

Legislative Update May 19, 2023

No Budget Yet

Unfortunately, the Senate and House conferees have not yet adopted a conference committee report outlining an agreement reached between the two bodies regarding [H. 4300](#), the FY 24 Appropriations Act. The conferees met for approximately an hour on Tuesday, did not meet at all on Wednesday, and on Thursday they met for approximately 10 minutes. At the end of yesterday's meeting, staff announced that they still have provisos and items on the spreadsheet to come to an agreement on. Senator Peeler then announced that the committee would recede until the call of the chair. As of this writing, no meeting time has been posted. The chart below summarizes the versions of the provisos adopted and a short summary of the language. There are several provisos on which they have not yet reached a decision (carried over).

Conference Committee Proviso Actions

Proviso	Proviso Title	Conference Action	Summary
1.38	Student Health & Fitness	House	This proviso was deleted since these funds were rolled into the State Aid to Classrooms line.
1.50	Interscholastic Athletic Assoc. Dues	Carried Over	
1.68	Student Meals	Senate	This proviso requires school districts to conduct an updated analysis to identify students in poverty to increase access to free school meals for students. It also requires any school district not participating in Community Eligibility to adopt a resolution stating that lack of participation is because it would cause a financial hardship and demonstrate the reasons for the hardship. Additionally, the proviso prohibits penalizing a student with meal debt and states examples of penalties.
1.73	Reserve Suspension	House	Deletes this proviso due to enactment of legislation dealing with limits on cash reserves for Dorchester District 2.
1.80	Public School Virtual Program Funding	Senate	Stipulates that all school districts and brick and mortar charter schools shall be permitted to offer a virtual education program for up to five percent of its student population based on the most recent 135 day ADM count without impacting any state funding.
1.81	Capital Funding for Schools	Senate	Funding amounts remain the same. The Senate added language dealing with the application process, prioritizing the grants, and a timeline for application submission.

1.85	Magnet School Athletics	House	Specifies that any public magnet school which shares a physical campus with another public magnet school must allow any student enrolled at a school on that physical campus to participate in an athletic sport not offered at the student's school of enrollment, provided the student meets all age and academic requirements for participation. For the purposes of determining classification, competition status, or eligibility, schools with students participating pursuant to this provision must not have their school enrollments joined or modified due to compliance with this provision, nor shall any school or student be subjected to a change in athletic competition status, or eligibility as a result of compliance with this provision.
1.94	Surplus Property	House	Renews for another year the requirement that a school district must transfer, or offer for sale or lease, any surplus real property or property which has been vacant, unused, or unused for direct student instruction for the previous four school years and is not currently included in any district capital improvement plan for future use.
1.102	ByteDance Ltc. Application Prohibition	Senate	Specifies that no school district, or any of its schools, may use any funds appropriated or authorized pursuant to this act or use any devices or agency resources purchased or leased with any funds appropriated or authorized pursuant to this act to access the TikTok application. The prohibition extends to any application with any ownership by ByteDance Ltd., which is the parent company of TikTok.
1.103	Student Technology Safety	Senate	Requires the Department of Education to create and maintain an approved list of third-party providers on an annual basis that provide technology to mitigate cyberbullying and assist in the prevention of self-harm, suicide, or possible harm to others by monitoring student digital activity on school-issued devices and accounts.
1.104	Cash for Admissions	Senate	Specifies that school districts or schools that receive funds appropriated in this act must accept cash as a payment option for admission to extracurricular activities.
1.105	Read to Succeed	House	The requirement for teachers and administrators to obtain the Read to Succeed endorsement as a requirement for recertification is suspended for sixth through twelfth grade teachers who are not teaching English Language Arts or special education and middle and secondary administrators. Certified faculty and staff working outside of a school setting are exempt from having to earn the literacy endorsement to maintain certification.
1A.62	Kindergarten Start Dates	House	Extends the same flexibility to 4K students as currently provided to 5K students regarding the minimum one hundred eighty day school attendance requirement assessments.
11.23	FAFSA	Senate	Deletes a requirement that the House added that would require all high school students to fill out a FAFSA form.

108.16	PORS & SCRS Return to Work	Carried Over	
117.183	LIFE Scholarship Retention	Senate	Specifies that the Commission on Higher Education may not withhold LIFE scholarship funds from a student otherwise eligible for their second year of Life Scholarship funding based solely upon a grade earned in a dual enrollment class.
117.185	JROTC Program	Senate	Requires a report to the General Assembly, the Governor, and the State Board of Education on the status of JROTC program offerings in South Carolina public schools. The report shall include recommendations for expanding JROTC program offerings to more South Carolina students.

SC Transparency and Integrity in Education Act

On Wednesday, the House voted 111-3 to non-concur with the Senate amendments to [H. 3728](#), the bill enacting the South Carolina Transparency and Integrity in Education Act, also referred to as the anti-Critical Race Theory legislation. The bill now heads back to the Senate. The Senate is scheduled to return to session at noon Tuesday at which time they will likely insist upon its amendments and call for the appointment of a conference committee to work out the differences between the House version of the bill and the Senate version. It seems the following language may be the sticking point between the two bodies:

“There is a private cause of action that any parent or guardian may bring against a school district for any violation of this section. An action under this section may be commenced, and relief may be granted, without regard to whether the person commencing the action has sought or exhausted available administrative remedies. A parent or guardian who successfully asserts a claim against a school district under this section may recover declaratory relief, injunctive relief, and reasonable attorneys' fees and costs.”

Ad Hoc Committee on High School Athletics

Notification from the Chair of the House Education and Public Works Committee went out this week to inform everyone of the creation of an ad hoc committee. This committee’s purpose is to review issues regarding high school athletics during the interim. Its first meeting is to be held immediately upon adjournment of the House on Wednesday, May 24. The notification stated that this first meeting would be an organizational meeting and that no public testimony would be granted. The members of this committee include Representatives Shannon Erickson, Jeff Bradley, Terry Alexander, Kathy Landing, Deon Tedder and Jay Kilmartin.

Other Actions

In other action, the following acts were ratified and sent to the governor for his signature:

- [S. 284](#), expands the use of revenue from local accommodations taxes to develop workforce housing under certain conditions, which could include housing for educators.
- [S. 360](#), a local bill changing the election method for candidates to the Williamsburg County School Board from requiring signatures on a petition to filing with the county elections commission.
- [S. 764](#), a local bill reapportioning the election districts for the Rock Hill Three School Board beginning with the 2024 elections.
- [H. 3726](#), enacts the Statewide Education and Workforce Development Act to create the Statewide Workforce Development Office and transfers the Coordinating Council for Workforce Development, which includes K12 functions, to the office.
- [H.3583](#), creates new offenses for sexual extortion and aggravated sexual extortion and creates a penalty schedule for these offenses and directs local school districts to work with the S.C. Department of Education (SCDE), SLED and the Attorney General's Office to implement a policy to educate and notify students, parents or guardians, the public, and school personnel of the new offenses. SCDE is to report on the status of the adoption and implementation of the policy to the governor, the president of the Senate, and the speaker of the House annually by July 1.

The House gave third reading and sent to the Senate:

- [H. 3425](#) – Earnings Limitation – The bill allows members of the SCRS to return to work provided the member has not been engaged to perform services for a participating employer for compensation for a period of at least 12 consecutive months after retirement.

The Governor signed the following bill giving it an effective date of 6/26/23:

- [H. 3908](#) – Paid Parental Leave – This bill mandates school districts provide six weeks of paid parental leave for all full-time employees for the birth or adoption of a child, and two weeks of paid parental leave for the co-parent of a newborn or adopted child or following placement of a foster care child.