examine ways to enhance collaboration and pricing to increase purchasing powers for South Carolina farmers to ensure locally sourced foods are being provided to schools.”

The bill was further amended to increase the number of committee members to include one member appointed by the House Minority Leader, one member appointed by the Senate Minority Leader, the Director of the Department of Social Services or designee, two members who are employed by nonprofit service providers that specialize in hunger relief appointed by the governor and two members who have a child that is a recipient of free and reduced lunch appointed by the state superintendent. Finally, the state superintendent’s appointee representing a

local school district's food service program was increased from one to two. The committee is to present its recommendations to the General Assembly by January 1, 2024.

The bill will be sent back to the House where members will vote to agree with the Senate changes (concur) or not agree to the changes (nonconcur). If they nonconcur, a conference committee made up of three members from the House and three members from the Senate will work out the differences between the House-passed version of the bill and the Senate-passed version of the bill.

Local Consolidation Bill Introduced

On Wednesday, Senator Hutto introduced [S. 654](#), a bill to consolidate Barnwell District 45, Barnwell County Consolidated School District, and the Barnwell County Career Center (Barnwell District 80) into a single school district. This bill sets the consolidation date of the three districts to be July 1, 2024; outlines the governance structure, method of initial appointment, and future election procedures for the district board of trustees; and grants the district total fiscal autonomy beginning in 2026.

The bill was placed on the local uncontested calendar without reference to a committee on Wednesday and given second reading on Thursday. The bill is on the Senate calendar for third reading on Tuesday.

Senate Education Subcommittee

A Senate Education Subcommittee met on Thursday to consider two K-12 bills. The two bills discussed were:

- [S. 305](#), which, as amended by the subcommittee authorizes the SCDE to award an individual applying for an educator certificate with years of his/her work experiences that are related to the content field of the certificate and must include at least five years of related occupational experience. The subcommittee adopted an amendment to make clear that awarding years of experience for occupational experience is for the purposes of advancement on the teacher salary schedule.
- [H. 3797](#), directs school districts to accept an application for enrollment and course in a specific school or program by electronic means from military parents who are transferred to or who are pending transfer to a military installation in the district. The subcommittee amended the bill to extend the length of time from 10 to 30 days for the parent or legal guardian to provide proof of residence.

Senate Education Subcommittee on Transgender Children

On Thursday, a Senate Medical Affairs Subcommittee met on two bills dealing with transgender children. One of the two bills, [S. 627](#), contains a section prohibiting public school employees from

- encouraging or coercing minors who perceive their gender is inconsistent with what is on their birth certificate to withhold their belief from their parents or legal guardian; or
- withholding from a minor's parent or legal guardian information regarding the minor's gender perception that is inconsistent with the gender cited on their birth certificate.

Additionally, the bill directs a school employee who “suspects or knows that a student suffers from gender dysphoria, gender identity disorder or other psychological conditions that can result in a person identifying with a gender different than that of their sex to notify the student's parent or legal guardian.”

The Subcommittee allowed for 90 minutes of testimony, 45 minutes for supporters of the bill and 45 minutes for those opposed to the bill. The subcommittee did not take any action on the bills at the conclusion of the meeting.