



POLICY & LEGISLATIVE UPDATE

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30-Minute Unencumbered Break for Teachers

Effective date: May 16, 2022

Lawmakers passed legislation giving elementary and special education teachers 30 minutes of free time during the school day through policies adopted by the State Board of Education and local school boards.

Statewide Policy

The State Board of Education (SBE) is directed to adopt and periodically revise, as necessary, a statewide policy requiring elementary school principals to provide at least 30 minutes of unencumbered time to full-time, K-5 teachers. The policy must also require all principals to provide the same break to any teacher responsible for instructing a special education class for more than 20 percent of the school day with students who are removed from the general education setting. The statewide policy must also include the following provisions:

- a process for local school boards, within three months after the adoption of the SBE statewide policy, to develop an unencumbered time policy, which includes policy application, manner of application, and times of application
- defines unencumbered time as at least 30 minutes without any assigned duties or responsibilities
- prohibits schools from withholding or reducing the break time or the use of additional compensation in place of unencumbered time unless it is “reasonable and necessary due to extreme and unavoidable circumstances to ensure the safety and welfare of students and staff”
- provides penalties if a principal fails to comply with the local policy
- provides penalties if a local school board fails to comply

Local School Board Policy

Local school boards are required to adopt an unencumbered time policy at a regularly scheduled meeting that includes, at a minimum, the SBE statewide policy but may also include additional provisions. The local board policy must also be updated to reflect any changes made by the SBE to the statewide policy. This policy must be adopted within three months of the SBE changes.

The local board unencumbered time policy and any subsequent revisions must be submitted to the South Carolina Department of Education within 30 days of adoption.

Implementation Deadline

The legislation states the provisions of the Act must be completely implemented before July 1, 2023.



Child DNA and Fingerprint Kits

Effective date: May 16, 2022

Public schools and open-enrollment charter schools will distribute inkless, in-home fingerprint and DNA identification kits under legislation passed this session. These identification kits can be submitted to law enforcement to help locate and return a missing or trafficked child.

The South Carolina Department of Education is directed to supply the identification kits to all public school districts, which are to be provided, upon request, to parents or legal custodians of elementary, middle, or high school students.

The General Assembly must appropriate funding for the kits.



Coordinating Council for Workforce Development

Effective date: May 16, 2022

Lawmakers gave the green light to changes regarding the membership and responsibilities of the state Coordinating Council for Workforce Development. The council is comprised of members representing K-12 education, higher education, business communities, and industry professionals. One of the changes includes expanding membership to a superintendent, school counselor, and a career and technology education director appointed by the State Superintendent. The South Carolina Department of Education is directed to provide staff for the council.

The committee is directed to develop a plan to ensure K-12 students are better prepared for success in postsecondary education and the state's workforce.



COVID-19 Vaccine Mandate Restriction

Effective date: April 25, 2022

Lawmakers moved to pass legislation prohibiting state and local governments, including school districts, from imposing COVID-19 vaccine mandates as a condition of employment or attendance. Specifically, school districts cannot require COVID-19 vaccines of:

- an employee, independent contractor, or nonemployee vendor as a condition of employment
- a student as a condition of attendance
- a participant, volunteer, or other person associated with an auxiliary event, activity, or program as a condition for participating in, volunteering for, or associating with the auxiliary event, activity, or program

The legislation specifies that nothing prevents employers from encouraging, promoting, or administering vaccinations - or from offering incentives to employees who elect to be vaccinated.

Mandates Tied to Federal Funding

If the federal government imposes a COVID-19 vaccine requirement for employees, independent contractors, or nonemployee vendors as a requirement to receive federal funding, then school districts are directed as follows:

- If the federal mandate allows testing as an alternative to vaccination, the district may require unvaccinated employees to undergo weekly COVID-19 testing. Districts may partner with the Department of Health and Environmental Control and the Medical University of South Carolina to provide testing.
- If the federal mandate provides no alternatives to vaccination, the terminated employee is eligible for unemployment benefits.

Broader Exemptions

The legislation provides religious and medical exemptions regarding mandating any COVID-19 vaccine or booster requirements.

- Medical exemptions include the presence of antibodies, a prior positive COVID-19 test, or pregnancy. However, it is unclear exactly what an employee must present to their employer to secure this medical exemption.
- To claim a religious exemption, a person must provide their employer with a “short, plain statement” attesting that receiving the COVID-19 vaccine and booster would violate a tenet of the person’s deeply held religious convictions.



Reenactment of Act 99 of 2021

The new law reinstates provisions in Act 99 of 2021, which enacted the South Carolina COVID-19 Liability Immunity Act. The Act, which is good for 180 days after the last COVID-19 state of emergency was lifted, provides immunity from liability for employers that reasonably adhere to public health guidance applicable at the time the conduct giving rise to a coronavirus claim occurs.

Provisions of the Act remain in effect until December 3, 2023, unless extended by the General Assembly.



Display of Mottos, Flags, and Presentations by Patriotic Societies in Schools

Effective date: July 1, 2023

Lawmakers added new requirements for schools aimed at increasing patriotic awareness and civic involvement by displaying national and state mottos, flags, and providing access to students by certain organizations.

Display of Mottos and Flags in Schools

Every public school, including state special schools and charter schools, and any private school that receives any public funding are directed to display the following depictions in a prominent place by January 1, 2023:

- the official United States motto, “In God We Trust”
- the official South Carolina motto, “Dum Spiro Spero”, and its translation, “While I breathe, I hope”
- the other South Carolina motto, “Animis Opibusque Parati”, and its translation, “Prepared in Mind and Resources”
- an accurate representation of the United States flag
- an accurate representation of the South Carolina state flag

Observances and Presentations by Youth Patriotic Societies

The State Superintendent of Education is directed to require schools to observe Patriot Day (September 11th), the week of Constitution Day (September 17th), and Patriotism Week (the week that includes November 11th) by holding appropriate ceremonies, events, and assemblies, in addition to developing appropriate curricula. A school can observe Constitution Day and Patriot Day during a single event.

During these observances, schools must provide time for youth patriotic societies to present information to students during the school day. In order to present at these events, representatives of youth patriotic societies must make a request to the principal 30 days before the event. The principal must provide verbal or written approval indicating the specific date, time, and location for the organization to address the students. Schools are required to allocate equal time for each organization and must allow the presenters to speak with students for at least 10 minutes, however, schools are not required to allocate more than 30 minutes.



Do Not Resuscitate Orders for Minors

Effective date: March 14, 2022

This year, the General Assembly made changes to the Do Not Resuscitate eligibility requirements in S.C. Code 44-78-50. Previous language provided that no person under the age of eighteen years might ‘request or receive’ a DNR order for emergency medical services. The amended statute no longer prohibits minors from receiving DNR orders for emergency medical services.



Educator Preparation Report Card

Effective date: May 16, 2022

Lawmakers took steps to begin evaluating the ability of educator preparation programs, including alternative programs, to prepare new teachers for success in South Carolina's classrooms. The South Carolina Commission on Higher Education, with the assistance of the South Carolina Department of Education (SCDE), State Board of Education, the Center for Research on Teacher Education, and the Revenue and Fiscal Affairs Office will form a commission to conduct a detailed assessment of existing data and data that should be compiled for teacher preparation programs that can be used to annually publish, before November 1st, an online report card known as the South Carolina Educator Preparation Report Card. The report card must include data on a variety of measures to provide an overall picture of how well each educator preparation program prepares effective educators to include, but not limited to, the following:

- number of undergraduate and graduate completers
- placement and one-, three-, and five-year retention rates by districts and regions
- performance-based assessments of candidates
- ability of program to recruit a strong, diverse cohort of candidates and prepare them to teach in the content areas of greatest need
- quality of clinical experiences, including access to qualified and trained mentors, time in the field, and opportunities to apply knowledge and skills in the clinical setting
- effectiveness of individuals who completed a provider's program and are employed in a public school classroom. (The information must be differentiated by provider and, where applicable, across content areas.)
- graduate and employer satisfaction

Program Graduate Data

The SCDE is directed to annually provide each college of education and state-approved educator preparation program with information regarding its graduates before December 1st. Information must include, but is not limited to, the following:

- linking teacher candidates from each program with valid, reliable, nationally normed performance assessments that are data and evidence based and can assess teaching effectiveness
- results of their evaluation
- records of employee certification by individual educator graduate
- other information requested by the programs designed to enhance the ability of the college of education or educator preparation program to provide improved education services

Teacher preparation programs receiving individualized information regarding its graduates are directed to do the following:

- develop and use a unique system for identifying each individual educator graduate for whom it receives such individualized information



- strictly maintain the confidentiality of all information that can be used to identify an individual
- not share such information with a third party without the express written consent of the educator

The legislation specifies information provided to an educator preparation program is not subject to the provisions of the Freedom of Information Act.

Mobile Optometry Services for Title One Schools

Effective date: May 13, 2022

A year after lawmakers approved mobile optometry units to provide eyecare for low-income students, lawmakers had to make changes to address concerns raised by optometrists about some of the procedures being used by the mobile units. The original legislation passed in 2021 was created to allow a national non-profit organization to provide free prescription glasses to low-income students with mobile optometry clinics. However, some in-state optometrists have expressed concerns about prescribing glasses to children without dilating the eyes. They say dilation is necessary to determine the level of prescription needed. The non-profit is prohibited from dilating a student's eyes, which would impair their vision for several hours during the school day.

Under the amended law, a licensed optometrist providing services through a mobile unit is not subject to disciplinary action on the sole basis of prescribing eyeglasses without dilating the patient's eyes if the operator of the mobile unit is a not-for-profit organization providing services on site at a Title One public school. The optometrist practicing in the mobile unit is directed to do the following:

- provide an appropriate eye examination prior to diagnosing, treating, and/or prescribing eyeglasses to the patient
- when dilation is not necessary, employ technology that is sufficient to accurately study the health of the eye in order to prescribe eyeglasses to the patient, provided that the prescription is not based solely on the refractive eye error of the human eye or is generated by a kiosk
- decline to prescribe eyeglasses to the patient and provide a referral to another licensed optometrist or ophthalmologist for follow-up care if the eye examination reveals that a more comprehensive examination is necessary prior to prescribing eyeglasses

Operational requirements of mobile clinics were also added to include, requiring parent or guardian consent for any services provided to minors. At the conclusion of services, each patient and the school (if the parent or guardian has provided consent to a school to assist in the patient's health records) is to be provided with a copy of an information sheet that must include the following:

- pertinent contact information
- the name of the optometrist, optician, and other staff who provided services and their license numbers, if applicable
- a description of the treatment rendered
- a description of any optometric needs diagnosed during the optometrist's examination
- a recommendation that the patient see another optometrist if the mobile unit is unable to provide the follow-up treatment



School Meal Debt Collections

Effective date: May 16, 2022

On May 16, 2022, Governor Henry McMaster signed into law legislation regarding student meal debt collections which will be effective for the 2022-2023 school year and provides the following:

A public school or public school district, including a charter school or charter school governing body, **may not**:

- Use a debt collection agency to collect or attempt to collect, directly or indirectly, debts due or assessed to be owed for outstanding debts on a school lunch or breakfast account of a student
- Assess or collect any interest, fees, or other such monetary penalties for outstanding debts on student school lunch or breakfast accounts

For purposes of this section, “debt collection agency” means any person or entity that collects or attempts to collect, directly or indirectly, debts due or asserted to be owed or due another. “Debt collection agency” does not include the South Carolina Department of Revenue or the programs they administer or a public school, public school district, charter school, or charter school governing body. The provisions of the act apply to debts on student lunch and breakfast accounts outstanding on the effective date of this act and incurred thereafter.

Additionally, as a reminder to school districts, Proviso 1.76 (SDE: Student Meals), which requires districts to identify students in poverty and increase access to free school meals for those students, will remain in effect for the 2023-2024 school year.



Removal of School Board Members

Effective date: April 25, 2022

After passing legislation in 2021 to remove entire school boards in school districts declared to be in a state of education emergency, lawmakers passed legislation this year to address the removal of individual board members for cause. The new law authorizes the Governor to remove school board members under certain conditions. It mirrors much of existing law regarding the removal of all other locally elected officials, including city councils, county councils, sheriffs, etc. The new law also replaces an old law that authorized County Boards of Education as having the power to remove school district board members. Only two counties in the state have a County Board of Education – Anderson County and Dillon County.

Criteria for Removal

Under the new law, school board members can be removed for willfully committing or engaging in an act of the following:

- malfeasance
- misfeasance
- chronic unexcused absenteeism
- conflicts of interest
- misconduct in office
- persistent neglect of duty in office
- deemed medically incompetent or medically incapacitated

Due Process

Before removing a board member, the Governor is directed to inform the member in writing of the specific charges brought against them and give them an opportunity on reasonable notice to be heard.

Filling Vacancies

The law states that vacancies as a result of the removal of a member by the Governor will be filled for the unexpired term in the same manner as provided for full-term appointments.



Save Women's Sports Act

Effective date: May 16, 2022

The "Save Women's Sports Act" was passed this legislative session. This act states that a student's biological sex on their official birth certificate filed at or near the time of their birth, is the sex that will be used when participating in gender-based school sports teams.

Sports teams designated for males, men, or boys shall not be open to students of the female sex, and sports teams designated for females, women, or girls shall not be open to students of the male sex. There is no exception to this, unless there is no team offered for females in a sport at the school in which the student is enrolled.

The act also addresses wrestling teams for female students by stating that public school districts are prohibited from using public funds towards membership in an athletic association unless the association recognizes and regulates an interscholastic competition of wrestling teams composed exclusively of female students.

This act also applies to a private school with an athletic team or sport that competes against a public school.

Legal Remedies

A student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of this act may initiate a cause of action against the school or postsecondary institution. A student may also initiate a cause of action if they were subject to retaliation or other adverse action by a school, postsecondary institution, or athletic association as a result of reporting a violation of this act.

If a school or postsecondary institution suffers any direct or indirect harm as a result of a violation of this act, it may initiate a cause of action against the governmental entity, licensing or accreditation organization, or athletic association.

Any action arising as a result of a violation is subject to the South Carolina Tort Claims Act.



S.C. Joint Committee on Children

Effective date: March 14, 2022

Lawmakers repealed a “sunset clause” that would end the S.C. Joint Citizens and Legislative Committee on Children. The committee includes appointed citizens, legislators, and agency directors who are charged with identifying and studying key issues, including K-12 education issues facing South Carolina children, and making policy recommendations to the Governor and the General Assembly. The committee was scheduled to terminate effective December 31, 2023. The legislation reauthorizes the committee through December 31, 2030.

The directors of the Department of Alcohol and Other Drug Abuse Services, the Department of Health and Environmental Control, the Department of Health and Human Services, and the Office of South Carolina First Steps to School Readiness were added to serve as nonvoting members of the committee.



Sign Language Interpreters Act

Effective date: January 1, 2024

Lawmakers moved to pass legislation that now requires sign language interpreters working in public schools and school districts to submit to the same background checks as educators.

State Inspector General Investigations

Effective date: June 17, 2022

Lawmakers expanded additional oversight of local school districts to the Governor, State Superintendent of Education, and themselves with passage of a bill that was fast tracked in the final days of the regular session.

Act 223 authorizes the State Inspector General to investigate a public school, public school district, public charter school, public charter school authorizer, or South Carolina High School League if requested by:

- the Governor
- the State Superintendent
- a majority (weighted vote) of the local legislative delegation of the county in which the school, district, or entity is located

In order to request an investigation, a written request stating the basis of any alleged wrongdoing must be submitted to the Office of the Inspector General (OIG). The OIG is directed to provide reports to the State Superintendent of Education, the legislative delegation, and the chair of the local board of trustees or the chair of the charter school authorizer. Any investigation information is to remain confidential for a period of no more than 10 days after any report from the OIG is finalized and published.

The OIG is directed to annually report to the General Assembly by December 31st the number of investigation requests by individuals or entities and the status of those requests.





Local Law Report

Below is an alphabetized list of local laws that passed this legislative session. Please check the legislative website at www.scstatehouse.gov for the most recent status and for more details on each bill or contact [Debbie Elmore](#) at SCSBA.

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| (Act. 247, R.190, S.1263) | Reapportions the election districts for the Abbeville County School District Board of Trustees beginning with the 2022 general election. Provides the revised demographic information based on the recent U.S. Census data and updates archaic language and the map number on which these elections are delineated. |
| (Act. 249, R.148, H.5098) | Amends the law consolidating two school districts into the Bamberg County School District on July 1, 2022, to provide for the dissolution of the two districts' boards of trustees if the election/appointments of the consolidated district board of trustees results in the loss of a quorum on the two school districts' boards of trustees. |
| (Act. 250, R.139, S.1157) | Amends the law consolidating two school districts into the Barnwell County Consolidated School District by authorizing the local legislative delegation to reappoint any board member of the two school districts whose term ends prior to the consolidation to continue serving until the consolidation is effective July 1, 2022. |
| (Act. 264, R.272, S.1299) | Reapportions the seven single-member election districts for the Barnwell County Consolidated School District Board of Trustees beginning with the 2022 general election. Provides the revised demographic information based on the recent U.S. Census data and updates the map number on which these elections are delineated. |



(Act. 251, R.177, S.910)

Changes the composition of members on the **Berkeley County School District** Board of Education through a phased-in approach. Eight members of the nine-member board will be elected from single-member districts that are coterminous with the Berkeley County Council single-member districts, and one member will be elected at-large. Beginning with the 2022 general election, candidates winning the seats for election districts 2, 4, 6, and 8 will be elected for four-year terms, and candidates winning seats for election districts 1, 3, 5, and 7 will be elected for two-year terms initially. The chairman of the board will serve as the at-large member from 2022 until the 2024 general election. In the 2024 general election, the candidate winning the at-large seat and candidates winning the election districts 1, 3, 5, and 7 will be elected to serve a four-year term. The board will elect from among its members one person to serve as chair for a one-year term, provided that no chairman is eligible to serve more than two consecutive terms. The board will appoint the superintendent who is not a member of the board. Finally, a vacancy occurring on the board will be filled by special election for the unexpired term.

(Act. 252, R.193, S.1271)

Reapportions the election districts for the **Cherokee County School District** Board of Trustees beginning with the 2022 general election. Provides the revised demographic information based on the recent U.S. Census data and updates the map number on which these elections are delineated.

(Act. 265, R.192, S.1270)

Reapportions the single-member election districts for the **Clover School District 2 (York County)** Board of Trustees beginning with the 2022 general election. Provides the revised demographic information based on the recent U.S. Census data, removes archaic language, and updates the map number on which these elections are delineated.

(Act. 253, R.262, S.1235)

Reapportions the seven single-member election districts for the **Colleton County School District** Board of Trustees beginning with the 2022 general election. Provides the revised demographic information based on the recent U.S. Census data and updates the map number on which these elections are delineated.

(Act. 254, R.128, S.912)	Suspends the cash reserves cap of 15 percent of the total operating budget that must be maintained by Dorchester School District Four for fiscal year 2021-2022. The cash reserves may consist of state and federal funds allocated to the district.
(Act. 255, R.194, S.1292)	Reapportions the seven single-member election districts for the Fairfield County School District Board of Trustees beginning with the 2022 general election to be coterminous with the Fairfield County Council election districts.
(Act. 256, R.233, H.5339)	Provides a process for the mandatory consolidation of Florence County School District Four into Florence County School District One by July 1, 2022, pursuant to the State Superintendent of Education’s emergency declaration. Beginning July 1, 2022, the consolidated district will be governed initially by a nine-member board of trustees appointed by a majority of the Florence County Legislative Delegation. Beginning with the 2022 general election, four trustees must be elected in nonpartisan, single-member district elections (districts 4, 6, 8, and 9) to serve four-year terms. In the 2024 general election, five trustees must be elected in nonpartisan single-member district elections (districts 1, 2, 3, 5, and 7) to serve four-year terms. The lines of the election districts are redrawn to incorporate the Florence County School District Four areas. Elected trustees are to take office one week following certification of their election. Members of the board are to elect a chairman and other officers they consider necessary to serve terms that are coterminous with terms of office. Any outstanding debt that was the responsibility of Florence County School District One before July 1, 2022, shall remain attributable to and the responsibility of Florence County School District One as it existed prior to July 1, 2022.
(Act. 257, R.163, H.5159)	Reapportions the election districts for the School District of Greenville County Board of Trustees beginning with the 2022 general election. Provides the revised demographic information based on the recent U.S. Census data and updates the map number on which these elections are delineated.



(Act. 258, R.127, S.862)

Amends the law consolidating the **Hampton County School District** to establish the process for determining the annual millage rates for 2022, 2023, and 2024 and vests the consolidated school district board of trustees with total fiscal autonomy beginning in 2025. The board may raise its millage by no more than two mills over that levied in the previous year and may increase more if approved by a majority of voters in the district. Further, any state or federal funds allocated to the two school districts and the consolidated district prior to consolidation must be deposited in the account of the consolidated district without the use of another fiscal agent.

(Act. 259, R.191, S.1264)

Reapportions the seven single-member election districts for the **Hampton County School District** Board of Trustees beginning with the 2022 general election. Provides the revised demographic information based on the recent U.S. Census data and updates the map number on which these elections are delineated.

(Act. 260, R.122, S.948)

A joint resolution to move the 2022 election for the **Marion County School District** Board of Trustees from April 12, 2022, to May 10, 2022. Candidates must file with the county elections office at least 60 days before the election.

(Act. 261, R.154, S.1220)

Reapportions the single-member election districts for the **School District of Pickens County** Board of Trustees beginning with the 2022 general election. Provides the revised demographic information based on the recent U.S. Census data and updates the map number on which these elections are delineated.

(Act. 262, R.231, H.5288)

Reapportions the nine single-member election districts for the **Sumter School District** Board of Trustees beginning with the 2022 general election. The five members who receive the five highest vote totals in the 2022 election will serve a four-year term. The four members who receive the four lowest vote totals shall serve an initial two-year term until 2024, when the successors will serve a four-year term. Provides the revised demographic information based on the recent U.S. Census data and updates the map number on which these elections are delineated.



(Act. 263, R.120, S.836)

Union County School District is required to observe Memorial Day as a legal holiday. All district schools and offices are to be closed and must not be used as an instructional day or teacher workday. Students must not be required to attend school either in person or virtually.

(Act. 264, R.272, S.1299)

Reapportions the nine single-member election districts for the **Union County School District** Board of Trustees beginning with the 2022 general election. Provides the revised demographic information based on the recent U.S. Census data and updates the map number on which these elections are delineated.





Temporary Provisos

Effective date: July 1, 2022

There were several new temporary provisos enacted this year, as well as others that were carried over from previous years and amended or deleted. Because they are temporary, budget provisos must be revisited each year. What follows is a summary of amended continuing provisos of note, new provisos of note, and deleted provisos of note by the General Assembly. A complete listing of the provisos and the full text of each can be found [here](#).

There is one continuing proviso that has policy implications. As in past years, if school districts have suspended the driver education course, SCSBA will update the legal reference in policy IHAN (Driver Training) to reflect the current proviso upon request.

Amended Continuing Provisos

1.3 (SCDE: State Aid to Classrooms)

Formerly known as the EFA/Base Student Cost, this proviso was amended to delete all references to the Education Finance Act (EFA) Formula/Base Student Cost Inflation Factor and replaced with language appropriating state funding through a new formula as State Aid to Classrooms. The amount of state aid for the 2022-2023 school year is based on 75 percent of the total cost of funding one teacher salary for every 11.2 students. The salary cost used to determine the amount of funding required for the state effort is based on that of a teacher having a master's degree and 12 years of experience, which equates to \$52,604 on the statewide minimum salary schedule for the current fiscal year and including fringe benefits is \$69,153.

The total Aid to Classrooms funding for each district is calculated based on the district's percentage of the total statewide weighted pupils multiplied by the total Aid to Classrooms program. The district's local share is calculated by multiplying the total local share by the district's imputed index of taxpaying ability, which is the district's relative fiscal capacity compared to that of all other districts in the State. The State Aid to Classrooms amount allocated to each district will be determined by subtracting the calculation of the district's local share from the calculation of the district's total Aid to Classrooms projected funding.

Funding for that state's charter school district and authorizers and charter schools were also rolled up into the State Aid to Classrooms proviso, as well as rolling up funding Education Improvement Act (EIA) Aid to Districts, EIA Students at Risk of School Failure, EIA Teacher Salaries, EIA Employer Contributions, and EIA Charter Schools. Weights for students were amended to decrease the Pre-career and Career Technology weighting from 1.29 to 1.20, Pupils in Poverty from .20 to .50, and delete the Dual Credit Enrollment weighting.



1.79 (SDE: Teacher Salaries/SE Average)

The \$4,000 increase to the state minimum teacher salary schedule increased the projected Southeastern average teacher salary from \$53,426 to \$55,898. Also, the requirement that school districts maintain local salary supplements per teacher no less than their prior fiscal year is suspended.

1.86 (SDE: Formative Assessment Data)

This proviso was amended from all students in first through ninth grade to first through eighth grade only. For the 2022-2023 school year, districts must ensure all students in first through eighth grades are assessed using a state approved interim assessment tool during the fall, winter, and spring. Districts will provide all 2021-2022 and 2022-2023 interim and formative assessment data scores by grade and school to the South Carolina Department of Education (SCDE).

1.92 (SDE: Capital Funding for Disadvantaged Schools)

For the current fiscal year, the legislature has appropriated up to \$25 million to be made available to a school district that is consolidating with another school district for costs directly related to consolidation (see proviso language). Eligible districts must submit a preliminary plan and timeline for pursuing consolidation and using the funds by August 1, 2022.

For the current fiscal year, the eligibility is not limited by the size of the district or the Tier under Section 12-6-3360(B). In addition, the requirement that the consolidating districts be “located in the same county” has been deleted.

Documentation of local board approval for consolidation will be accepted through **August 31, 2022**. The proviso contemplates a fuller, “final” plan after August 1 that is submitted to and approved by the SCDE. Upon the SCDE’s approval, a preliminary allocation of funding may be released. After local legislation has been enacted, the remainder of the allocated consolidation funding may be released. The size of awards for 2022-2023 will depend upon the number of eligible applications and the discretion of the State Superintendent.

1A.9 (SDE-ELA: Teacher Supplies)

Lawmakers increased funding to \$2.2 million that provided funding to certified and non-certified public school teachers, certified special school classroom teachers, certified media specialists, certified guidance counselors, and career specialists who are employed by a school district, a charter school, or lead teachers employed in a publicly funded full day 4K classroom for teacher supplies. This increases the amount provided to eligible teachers from \$275 to \$300.



Remaining Provisos (in Effect for the 2022-2023 School Year)

1.40 (SCDE: High School Driver Education)

This continuing proviso suspends the requirement for high schools to provide a driver education course and remains unchanged. High schools may continue to offer driver education courses if they choose to do so.

1.91 (SDE: Public School Virtual Program Funding)

For fiscal year 2022-2023, districts will be permitted to offer a virtual education program for up to five percent of their student population based on the most recent 135 days ADM count without impacting any state funding. The SCDE will establish guidelines for the virtual program and parameters students must meet in order to participate in the virtual program. Districts must submit their plans for the virtual program to the SBE for approval. Districts offering a virtual program must also report their ADM counts for students participating in their virtual program and the number of students participating face to face for the 5th, 45th, 90th, and 135th day to the SCDE. The five percent threshold will not apply to students whose IEP or 504 status requires their participation in a program administered in a virtual format. If a district was approved by the SBE to offer a virtual education program for the 2021-2022 school year and plans to continue offering a virtual education program, they do not need to seek approval again but should submit the appropriate form to the office of virtual education.

1.93 (SDE: Partnership Curriculum)

For the current fiscal year, of the funds allocated to any district by the SCDE, no monies are to be used by any district or school to provide instruction in, to teach, instruct, or train any administrator, teacher, staff member, or employee to adopt or believe, or to approve for use, make use of, or carry out standards, curricula, lesson plans, textbooks, instructional materials, or instructional practices that serve to inculcate any of the following concepts:

- One race or sex is inherently superior to another race or sex
- An individual, by virtue of his race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously
- An individual should be discriminated against or receive adverse treatment solely or partly because of his race or sex
- An individual's moral standing or worth is necessarily determined by his race or sex
- An individual, by virtue of his race or sex, bears responsibility for actions committed in the past by other members of the same race or sex
- An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his race or sex
- Meritocracy or traits such as a hard work ethic are racist or sexist, or were created by members of a particular race to oppress members of another race
- Fault, blame, or bias should be assigned to a race or sex, or to members of a race or sex because of their race or sex



Nothing contained in this proviso will be construed as prohibiting any professional development training for teachers related to issues of addressing unconscious bias within the context of teaching certain literary or historical concepts or issues related to the impacts of historical or past discriminatory practices.

1.94 (SDE: Retired Teacher Salary Negotiation)

Using funds appropriated for State Aid to Classrooms, districts may uniformly negotiate salaries below the district salary schedule when hiring retired teachers for the 2022-2023 school year.

1A.69 (SDE-EIA: Kindergarten Start Dates)

A district superintendent or charter school authorizer may request the SCDE to waive the minimum 180-day school attendance requirement for kindergarten students for the purpose of scheduling a readiness assessment. Upon approval of the waiver request, the approved school may stagger administration of the readiness assessment to the kindergarten students during the first five days of the academic year.

New Provisos

1.101 (SDE: Graduation Requirements)

The SCDE, through the State Board of Education (SBE), is directed to promulgate regulations to update the current graduation requirements to include within the existing credits a required half credit in personal finance. SCDE must submit the proposed regulation to SBE for first reading by September 30, 2022.

1.102 (SDE: Charter School Management Organizations)

This proviso prohibits a person who is paid or employed by an Education Management Organization (EMO) or a Charter Management Organization (CMO) from serving on the board of any charter school sponsored by a public school district, the South Carolina Public Charter School District, or a public or independent institution of higher learning if the EMO or CMO is contracted to provide any services to the charter school. Any school violating this provision will have 50 percent of its state funding withheld until it becomes compliant. Also, a person paid or employed by an EMO or CMO is prohibited from serving on the board of any authorizer's board of a public school district, the South Carolina Public Charter School District, or a public or independent institution of higher learning. Any authorizing board violating this provision will have 50 percent of its state funds retained for operations withheld until the authorizer and its board becomes compliant.

1.106 (SDE: Education Data Dashboard)

This proviso directs the S.C. Education Oversight Committee to pilot an Education Data Dashboard. The data dashboard must interface with existing systems to provide school districts, schools, policymakers, families, and the public with meaningful information on school district, school, and system progress. The Education Data Dashboard would use existing data to document educational attainment and growth as well as financial expenditures of state, local, and federal funds. The SCDE and districts will provide accountability and financial data as requested for the dashboard.

1.108 (SDE: Teaching Transformation Pilot Program)

This proviso allocates \$1 million to the University of South Carolina for the design and implementation of a pilot program to reinvent and transform the state's teaching profession. The pilot program is to support at least three diverse school districts, which can include a minimum of one, with a maximum of two, large urban districts and a minimum of two, with a maximum of four, rural districts. The goals of the pilot program are to diversify the educator workforce, address teacher shortages through innovations in educator development, and accelerate student learning and systems of whole child education.

1.109 (SDE: Base Student Cost/EFA)

This proviso was added to make references to the Base Student Cost and EFA for reimbursement purposes for other entities to clarify that it is to have the same meaning as in the previous fiscal year. For Fiscal Year 2022-2023, references to the Base Student Cost and EFA for withholding purposes means a withholding of State Aid to Classrooms. Finally, it directs the SCDE to make recommendations in their annual budget request for any changes to Base Student Cost or EFA references in the annual appropriations act.

1.113 (SDE: Surplus Property)

A 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 on or before July 1, 2022. A list of properties that qualify under this provision must be published on the district website by September 15, 2022. A district will comply with the requirements of this provision by transferring such property to another governmental subdivision or state agency that has provided written confirmation of an intent to accept the property for public use by December 31, 2022. Any governmental subdivision or state agency providing such written confirmation must comply with all related requirements prior to accepting property transferred pursuant to this provision. If no governmental subdivision or state agency confirms an intent to accept the property, the district will offer the property for sale or lease at fair market value as determined by a neutral appraiser and in compliance with law.

1.116 (SDE: Competency-Based Education)

In the current fiscal year, districts seeking to implement competency-based education may submit a waiver application to the SBE in a format developed by the SCDE. For the purposes of this proviso, competency-based education refers to a comprehensive learning approach for a student to master competencies and related standards along with a personalized, self-paced, and flexible pathway. The SCDE will create evaluation criteria and guidelines for schools operating under a waiver pursuant to this proviso. Additional information on implementation will be forthcoming.

1.97 (SDE: Magnet School Athletics)

From funds authorized or appropriated, a public magnet school that 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 school in which the student is enrolled, provided the student meets all age and academic requirements for participation. Athletic competition classification is addressed, as well as prohibitions on public school districts receiving funds authorized or appropriated from expending any funds under certain conditions. This proviso will not limit the ability of any magnet school student, provided the student meets all age and eligibility requirements, to otherwise elect to participate in sub-varsity or varsity athletics at the school's zoned or resident school.

1A.69 (SDE EIA: Kindergarten Start Dates)

This proviso states a district superintendent or charter school authorizer may submit a request to the SCDE to waive the minimum 180-day school attendance requirement for kindergarten students for the purpose of scheduling a readiness assessment. Upon approval of the waiver request, the approved school may stagger administering the readiness assessment to kindergarten students during the first five days of the academic year.

Should a school district choose to administer the kindergarten readiness assessment on a staggered schedule, the superintendent is asked to complete the appropriate form. If approved, the minimum 180-day attendance requirement is waived only for kindergarten students. Approval from the SCDE must be granted prior to the district's start date for 2022-2023.

1A.71 (SDE EIA: National Board Certification Incentive)

This is a new proviso to clarify recent changes to National Board Certification incentives.

Public school classroom teachers, to include teachers employed at special schools or classroom teachers who work with classroom teachers, to include teachers employed at special schools who are certified by both the SBE and the National Board for Professional Teaching Standards (NBPTS), will be paid an annual salary supplement of either \$7,500 or \$5,000. When all other criteria included in this proviso are met, the amount of the supplement will be determined by the teacher's date of application to the NBPTS and the length of the certificate as described in the proviso.

- A salary supplement of \$7,500 will be paid to National Board Certified Teachers (NBCTs) who made an initial application before July 1, 2010, and who hold a 10-year national certificate.
- A salary supplement of \$5,000 will be paid to NBCTs who made an initial application before July 1, 2010, and who hold a five-year national certificate.
- A salary supplement of \$5,000 will be paid to NBCTs who made an initial application after July 1, 2010, and who hold either a five-year or 10-year national certificate.

Details for the salary supplement regarding implementation, adjustments, covered schools, recertification cycle for public school teachers certified by NBPTS, and provisions for teachers certified by NBPTS moving to this state are explained in the proviso.

1A.74 (SDE-EIA: Report Card)

For the current fiscal year, the SCDE is directed to produce the school report cards by October 15.

Deleted Provisos (*proviso numbers no longer in effect*)

1.4 (SDE: EFA-Formula)

This proviso was deleted and replaced with the new funding State Aid to Classrooms.

1.81 (SDE: Educational Services for Children with Disabilities Report)

This proviso directed the SCDE provide a report, which was done, to the Joint Citizens and Legislative Committee on Children and to the Revenue and Fiscal Affairs Office on targets identified from the Annual Performance Report on the most recent State Performance Plan submitted as required by the Individuals with Disabilities Education Act (IDEA) of 2004, Section 616 and Section 619 to include all Indicators 1-16 and Tables 1-6 required under these sections that have not been met by a school district. The purpose of the report was to help determine whether educational services provided to students with disabilities are delivered effectively and efficiently and whether services or funding should be reformed.



1.84 (SDE: Master's Plus Thirty)

This proviso directed the SCDE to process the master's plus thirty certificate classification in the same manner as the prior school year. Educators earning a master's degree with 60 or more semester hours of graduate coursework will remain eligible for the master's plus 30 credential classification.

1.99 (SDE: Noncertified Teacher Hiring)

This proviso, which was vetoed by the Governor, would have authorized school districts to hire noncertified teachers in critical needs geographic areas and subject areas if a certified teacher is not available.

1A.20 (Certified Staff Technology Proficiency)

This proviso has been deleted from this year's budget provisos. Previous provisos tied compliance to eligibility for technology funding.

Effective July 1, 2022:

- Districts are no longer required to have a technology plan. However, the SCDE strongly encourages all districts to include technology provisions in their strategic plans. Other state law requirements, e.g., online testing, make it imperative that districts plan for and maintain their technology infrastructure.
- Districts are not required to report technology proficiency information to the SCDE; however, the SCDE strongly encourages districts to invest in supports for educators to acquire and maintain technology proficiency.

Also, most districts use the SC Teacher 4.0 standards for their teacher evaluation system, which includes technology proficiency standards. The 4.0 standards have been cross-walked to the ISTE teacher standards previously mentioned in Proviso 1A.20. Also, most districts' annual ADEPT plans include requirements for individualized professional development growth plans, and technology proficiency is an appropriate topic for those plans.



schools to take prompt and effective action to end any sex-discrimination in their education programs or activities, and to prevent its recurrence; protect students and employees who are pregnant or have pregnancy related issues; require schools to respond promptly to all sex discrimination complaints with a fair and reliable process; require schools to provide supportive measures to students and employees, protect LGBTQ+ students from discrimination based on sexual orientation, gender identity, and sex characteristics; provide protection from retaliation; ensures schools share their nondiscrimination policies with all students, employees, and other participants in their education programs.

The unofficial version of the proposed rule can be found [here](#). The USDE Fact Sheet on the proposed changes can be found [here](#).



POLICY & LEGISLATIVE UPDATE