

## **Legislative Update**

**February 19, 2021**

### **Teacher Vaccinations**

On Tuesday afternoon the House Ways and Means Healthcare Subcommittee convened to discuss two teacher vaccination bills, S. 516 and H. 3858. Senate Bill 516 states the following.

- Identifies certified teachers and school support staff as mission-critical workers and specifies they are eligible for vaccinations under Phase 1a.
- Identifies daycare workers as mission-critical workers and specifies they are eligible for vaccinations under Phase 1a.
- Requires all school districts to offer five-day, in-person classroom instruction to students no later than the Monday following the district's scheduled spring break.
- Provides that school sites may be used to vaccinate certified teachers and school support staff.
- Requires DHEC to ensure that all who have received the first vaccination are offered the opportunity for full vaccination within the appropriate recommended time period.
- Increases the earnings limitation for retired state employees who are employed to serve in the state's public-school system to \$50,000 until June 30, 2024. To qualify for the increase in earnings limitation the individual must have been retired for at least two years from the effective date of the resolution.

#### House Bill 3858

- Specifies that "public and private K-12 school teachers and anyone whose condition of employment requires them to be located in a public or private school building" be placed in Phase 1a;
- Excludes district office employees from Phase 1a; and
- Requires schools to offer five-day, in-person classroom instruction no later than 28 days after the effective date of the resolution.

The meeting lasted over three hours to give all individuals who signed up an opportunity to be heard. Fifty-five individuals signed up to address the Subcommittee. Five of these individuals represented the education community with the other 50 representing such groups as the hospitality industry, special needs communities, port workers who interact with international ships and their crews, state agencies, and many other service providers. Representative Rutherford chastised the Senate for rushing this resolution over to the House without having a public hearing to allow all groups to be heard. He stated he did not like the idea of pitting groups against each other for movement from one vaccination phase to the next. Chairman Herbkersman stated at the conclusion of the meeting that he did not feel it was the General Assembly's responsibility to determine which group should be in which vaccination phase but that the Subcommittee would continue its discussion of the resolution.

**Action:** The Subcommittee adjourned debate on the resolution and noted that there would be another hearing next week to provide DHEC and the State Superintendent of Education and opportunity to present and be questioned by the Subcommittee.

### **Teacher Step Increase**

The full Senate Finance Committee was scheduled to meet on Tuesday afternoon. However, extended debate on the Senate floor regarding a bond bill for the Ports Authority led to the cancellation of the meeting. This meeting has been rescheduled for Tuesday, February 23<sup>rd</sup> at 3:00 pm. The bill in its current form

- Appropriates up to \$50,000,000 to the Executive Budget Office to provide teacher step increases for the 2020-2021 School Year;
- Implements in accordance with Act 91 of 2019, Part 1.B. Proviso 1.A.36 based on the number of positions provided to Revenue and Fiscal Affairs (RFA) Office by SCDE;
- Clarifies that fringe benefits are to be included in the allocations;
- Determines of the amount of the increased cost of salaries to the school district due to the step increase in the state minimum salary schedule will be made by the RFA Office. RFA will notify the Executive Budget Office (EBO) the amount to be transferred to the SCDE for distribution to the school districts; and
- Requires each school district to provide a one-time lump sum payment of the entire step increase due to the employee, including any amounts in arrears, by June 15, 2021.

Based on points highlighted at the subcommittee meeting, amendments are anticipated to discuss “actual” verses “average” allocation methodology and language to ensure that positions which currently qualify for step allocations are included in this allocation. The meeting will be live streamed.

### **Education Accountability Act**

The full House spent nearly four hours debating H. 3610. This bill as amended by the House Education Committee requires the implementation of a tiered system for providing technical and other assistance, professional development, and monitoring for schools and districts. Specifics of the bill are listed below.

- Changes the definition of “chronically underperforming school,” “underperforming district,” and “underperforming school” from one based on the report card rating to one based on the percentage of students that meet or exceed expectations on SC Ready ELA and Math assessments at the elementary and middle school level. It bases the high school expectations on the percentage of students receiving a grade of “D” on the End of Course assessment in English and mathematics, or on the percentage of students

achieving a bronze level on the career readiness assessment. All ratings would be based on three consecutive year percentages.

- Establishes procedures for creating a “turnaround plan” and delivering tiered technical assistance.
- Outlines procedures schools or districts with an overall rating of unsatisfactory on the annual report card must take.
- Establishes procedures for the State Superintendent to seek a state-of-education emergency declaration for a school or district.
- Outlines the ramifications of a state-of-education emergency declaration to include the dissolving of the district board of trustees and the replacement of a interim board for a minimum of three years.
- Specifies an additional reason the State Superintendent can use in seeking a state of education emergency in a school. The additional reason is the district refuses to submit a turnaround plan for the school.
- Specifies an additional reason the State Superintendent can use in seeking a state of education emergency in a district. The additional reason is that the district has been identified as underperforming for five out of the last seven years (years without report cards are not included).
- Outlines procedures for election of a new board of trustees.

**Action:** Debate on the bill highlighted many of the concerns expressed by SCASA. However, at the end of debate, the House rejected all amendments except for the Education Committee amendment. The bill was given second reading with a 73-21 vote. The bill will be on the House calendar for third reading on Tuesday after which it will move to the Senate for consideration.

### **State Board of Education Regulations**

The Senate Education Regulations Subcommittee met on Wednesday morning to consider changes to three State Board of Education regulations. Regulation summaries and the action of the Subcommittee are listed below.

- **Regulation 43-273 (Transfers and Withdrawals)** Changes to this regulation are intended to clarify how district representatives should treat the evidence of work provided by students who desire to transfer from a home school association to a public school in South Carolina. The Subcommittee carried over this regulation to determine if there is an appeals process regarding the district’s decision to not accept the evidence of work as it relates to course credit.
- **Regulation 43-279 (Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures)** Changes to this regulation include language identifying “sexting” as a Level II disciplinary infraction and distinguishes it from the “illegal use of technology” that is currently addressed in the regulation. The Subcommittee approved the changes submitted by the State Board of Education and reported it out to the full Senate Education Committee for consideration.

- **Regulation 43-53 (Credential Classification)** Changes to this regulation to integrate proviso language that specified an educator earning a master’s degree with 60 or more semester hours of graduate course work is eligible for the master’s plus 30 credential classification and that an educator who earns a single master’s degree containing at least 51 graduate semester hours must complete additional courses to equal to 60 or more graduate semester hours to remain eligible for the master’s plus 30 credential classification. The Subcommittee approved the changes submitted by the State Board of Education and reported it out to the full Senate Education Committee for consideration.

### **House Floor Actions**

In addition to the second reading approval of H. 3610, the House took the following actions on one bill on its calendar.

**H. 3588 (Senior Year ELA and Math Requirement)** This bill requires high school seniors to complete an English, Mathematics, and Computer Science Foundations course. The completion of this requirement is also linked to students being able to qualify for a LIFE Scholarship. Additionally, it specifies that the ACT score to qualify for a scholarship is 22.

**Action:** This bill received considerable debate on Wednesday and Thursday. The House approved a motion to adjourn debate on the bill until Tuesday, February 23<sup>rd</sup>.

### **Senate Floor Actions**

**S. 147 (Safe Harbor Bill)** This bill provides safe harbor liability protections for a limited time period for health care providers and businesses, to include school districts, for any acts or omissions resulting from a coronavirus claim provided that the entity or covered individual reasonably adhered to public health guidance applicable at the time the claim was filed.

**Action:** This resolution was set “for special order” on Wednesday. The Senate amended the bill on Thursday to specify that a covered entity or individual that “substantially adheres to public health guidance applicable at the time the conduct giving rise to a coronavirus claim occurs shall be entitled to a safe harbor from liability for any acts or omissions resulting in the coronavirus claim unless the claimant proves by a preponderance of evidence that the covered entity or covered individual caused the injury or damage through grossly negligent, reckless, willful, or intentional misconduct or by failing to make any attempt to adhere to public health guidance.” Additionally, it specifies that the period from March 13, 2020, thru June 30, 2021, or 180 days after the final state of emergency is lifted (whichever is later) is the safe harbor time frame. The bill was given second reading approval and will be considered for third reading next week.

**S. 16 (Personal Finance)** This bill substitutes the high school graduation requirement of one-half credit in economics with one-half credit of personal finance. School districts may continue to offer economics but there would no longer be a requirement for high school students to take

economics to receive a diploma. As amended by the Education Committee the effective date would be July 1, 2023 and would only apply to entering freshman.

**Action:** The Senate spent a considerable time debating the bill. Senator Hutto objected to the bill moving it to the contested calendar before the Committee's amendment could be adopted.

**S. 203 (Removal of School Board Members)** This bill amends current language regarding the ability of the Governor to remove school board members for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office or incapacity. As amended by the Committee, the Governor would have to inform the board member in writing of the specific charges brought against him and give him an opportunity to be heard. Additionally, the bar for recommended removal was changed from guilty to "has willfully committed or engaged in an act of."

**Action:** The Senate adopted the Committee amendment and gave the bill second reading with a 41-0 vote with third reading given on Friday.