

2018 south carolina school boards association

statements of belief and legislative priorities

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Legislative Priorities

Education funding reform

SCSBA supports legislation to reform the state's education funding structure. Any revision should be based upon specific analysis and recommendations on (1) the current tax structure and the state's taxing policy, (2) the current education funding formulas and their ability to equalize educational opportunities statewide, and (3) a realistic means of computing a per pupil funding amount, which is aligned with state-imposed student performance standards and expectations. Recommendations for reforming the method of fully funding public education in South Carolina must do the following:

- expand local district revenue-raising options;
- generate revenue that is adequate, stable and recurring;
- ensure equitable and timely distribution, to include direct distribution from the state to a district;
- provide adequate funding for other operational needs such as transportation and fringe;
- include state-driven initiatives to ensure that every public school student has the opportunity to learn in permanent school facilities that are safe, structurally sound and conducive to a good learning environment;
- ensure that districts are held harmless from receiving less money through a new funding plan; and
- grant all elected school boards full fiscal autonomy.

Rationale: An in-depth review of our state's tax system and how public education is funded is long overdue. However, the plan must include certain components as follows:

- It must generate adequate revenue for schools.
- It must set a per pupil funding amount reflecting what it actually costs to educate a child.
- It must expand local initiatives and the ability for districts to exceed the state minimum requirements.
- It must include equitable components to lessen or erase the impact that a child's residence has on the quality of the education he/she receives.

The funding adequacy lawsuit involving school districts primarily along the I-95 corridor has evidenced woefully inadequate school facility conditions for students and teachers. Just as South Carolina should not be satisfied with a constitutional requirement for

a "minimally adequate" education for children, the state must take steps to ensure that all children attend schools that are safe and conducive to learning.

History: adopted prior to 2001; revised 2001, 2002, 2003, 2004, 2005, 2007, 2011, 2012, 2013, 2014, 2016

Retired teacher salary cap

SCSBA supports legislation to eliminate the salary cap for retired classroom teachers.

Rationale: South Carolina, like most states in the country, is facing a major teacher shortage. The group of teachers who are eligible or near eligibility for retirement is quickly becoming the largest group within the state teaching force. Currently, there are 4,106 school employees, or 54 percent of all participants statewide, in the Teacher and Employee Retention Incentive (TERI) program, which is set to end June 30, 2018. In 2015, school districts reported a 33 percent increase in the number of vacant teaching positions compared to the previous year and a 66 percent increase compared to the 2013-14 school year. As the teacher supply and demand gap continues to widen, school districts will need the option of recruiting retired teachers to return to the classroom, especially in critical need subjects or in high need areas. However, under current law, state retirees are prohibited from earning more than \$10,000 in the state system while continuing to draw their retirement pay. This makes it difficult to hire teacher retirees in districts that do not meet the criteria for exemptions to the salary cap, including a critical academic need area or a geographic need area, as defined by the State Board of Education.

History: adopted 2017

School bus safety

SCSBA supports legislation to allow the Department of Public Safety to obtain a civil penalty citation against the registered owner of a vehicle that unlawfully passes a stopped school bus.

Rationale: Section 56-5-2770 of the South Carolina State Code of Laws sets forth the penalties for unlawfully passing a state school bus. However, these penalties only apply to the driver of the vehicle, and the Department of Public Safety has had a difficult time confirming the identity of the vehicle's driver. As a result, there have been few charges and convictions under this law, and drivers continue to pass school buses when the stop arm is engaged despite the risk of death or injury to students loading and unloading the bus. Senate bill 199 adds a section to the Code to allow the Department of Public Safety to

obtain a civil penalty against the registered owner of a vehicle violating Section 56-5-2770 making it easier to charge and convict offenders. Senate bill 199 passed the Senate in 2017 and now resides in the House Judiciary Committee. Protecting our students is one of the most important responsibilities of school boards of trustees, and supporting this legislation will help ensure that our students can unload and load our buses safely.

History: adopted 2017

School safety

SCSBA supports the allocation of state aid for school safety efforts in all South Carolina public school districts and legislation to allow school districts to freely negotiate the financing of school resource officers with local governments.

Rationale: Currently, school districts must fund the services of school resource officers, security cameras and other school security measures at the local level. County governments that have previously shared the cost of financing school resource officers (SROs) with their local school districts now claim that a provision in Act 388 prohibits them from funding this expense. They state that funding SROs with local property tax revenue violates Act 388 because the law exempts owner-occupied residential property taxes being used for school operating purposes. SCSBA strongly disagrees with this assertion and believes it is acceptable to finance SROs from the municipality and/or county general fund. SROs, as law enforcement officers, are not used solely for school operating purposes and the safety of the community is a joint function administered by the municipality and/or county and school districts. A safe learning environment is essential for all students to focus on learning the skills necessary for success. With adequate funding, districts could provide training for educators and law enforcement, employ safety personnel in schools and purchase safety equipment for district facilities ensuring a safe school climate.

History: adopted 2016, revised 2017

School start date

SCSBA supports amending state law regarding when public schools may start the school year to give districts the flexibility of setting their own start date.

Rationale: Following a lengthy legislative debate, the General Assembly in 2006 enacted a uniform starting date for South Carolina's public schools stating that – with few exceptions – no school could begin classes prior to the third Monday in August annually.

One rationale used by proponents was the need for districts to have an equal or near equal amount of instructional days prior to taking high stakes state and federal testing, which was administered to all students on the same dates. However, a 20-day testing window approved in 2016 frees up schools to start earlier or later and still ensure an equal number of instructional days before testing. In addition, over the ensuing years, some districts have found it to be increasingly difficult to complete school business before the semester break and still meet the requirements of the uniform starting date. For example, schools that operate on a block schedule are unable to complete the semester and exams before the holiday break. This can mean a delay in starting college in January for students who graduate high school early or are enrolled in dual enrollment courses. Community and parent frustration with the holiday break schedule is evident. Determining the local school calendar should be a core function of the locally-elected school board of trustees.

History: adopted 2012; revised 2015, 2016

Statements of Belief

Advocacy efforts

SCSBA strongly encourages local school boards to take a leadership role in developing support for public education at all levels of government. When local boards participate in SCSBA advocacy efforts, they strengthen SCSBA's efforts to represent public school governance at the state and federal levels.

Rationale: When local school boards exercise an active advocacy role, they can positively affect legislation for elementary and secondary education. School boards are encouraged to develop and maintain a working relationship with local legislators. School board members must stay up-to-date on pertinent legislation, regulations and judicial rulings that affect their districts. Board members must also mobilize the pressure necessary for effective education policy changes. The Fourth Circuit Court of Appeals, in *Page v. Lexington County School District One*, upheld a school board's right to be an advocate for public schools in the legislative arena, stating, "It is therefore appropriate for the school district to defend public education in the face of pending legislation that it views as potentially threatening of public education."

History: adopted 1993; revised 1994, 1996, 1998, 2002, 2003, 2009

Board hiring of superintendent

SCSBA believes that the superintendent, as the district's chief executive officer, should be hired by the board of trustees. The board should relinquish other staffing decisions to the superintendent with policies in place to assure equitable hiring, promotion and dismissal practices. The board should award staff contracts as provided in policy and act on the superintendent's recommendations for personnel.

Rationale: SCSBA believes the best use of the board's time is to govern with excellence. The perceptions of micromanagement by a board are primarily in the area of staffing. In South Carolina, some boards interpret state law to empower them to interview and hire on behalf of the district. This leads to divided loyalties among staff and a chief executive officer who cannot select those he/she feels would work best with the administrative team. The board's appropriate role is to hire the superintendent, assure that policies are in place to provide fairness in staffing practices and monitor the superintendent's job performance in relationship to previously established criteria (i.e., goals and limits). When the board believes the superintendent does not merit its trust, it has the authority to seek new leadership.

History: adopted prior to 1993; revised 1996, 2001, 2002, 2009

Board member legal actions

SCSBA supports legislation prohibiting a school board member from instituting in his or her capacity as a citizen, taxpayer or a school board member any legal proceeding before any court or governmental agency opposing or challenging any votes taken by the school board of which he or she is a member. This prohibition does not affect a school board member's right in his or her capacity as a private individual to seek redress for a personal grievance resulting from board action.

Rationale: A school board's power lies in its action as a group, and individual board members exercise their authority over district affairs only as they vote to take action at a legal meeting of the board. Further, the policy-making function of a school board involves the interaction of competing ideas that eventually resolve themselves in a decision that may not satisfy all of the board's members. This is the essence of the legislative process and should not be compromised by ready access to the courts or some other forum for dissenting members who are disappointed in the outcome, which could present a significant public policy concern. Finally, board members in general

enjoy qualified immunity from legal liability for their actions taken in their role as a school board member; this means, however, that a school board has no legal remedy against a fellow board member who files a lawsuit in his or her official capacity challenging board actions that may cause economic damage to the district. On the other hand, when acting as a private individual pursuing a personal grievance against the school board, a school board member has no such immunity. A board member must, however, be able to seek a remedy for injuries to his or her private, individual, personal rights or property – even if the wrong for which he or she seeks remedy occurred as a result of an action taken by the school board on which he or she is a member.

History: adopted 2011; revised 2017

Board training in at-risk districts

SCSBA believes that state-funded training programs for school boards in districts rated at-risk should be mandatory as part of the effort under the Education Accountability Act to focus on actions that support increasing student achievement. The State Superintendent of Education is strongly encouraged to require such programs in any recommendation for school district improvement.

Rationale: Under state law, state-funded board training is one option available to the state superintendent prior to the declaration of emergency in a district labeled at-risk. SCSBA believes that board training must be a key element of any recommendation by the state superintendent regarding district improvement well before the takeover stage.

History: adopted 2004; revised 2008, 2011

Charter schools

SCSBA believes that all charter schools should be sponsored and funded by the State as allowed by the EFA. However, local school boards should have the option to sponsor and retain oversight of public charter schools within their districts.

Rationale: South Carolina's charter school law was enacted in 1996 and has been amended numerous times over the years. In 2006, the S.C. Public Charter School District was established as another avenue for charter school applicants to apply for a charter. In the past, charter applicants had to obtain approval from the local school district board of trustees. Under the 2006 law, charter schools authorized by the state charter school district are open to students throughout the state – similar to schools such as the Governor's School for Science and Mathematics or the

Governor's School for the Arts and Humanities – and are accountable to the state district's board of trustees. Numerous conflicts have arisen over the years between charter schools and their local board sponsors, most pertaining to funding and local districts' inability to exercise oversight of charter schools. The clearest way to resolve these ongoing issues between districts and charter schools is to place all charter schools under the state district's sponsorship, allowing an exception for local board sponsored charter schools to finish their contracted term.

History: adopted 2010; revised 2012, 2013, 2016, 2017

Consolidation

SCSBA believes in consolidation or deconsolidation of school districts provided that in each district affected a referendum is held and a majority of the voters voting in the referendum in each affected district authorizes consolidation or deconsolidation. Each district shall have equal voice in the consolidation or deconsolidation question.

Rationale: A major consolidation of South Carolina school districts took place in the early 1950s. Since then, other districts have consolidated into larger systems. Currently, there are 81 school districts ranging in size from 750 to 61,000 students. A statewide study to determine, among other things, the relationship between school district size in South Carolina and student performance and the cost of providing educational services reached no conclusion on the district size/student performance relationship. Successful consolidations of school districts must include the buy-in of local community stakeholders and not a top-down approach.

History: adopted prior to 1993; revised 2001, 2002, 2009, 2016

Constitutional amendment

SCSBA believes the South Carolina Constitution should be amended to require the General Assembly to provide a high quality system of free public schools open to all children and allowing each student to reach his highest potential.

Rationale: The adequacy of education funding is the issue in a lawsuit originally filed in 1993 by 40 South Carolina school districts. In 1999, the Supreme Court set a new baseline standard for the public education clause of the state's constitution. The Court said that the constitution broadly outlines the parameters of a "minimally adequate education" in South Carolina. In its final ruling in 2015, the court affirmed its earlier finding in favor of the districts, citing, among

others, that the State was not meeting its constitutional duty. SCSBA does not believe that the General Assembly should be satisfied with or proud of a state constitution that only requires a "minimally adequate education."

History: adopted 1999; revised 2002, 2004, 2008, 2013, 2016

Early childhood education

SCSBA believes that the South Carolina General Assembly should provide adequate funding to ensure that all four-year-olds in South Carolina have the opportunity to attend a child development program at a public school. Preschool services should be expanded at the state level within already existing structures in the State Department of Education and appropriate state and federal agencies providing services to at-risk families and in local school districts.

Rationale: Research shows that early childhood education is a significant step toward preparing children for the first grade and an overall enhancement of their grade school experience. Although South Carolina has made gains in early childhood education, funding levels from the state only provide enough to serve the most at-risk students.

History: adopted 2003; revised 2006, 2012, 2013, 2014, 2017

Economic development tax incentives

SCSBA believes that a school district's tax base should not be eroded by economic development incentives and that all revenue generated or determined by local school district tax millage must be preserved for use by school districts for school purposes. SCSBA believes that school districts should be active participants in the negotiation process as related to economic development incentives provided to developers and industry and, in the case of multi-county industrial or commercial parks, that they receive negotiated fees in at least the same percentage as general taxes are to school taxes and statewide reporting for all economic development incentives should be implemented.

Rationale: Almost 100 percent of the local share of school districts' budgets comes from property taxes. School districts, however, are finding it increasingly difficult to preserve school tax millage for use exclusively for school purposes due to the erosion of the local tax base. Economic development incentives such as fee in lieu of taxes and multi-county industrial parks are two examples of the erosion of school districts' tax bases. All revenue generated from taxable property,

to include all special taxing districts, represented by assessed valuation of a school district as determined by school tax millage must be used by school districts for school purposes. Finally, no statewide data exists on multi-county industrial park agreements and related incentives such as special source revenue bonds and tax credits. No one is monitoring how economic development incentives are impacting school district tax revenue, and the lack of data makes it impossible to estimate the financial impact at the local district level.

History: adopted prior to 2000; revised 2000, 2001, 2002, 2003, 2004, 2006, 2010

Education achievement gap

SCSBA believes in meaningful, research-based national, state and local initiatives with measurable outcomes that close the educational achievement gap for all students.

Rationale: While South Carolina continues to show steady improvement in the academic achievement of its public school students, significant achievement gaps exist between students of different demographic and socioeconomic groups. Leaders at the federal, state, and local levels should pursue a serious opportunity agenda that draws on the evidence and promise of school and community-based programs that work to help us guide at-risk children toward a better future. The State should marshal the necessary resources and support to have a positive impact on the academic performance of student groups that have historically underperformed academically in South Carolina public schools, thereby, significantly improving the academic performance of public school districts.

History: adopted 2007; revised 2016

Education innovation

SCSBA believes in the collaborative exploration and implementation of innovative ways to transform the assessment and delivery of public education in South Carolina that embody the principles outlined in the Profile of the South Carolina Graduate adopted by the state in 2016.

Rationale: SCSBA is part of a coalition of business, education, policy and community leaders under the auspices of the South Carolina Council on Competitiveness called TransformSC. The initiative is devoted to identifying and launching new learning models in the state's public schools and helping to foster the conditions in which they can thrive. This public-private movement seeks to:

- create an innovation network of schools and districts that are committed to transformative practices;
- advocate for regulatory relief to encourage and foster the testing of innovative practices;
- catalogue in-state and out-of-state best educational practices; and
- assist districts with implementing those programs that best meet the needs of the students they serve.

History: adopted 2013; revised 2014, 2016, 2017

Elimination of Education Oversight Committee

SCSBA believes that the Education Oversight Committee should be dissolved and that its responsibilities and duties, where necessary, moved to the South Carolina Department of Education (SCDE).

Rationale: The appointed 18-member EOC was created in 1998 to advise elected officials on student performance, educational programs, and public school funding in accordance with the Education Accountability Act (EEA). The EOC has served a useful purpose in overseeing implementation of the EEA, as well as issuing critical reports on topics such as school governance and fiscal efficiency. However, in the last 20 years the EOC's role has expanded dramatically. Its members and staff no longer serve in an oversight capacity but as a governing body, establishing critical public education policy and appropriating millions of taxpayer dollars with no direct accountability to citizens. The EOC is often in conflict with the duly elected State Superintendent of Education, who has no vote on the EOC, but is accountable to the people of South Carolina and charged with providing the leadership and services to ensure a public education system that enables all students to become educated, responsible, and contributing citizens.

History: adopted 2017

Fiscal autonomy/affairs

SCSBA believes that all elected school boards should have full fiscal autonomy and opposes legislation that would remove a local board of trustees' power over the district's fiscal affairs.

Rationale: Taxing authority is a logical requirement and natural extension of the funding partnership between the state legislature and the local school board. Nationally, nearly all school boards have taxing authority. Twenty-six districts in South Carolina

have no taxing authority at all. Following passage of the Property Tax Relief Act of 2006, known as Act 388, no South Carolina school district has full fiscal autonomy. As elected officials, school board members need authority for financial decisions to enable them to bear the accountability for the district's instructional programs. State law currently establishes the powers and duties of local boards of trustees, including the authority to govern fiscal affairs of school districts. Transfer of this authority from a governing school board inherently conflicts with many existing powers and duties of a local board of trustees, including the authority to hire staff, enter into contracts and borrow funds as needed.

History: adopted prior to 1993; revised 1998, 2000, 2001, 2002, 2007, 2013

Freedom of information

SCSBA believes the South Carolina Freedom of Information Act (FOIA) should be amended to further protect from public disclosure private materials relating to an applicant for a public position.

Rationale: Under the FOIA, information on the final three candidates for any public employment position must be disclosed to the public. SCSBA believes this provision is having detrimental effects on school districts seeking qualified candidates for positions ranging from superintendents to teachers. SCSBA believes that, although those choosing to devote themselves to public service enter a certain realm of openness, information on job applicants must be protected from disclosure.

History: adopted 1998; revised 1999, 2002, 2003, 2009

Full funding of education mandates

SCSBA believes that the General Assembly must meet its commitment to fully fund state-mandated educational programs for public schools. SCSBA believes that the South Carolina Constitution should be amended to prohibit state mandates on local units of government unless they are fully funded by the state.

Rationale: While it is critical for the General Assembly to reform how South Carolina funds its public schools, of equal importance is for the state to fully fund the system it has in place. When state funds are not adequate to meet the true cost of a required program, the fiscal burden falls to local taxpayers to cover the deficit, or districts must sacrifice in other areas such as classroom size and personnel. For example, the Education Finance Act (EFA) was enacted in 1977. The heart of the EFA is the base student cost (BSC), a per-pupil amount set annually by the State Board

of Economic Advisors as that necessary to fund the basic educational program. For the 2017-2018 school year, the BSC is set at \$2,425, which is below the statutorily required amount of \$2,984. While the EFA's base student cost is not the only state funding allocated to public schools, it provides the clearest example of legislators' failure to meet their commitment to K-12 public education. The issue of unfunded and underfunded mandates arises each legislative session as programs and directives are proposed at the state level with the knowledge that state funds are not available and that in most instances local taxpayers will feel the fiscal impact. Cities and counties enjoy statutory protection from unfunded state mandates, with certain exceptions. While a statutory prohibition of unfunded mandates for school districts would be appropriate, such legislative enactments are often subject to political or other power shifts. A constitutional amendment, on the other hand, carries the weight of the state's electorate.

History: adopted 2013; revised 2014, 2015, 2016

Harassment, discrimination and equal opportunity

SCSBA believes that school boards should commit to nondiscrimination in all education and employment activities. The board should ensure that students and employees are not subjected to any form of prejudicial discrimination or harassment, or denied equal educational or employment opportunities.

Rationale: Racial and sexual harassment are forms of discrimination, and SCSBA opposes discrimination of all types. No school district should tolerate a hostile working or learning environment, whether it is racial, sexual or denial of equal opportunity to work and learn.

History: adopted 2002; revised 2007

Impact fees

SCSBA supports legislation to allow public schools to collect impact fees on new home and commercial development.

Rationale: State government must remain sensitive to the fact that existing taxpayers often face increased school debt-service property taxes to pay for the high growth that they did not cause. This may negatively impact the economy and potential taxpayer support for future school district referendums. Funding tools such as impact fees can help districts cope with community growth and unique educational demands.

History: adopted 2007; revised 2012, 2013, 2016

Local district fiscal impact statements

SCSBA believes the General Assembly should provide individual school district fiscal impact statements before passage of any legislation which requires a local district financial match or use of local funds for any reason.

Rationale: The state government must become sensitive to the impact of mandated programs on local taxpayers. Any new requirement that has a financial impact on local school districts falls unequally on economically rich or poor districts unless it is made a part of the base student cost. Education-related legislation should never be considered and enacted until there is a clear understanding by lawmakers of the fiscal impact on each local school district. Current state statute requires such fiscal impact statements for laws impacting cities and counties.

History: adopted 2006; revised 2009

Local governance of school districts

SCSBA believes in local decision-making in the governance of school districts.

Rationale: One of the key strengths of high-quality public education is the emphasis on local decision-making. The local school board is the body closest to the community and reflects the community's commitment to its schools. One of the four major roles of a school board is accountability for the mission of the district. When school boards are able to exercise appropriate governance, they become accountable to their community for results. The school board, speaking as one, must reflect the interests of the community in the governance of the district.

History: adopted prior to 1993; revised 1995, 1998, 2001, 2002, 2006, 2007

Local legislation

SCSBA believes that members of the General Assembly, prior to introducing any local legislation, should be required to attach a statement that the local affected school board as a whole was notified of the intent to file the bill and stating if the board supports the proposed legislation.

Rationale: South Carolina's current system of law-making provides for the authority of local legislative delegations to pass laws that apply only to a specific school district. Because members of the South Carolina Senate and House of Representatives as a practice do not vote as a body on a local bill, it can pass both legislative chambers in a matter of days. Local laws can change the makeup of a district

board; change board election procedures; forgive missed days from the defined minimum plan requirement; and have an impact on a board's authority to set and fund its budget. Too often, these bills are filed without the knowledge and consent of the affected board. Additionally, some question exists about the legality of local laws as being unconstitutional special legislation under Article III, Section 34 of the South Carolina Constitution. The end result of local laws is a state whose variety of school district and board governance structures does not easily lend itself to statewide initiatives relating to public education. Local school boards as the governmental body elected or appointed to operate a school district must at the very least be consulted prior to the filing of a local bill or, at the most, should be the driving force behind such a bill's introduction.

History: adopted 2002; revised 2004

Mandatory kindergarten participation

SCSBA believes that all children who are five years of age on or before the first day of September must attend a kindergarten program.

Rationale: Currently, state law allows a parent to "opt out" of enrolling their child in a K5 program if they are not six years old by September 1 of the school year. Students that do not attend structured K5 programs often begin the first grade severely delayed in their cognitive and social development. While many students do get what they need from their homes, there are many that do not. Once this gap in learning is created, it becomes harder to overcome. All students attending a structured K5 program will certainly help level the playing field of student preparation for the first grade.

History: adopted 2009

Maximizing potential of high achievers

SCSBA believes in increased growth and support of the State's gifted and talented education programs to enhance and nurture the potential of academically advanced students.

Rationale: High achieving students need gifted education programs to challenge them in regular classroom settings and enrichment and accelerated programs to enable them to make continuous progress year to year. Less than 20 percent of students in South Carolina public schools are served by gifted and talented programs. Studies of gifted and talented programs show they have a long-term impact on students' postsecondary achievements and in maintaining their interests over time and involvement in

creative productive work after they finish college and graduate school.

History: adopted 2016

Nonpartisan election of school board members

SCSBA believes in the popular nonpartisan election of all school board members.

Rationale: Nationally, nearly all school boards are elected. Only an elected board can have taxing authority. Presently, there are three school boards – Latta, Dillon 4 and Clarendon 2 – that have all appointed members. Clarendon County has one appointed board, one elected board, and one board with a combination of elected and appointed. Trustees elected in partisan elections often have to respond to the demands of their party rather than to the needs of the school children. Two school boards in this state, Horry County and Lee County, are elected in partisan elections. A board member losing in a June primary serves as a lame duck board member for five months. If several lose in June, the entire board is affected until the November general election.

History: adopted prior to 1993; revised 1998, 1999, 2002, 2008, 2011

Procurement process flexibility

SCSBA believes that the South Carolina State Procurement Code should be amended in order to give local governments, in particular the large school districts that must follow state procurement guidelines, maximum flexibility in awarding contracts by means other than the competitive sealed bidding process.

Rationale: Nationally, states have adopted legislation allowing governmental entities greater freedom in awarding contracts based on criteria other than the low bid requirement. South Carolina's statutory procurement process includes many tools for procuring other than by competitive sealed bidding, including competitive best value bidding and competitive sealed proposals. Any additional express authority to use alternative methods would be advantageous to the school districts and should not negatively affect opportunities for small business and minority contracts.

History: adopted 2007

Public school choice

SCSBA believes in public school choice options, particularly when designed to increase opportunities for all children to learn in ways that best meet their abilities and needs. SCSBA believes in the right of local boards to determine school choice options within their own districts or between districts. Mandated choice programs must be driven by local flexibility, remain within the public school system and reflect a focus on academic achievement.

Rationale: Recognizing that school choice is a matter of great interest in the state, as well as the fact that South Carolina is a target state for out-of-state proponents of vouchers and tuition tax credits whose idea of choice includes private schools – an idea long opposed by SCSBA – it is critical that, for the benefit of its membership, SCSBA occupy a seat at the table concerning any initiatives relating to school choice. SCSBA's focus on choice initiatives, mandated or discretionary, will be on flexibility and local decision-making authority, academic achievement, public school involvement and adequate funding.

History: adopted 2007; revised 2009, 2012

Retirement contribution funding

SCSBA believes the General Assembly must continue to provide funding to local school districts to cover all mandated increases to the General Fund and EIA share of the employer contribution for the South Carolina Retirement Fund.

Rationale: The S.C. Retirement System Funding and Administration Act of 2017 mandated a two percent employer contribution rate increase for the South Carolina Retirement System beginning July 1, 2017. Under the Act, employer rates will continue to increase annually by one percent until Fiscal Year 2023, when the employer contribution rate reaches 18.56 percent. In the Fiscal Year 2018 Budget, the General Assembly assumed the cost of the retirement increase by allocating one percent of the cost directly to school districts and one percent directly to PEBA. School districts must not be required to bear the cost of this state obligation.

History: adopted 2017

Road management for schools

SCSBA believes that the state should bear fiscal and managerial responsibility for roads that are located at or near public schools.

Rationale: The State Department of Transportation (DOT) is charged with the responsibility of road management including the systematic planning, design, construction, maintenance and operation of the state highway system and roads, including roads located at or near public schools. While SCSBA recognizes that roads located near or at schools are critical for school traffic flow and safety, districts and schools do not receive funds to design and manage these roads. Further, SCSBA believes that school districts are increasingly being required to fund the management of roads that are located near or at schools due to DOT shifting its funding responsibility to the districts. SCSBA believes that road management, including funding, is the state's responsibility.

History: adopted 2011

School bus privatization

SCSBA believes that the General Assembly must conduct a thorough review of the current state transportation system to determine if it is the most efficient, effective and economical service model. Any review, as well as any efforts at privatizing school bus transportation for South Carolina's public schools, must ensure the following:

- student safety is the top priority;
- adequate state funding is available for operation, maintenance and replacement on a recurring basis, with no financial burden falling to the local districts; and,
- the unique needs of all districts are met.

Rationale: While South Carolina is one of the few remaining states to operate a school bus system, it has been recognized nationally for its efficiency. Under the current state-operated system, even children living on a dirt road in a rural community can expect bus service. If privatization is pursued in South Carolina, certain basic elements of the current state-run system must be preserved without additional costs to the districts. School districts currently have the ability to contract with private companies for transportation services.

History: adopted 2004; revised 2005, 2007, 2010

State graduation rate

SCSBA believes in meaningful statewide efforts directed at improving South Carolina's graduation rate that are based on proven, research-based methods to ensure students complete high school. SCSBA believes that state accountability and reporting measures and the state's compulsory attendance laws should be consistent. SCSBA supports the continued full funding of the state Education and Economic Development Act (EEDA).

Rationale: South Carolina's public schools have made great strides to improve student achievement under the Education Accountability Act of 1998. South Carolina's graduation requirements, including the number of credits and assessments, remain among the highest in the nation. However, a significant concern remains: far too many students do not complete high school on time. South Carolina should annually set ambitious targets for improving graduation rates. State lawmakers took a major step in 2005 to address the graduation rate with the passage of the Education and Economic Development Act (EEDA), which requires high schools to provide multiple career pathways for students.

History: adopted 2006; revised 2007, 2009, 2010

State superintendent of education referendum

SCSBA believes that a statewide constitutional referendum should be conducted to determine if the office of the state superintendent of education should remain an elected position or should become one that is appointed by the governor with the advice and consent of the Senate. If appointed, the state superintendent of education should meet certain qualifications outlined in law.

Rationale: The issue of whether the office of state superintendent of education should continue as a constitutionally elected position or should become one appointed by the governor is often debated in the General Assembly. The state superintendent of education oversees a highly important and specialized core function of government: public education. The selection method for this critical position should be put to the people of South Carolina through a popular vote. Any gubernatorial appointee should at least meet certain standards set forth in statute that make him or her uniquely qualified for the position.

History: adopted 2014

Statewide turnaround district

SCSBA opposes the state takeover of low performing schools by mandating that they become part of a statewide reform, recovery or turnaround school district.

Rationale: The State Supreme Court's ruling in favor of the plaintiff school districts in a decades-long school funding lawsuit has prompted numerous recommendations for possible solutions. One reform initiative under consideration is the formation of a special state district to take over low performing schools. This effort began nationally with the takeover of New Orleans' schools post hurricane Katrina and is underway in several other states, but has not proven to work. Studies of the programs show the results are mixed at best, and while some schools can point to higher test scores, they still remain behind the state's achievement average. In addition, recovery districts also face complaints that they are not responsive to parents and the schools are not prepared to enroll students with special needs. Turning around low performing schools must be a multi-strategy approach and not a one-size-fits-all solution.

History: adopted 2015; revised 2016

Tax reform/relief

SCSBA believes the state should conduct an immediate review of the property tax relief plan enacted in 2006 to determine necessary changes that support high quality public schools and preserve local districts' ability to meet their operational and school facility needs. Changes should include, but not be limited to:

- ensuring that local district funds are held harmless or replaced with a stable, predictable, funding source that will fully and equitably fund the public schools;
- amending the state constitution to increase the general obligation debt limit from eight to at least 12 percent; and,
- authorizing all boards of education to raise local revenue, to include levying a one percent sales and use tax for certain non-recurring educational purposes.

SCSBA opposes state-driven sales, residential and personal property tax relief without adequate study of, or provision for, replacement of locally-collected property taxes and consideration of implications at the local school district level. SCSBA supports sales tax exempt status for all local school districts. SCSBA believes that a review of components of the State's

tax structure, as well as any new tax relief measures, must be done in conjunction with comprehensive tax reform in South Carolina.

Rationale: With the passage of the Property Tax Relief Act (Act 388) in 2006, the General Assembly significantly impaired the ability of local school boards to raise operational millage. Act 388 removed owner-occupied homes from being taxed for school operations purposes and put in place a hard cap on a local board's ability to raise millage on the remaining classes of property. Locally-funded programs and community-driven school initiatives have suffered. It now becomes the Legislature's responsibility to provide every district the funding necessary to meet the operational and programmatic requirements in state law and at the local level. Districts need more funding tools to address operational and capital needs. The funding of technology, school construction or other special non-recurring needs for school districts is a continuing concern. Current funding options, i.e. referenda or budgeted operations costs, do not lend themselves to addressing this concern. Special legislation is needed to assist willing school communities in funding special needs. Article X of the South Carolina Constitution limits school districts' bonded debt to eight percent of the assessed valuation of property subject to taxation in the school district. In order to exceed the eight percent limit, a school district must hold a referendum. The eight percent limit became effective in 1982 and significantly affected a district's ability to sell bonds. SCSBA believes that at least 12 percent would give districts increased flexibility and reduce the need for many to go to referendum, which can be costly and time consuming. South Carolina's tax code over the years has become a disjointed, unbalanced structure that caters to special interests and is not supportive of local governments, including school districts. Comprehensive tax reform is long overdue.

History: adopted 2006; revised 2007, 2008, 2009, 2010, 2012, 2013, 2016

Teacher salaries

SCSBA believes in raising teacher pay to the national average for teacher salaries and establishing a salary structure that would be appropriate considering differentiated responsibilities so as to compensate teacher leaders in relation to skills and performance.

Rationale: In the state's quest to improve student achievement, we must not overlook the importance of qualified, effective teachers in every classroom. If South Carolina is serious about raising student

achievement, then a salary structure must be developed that is competitive with neighboring states and will allow us to hire and retain qualified teachers. A plan to compensate teachers on a differentiated scale according to responsibilities, skills and performance will allow districts to keep master teachers and teacher leaders in the classroom.

History: adopted 1999; revised 2002, 2009

Threats and assaults on school employees

SCSBA supports changing criminal laws so that anyone who commits assault and battery on a school employee faces penalties that are consistent with or greater than the penalties that apply for making threats to school employees.

Rationale: Currently, someone who threatens a government official (including school employees) with violence can be charged with a felony and receive a sentence of five years in prison or a \$5,000 fine (S.C. Code of Laws, Section 16-3-1040). However, that same individual could actually walk into a classroom and strike a teacher in front of a classroom of children and face only 30 days in jail for third degree assault and battery. A third law, which applies only to students enrolled in school (S.C. Code of Laws, Section 16-3-612), creates a third set of penalties for assaults on school employees that include one year in jail or a \$1,000 fine. It is obvious these laws are inconsistent, and changes in law are needed to ensure penalties for physical attacks on school employees by anyone must be as great as or greater than the penalties for making threats.

History: adopted 2010

Title I funding formula

SCSBA believes that Congress should take steps to ensure that federal Title I funds are distributed to school districts so that all eligible students receive an appropriate share of per pupil funding.

Rationale: Title I, as part of the Elementary and Secondary Education Act first passed in 1965, is the federal program that provides funding to local school districts to improve the academic achievement of disadvantaged students. SCSBA believes that there are unintended inequities in the formula used to distribute federal funds under Title I. For nearly a decade, some of the federal funds provided to local school districts under Title I have been distributed through "weighted" formulas.

History: adopted 2012

Tobacco, alcohol and drug-free school districts and school property

SCSBA believes school districts, schools, school property and school-related activities should be free from tobacco, electronic cigarettes, alcohol, anabolic/androgenic steroids, mind or behavior altering substances and all unauthorized drugs.

Rationale: SCSBA believes that students must have safe and supportive climates and learning environments that support their opportunities to learn and that are free of harmful substances including alcohol, tobacco, and other drugs including synthetic marijuana products and other herbal substitutes for marijuana. SCSBA believes school districts should ban synthetic marijuana products and other herbal substitutes for marijuana from district and school property. The General Assembly should take action to ban the sale and possession of synthetic marijuana products in South Carolina. Tobacco and smoking/second-hand smoke are hazardous to the health and well-being of our students, teachers and families.

History: adopted 2006; revised 2009, 2010, 2011, 2014

Tuition tax credits and vouchers

SCSBA strongly opposes state or federally-mandated efforts to directly or indirectly subsidize elementary or secondary private, religious or home schools with public funds.

Rationale: SCSBA believes that a strong public school system is the very bedrock of democracy and must not become viewed as a mere public service. Tuition tax credits, tax deductions or vouchers for private schools undermine the principles of public education by encouraging the enrollment of children in private schools and raise constitutional problems. The original tuition tax credit proposal Put Parents in Charge Act and various subsequent proposals represent a complete abandonment of South Carolina's public schools. Studies by SCSBA and the State Budget and Control Board prove schools are negatively impacted financially by the loss of state funds due to declining enrollment of students transferring to private schools. Tuition tax credits or vouchers divert public funds to private entities with absolutely no accountability. Over the past decade, several studies have recommended a state increase in funds for public schools. South Carolina cannot afford further erosion of the funds available for public schools.

History: adopted 1996; revised 1998, 1999, 2002, 2005, 2006, 2012, 2014