

# 2018 POLICY AND LEGISLATIVE UPDATE

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POLICY AND LEGISLATIVE UPDATE






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## Session Objectives

- Review highlights of 2018 SCSBA Policy and Legislative Update
- Recap major legislation and policy implications
- Review highlights of new regulations and court rulings

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"I wish a politician with no teaching experience would just come in and tell me how to teach," said no teacher ever.



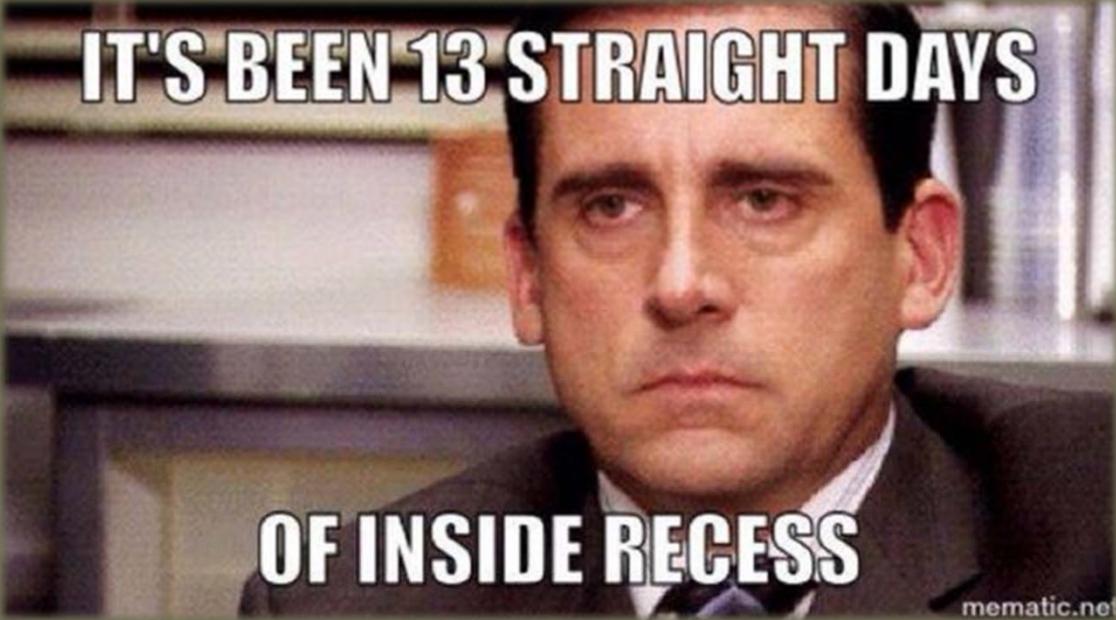
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**POLICY AND LEGISLATIVE UPDATE**

## 2018 Legislative Session

- Second year of the two-year session
- Down to the wire – June 28
- \$8.5 billion state budget
- 15, K12-related bills were enacted into law

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**IT'S BEEN 13 STRAIGHT DAYS**

**OF INSIDE RECESS**


mematic.net

## K-12 Funding Highlights

- \$60 increase in the Base Student Cost (BSC) from \$2,425 to \$2,485
- Starting teacher pay - \$30,000 to \$32,000, 1% teacher pay raise
- School buses - \$11.9 million plus \$19 million
- School safety - About \$15 million for school facility and infrastructure safety upgrades and \$2 million to hire School Resource Officers (SROs) for certain districts

## Provisos of Note


New definition for students in poverty



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## Provisos of Note

District consolidation of services



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## Provisos of Note

Community eligibility resolution



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"To show you how well I understand fractions,  
I only did half of my homework."

## School Board Legislation


Alcohol consumption near schools



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## School Board Legislation


Fire safety inspections and drills



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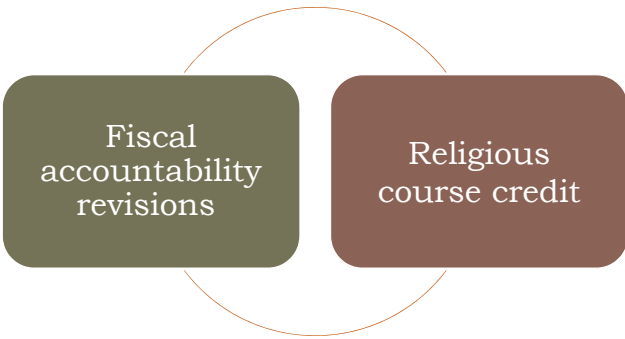
## School Board Legislation

Unused teacher leave pay



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## Honorable Mentions



Fiscal accountability revisions

Religious course credit




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# NOTICE

Due to the  
current work load  
the light at the  
end of the tunnel  
will be turned off  
until further  
notice.

The Management






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## Instructional Legislation

Dyslexia and other screenings



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## Instructional Legislation

Marching band as PE credit  
&  
opioid instruction

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"I think my grandpa's pretty old. He can do math in his head."

## Other Legislation


State superintendent  
referendum & qualifications



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## Other Legislation

Pregnancy Accommodations Act



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## Honorable Mentions

Exceptional needs tuition tax credits

Raffles

Retired educator certification




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## Regulation to Note

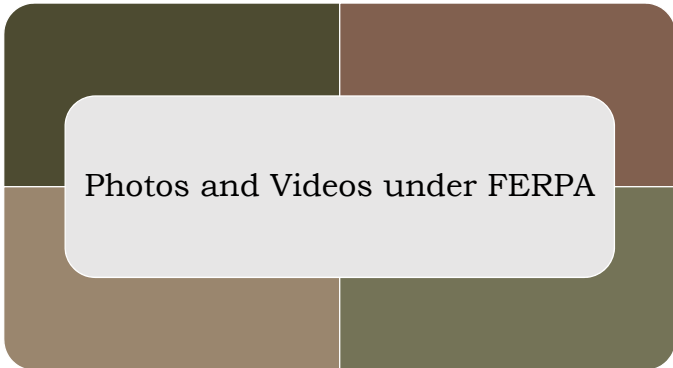


Employability Credential



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## Helpful Federal Guidance



Photos and Videos under FERPA

<https://studentprivacy.ed.gov/faq/faqs-photos-and-videos-under-ferpa>

## Critical Cases to Mention

*Lund v. Rowan County, NC, 863 F.3d 268 (4th Cir. 2017).*

- The court determined there was a stark contrast between the County Board's practice of praying themselves and the inclusive, minister-oriented prayer practice in Town of Greece. The court relied on several factors in making its decision, including that the Board members were a closed-universe of prayer givers who provided no method to diversify prayer content; that the prayers were "persistently and relentlessly" linked only to evangelical Christianity; and that the Board members sought public involvement in the prayer practice by asking them to stand or bow their heads. Additionally, the court felt that the intimate setting of a Board meeting and the Board's dual role of handling both legislative and adjudicative business increased the likelihood that members of the public would feel pressure to participate in the prayer to avoid community and/or Board disapproval.

## Critical Cases to Mention

*Kenny v. Wilson, 885 F.3d 280 (4th Cir. 2018)*

A group of former and current SC students and a nonprofit organization filed a class action suit against the state and local law enforcement alleging the Disturbing Schools and the Disorderly Conduct laws are unconstitutionally vague.

The students claim that both statutes criminalize behavior that is indistinguishable from typical juvenile behavior. Criminal charges under the two statutes are among the leading reasons young people enter the juvenile justice system in SC.

Between 2010 and 2016, over 9,500 young people in SC were referred to the Department of Juvenile Justice under the Disturbing Schools Law, a statistic that excludes those students 17 and older who are charged and prosecuted as adults.

The students allege that the statutes are enforced in a discriminatory manner, leaving racial minorities and students with disabilities especially vulnerable. In 2014-2015, black students were nearly four times as likely to be charged under the statute compared to their white classmates.

## Critical Cases to Mention

*Kenny v. Wilson*,  
885 F.3d 280  
(4th Cir. 2018)

The court held that a credible threat exists that the statutes will be enforced against the students.

The statutes failed to place the students on notice of the specific behaviors for which they could be criminally charged in violation of their Fourteenth Amendment right to due process.

The statutes limited their ability to freely engage in expressive conduct necessary to fully participate in a school environment in violation of their First Amendment right to freedom of expression.

## Critical Cases to Mention

*Abbeville v. State*,  
410 S.C. 619 (2014)

In November of 2017, the Court voted 3-2 to end the case.





# Minimally Adequate

