

2022 South Carolina School Boards Association
**Legislative
Preview
Webinar**

Wednesday, November 2, 2022
Noon to 1p.m.

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General information

SCSBA looks forward to your participation in our live Legislative Preview Webinar from noon to 1 p.m. on Wednesday, November 2, 2022.

The purpose of the webinar is to review some of the issues likely to be debated during the 2023 session of the General Assembly. Local school boards should discuss these with members of their legislative delegation before the session begins in January.

Want to participate?

Registrants will receive an email prior to the webinar with the Zoom link needed to participate. The webinar will be recorded for members who cannot join live to view later. A link to the recorded version will be posted on the SCSBA website.

Submit your questions, comments

Questions and comments can be made during the webinar by typing them into the chat box on the screen. Questions or comments may also be submitted in advance to nardis@scsba.org.

Boardmanship

Board members who register and view the webinar will receive 1 point and 1 hour of credit in the SCSBA Boardmanship Institute.

Agenda

Welcome and purpose

Jamie Devine, *SCSBA President, Richland One Board*
Scott Price, *SCSBA Executive Director*

Legislative issues discussion

Debbie Elmore, *SCSBA Director of Governmental Relations*

Closing comments

Scott T. Price, *SCSBA Executive Director*

Legislative issues, position statements, talking points

K12 state funding

Overview

The General Assembly in 2022 agreed to completely change the state's formula for allocating funding to public schools through a one-year, temporary budget proviso. The change was made after House and Senate leaders and the governor began calling for a study of a new K12 funding formula in 2019.

Known as the Aid to Classrooms program (Proviso 1.3), school districts are allocated state funding based on a target statewide average student-teacher ratio that include the following factors:

- the cost of the number of teachers needed to reach the target ratio that is based on the salary of a 12-year teacher with a master's degree and the estimated number of students;
- the total state funds needed to fund the target ratio are based on a 75% state share and 25% local share; and,
- each district receives its share of state funds based on its proportion of total weighted students and its Index of Taxpaying Ability (wealth).

Funding flexibility and board requirements

The funding proviso authorizes local school boards to use flexibility in expending Aid to Classroom funding to meet the educational needs of students in their district.

Each school board by September 1 of each year is directed to make available and post on the district's website its annual budget that includes state, local, and federal investments in education using a template provided by the S.C. Department of Education (SCDE).

Each district is directed to provide by January 1 its expenditures for the prior fiscal year to be published on the SCDE's website and to the Revenue and Fiscal Affairs Office for the online financial dashboard

Each district's annual audit that is submitted to the SCDE by December 1 of each year must be available on the district's website and must be conducted

using an auditing firm from an approved list provided by the State Auditor.

Increase in teacher pay

The General Assembly's funding plan in the current fiscal year also directs the state minimum teacher salary schedule to increase starting teacher pay by \$4,000. The salary schedule mandates the annual minimum teacher pay that districts must provide that is based on education degrees and years of experience (up to 23 years),

School districts already paying above this amount were not required to increase their teachers' salaries.

The pay increase, which increased the cost of a teacher factor in the funding formula, resulted in the General Assembly appropriating an increase of \$273 million to school districts, including charter schools.

Note: there is no direct correlation between the funding formula and the actual cost for every school district to fund a mandated teacher pay increase. The formula bases the cost of a teacher (salary and fringe) with a master's degree and 12 years of experience on the state minimum teacher salary schedule. There will be calls in 2023 to increase teacher pay to meet the Southeastern average and to increase the number of years on the state teacher salary schedule to 24 years.

EIA funds rolled up into the formula

Part of the new funding plan is to begin rolling up separate budget lines into the formula. In the current fiscal year, the General Assembly rolled up five Education Improvement Act (EIA) funding lines. EIA funding is allocated based on actual cost of the individual budget line requirement and does not require any local funding match such as the 75-25 percent match in the Aid to Classroom funding plan that is required in the new funding formula that were "rolled" into the new formula from the 75-25 percent match. The lines are as follows:

1. EIA - Aid to Districts
2. EIA - Students at Risk of School Failure
3. Allocations EIA - Teacher Salaries
4. Allocations EIA - Employer Contributions
5. EIA - South Carolina Public Charter Schools

Note: School districts should advocate to keep the match exemption language in the proviso going forward. Also, if there are any more roll ups of funding

for programs required by law, such as reading coaches under the Read to Succeed law, then school districts should advocate for a repeal of the law's mandates to retain the flexibility in spending funds by the local school board to best meet the needs of the students in their district.

Student weighting classifications

Finally, the funds allocated to school districts are based on using the following weights for student classifications in the new formula:

- 1.00 for each student, including homebound students
- 2.10 for students served in licensed residential treatment facilities (RTFs)
- 2.60 for students with disabilities as documented by their Individualized Education Plan (IEP)
- 1.20 for pre-career and career technology students
- 1.25 for charter school students enrolled in brick and mortar schools
- 0.65 for charter school students enrolled in virtual charter schools
- 0.15 for gifted and talented students (gifted and talented program or enrolled in high school Advanced Placement (AP), International Baccalaureate (IB), and Cambridge International courses)
- 0.15 for students in need of academic assistance (students who do not meet state standards in mathematics, English language arts, or both on state tests)
- 0.20 for students with limited English proficiency (students who require intensive English language instruction and whose families require specialized parental involvement intervention)
- 0.50 for students in poverty (qualify for Medicaid, SNAP, TANF, or are homeless, transient, or in foster care)

Note: There was some discussion during the K12 funding debate about adding a weighting for dual credit students and questions about how to fund multi-district career and technology centers. Currently, student weightings do not drive the cost of the funding program and are used only to allocate funds to districts. Therefore, if additional weightings are approved, it will cause shifts to funding for

districts based on the students they serve. Districts with higher numbers of students in poverty, students needing academic assistance and/or students with disabilities who have higher weightings receive more state funding than districts with less students with these classification weightings. Discussion of additional weightings should also include additional funding to hold districts harmless from losing funds they currently receive.

No more inflation factor

The new funding formula removes the Base Student Cost (BSC) or inflation factor that are key components in the 1977 Education Finance Act (EFA) that has driven education funding for school districts and is still in place by law. In fact, the EFA requires the Revenue and Fiscal Affairs Office to provide an estimate of the projected rate of inflation annually (59-20-40). For 2021-2022, the BSC was set at \$3,140 per student but was funded at \$2,516. For 2022-2023, the BSC is projected to increase to \$3,316 per student and increase to \$3,729 per student in 2023-2024.

The inflation factor is replaced in the new funding formula by the legislature's goal for teacher salaries and fringe rate. Student enrollment growth and the target student-teacher ratio determine changes in the program cost.

The new funding proviso directs that districts will receive either the amount determined by the new formula or its actual state funding in the prior year (*note: SCSBA supports retaining this language*).

Education Savings Account/ voucher legislation

Overview

Efforts to pass legislation creating a statewide Education Savings Account program or similar program to provide public funding to students to attend private schools is likely to occur in 2023.

Legislation that passed through both chambers in 2022 and through conference committee died on the last day of the session.

Legislation in the past would have provided a scholarship (\$5,000 - \$6,000) through an online account to qualifying students for costs (published tuition, fees, textbooks and fees for transportation) to attend a private or public school. The program would be limited to a certain number of qualifying students over a certain period and the amount of

state funding for the program would be capped over a certain period of time.

Qualifying students are usually in households at or below a poverty income level, children of active-duty military members, foster children, and have an Individualized Education Plan (IEP). Participating private schools are prohibited from discriminating certain provisions and undergo an approval process by a state agency.

Accountability provisions for participating students have varied to include parent satisfaction surveys, reporting participating schools' graduation rates, aggregate results of tests administered by the private school and aggregate results of state tests required of public school students.

Note: SCSBA strongly opposes state or federally-mandated efforts to directly or indirectly subsidize elementary or secondary private, religious or home schools with public funds as intended by SC Constitution Articles XI, Sections 3 and 4.

Partisan election of school boards

After an overwhelming majority of voters in the June 2022 Republican primary said school board candidates should be able to declare their political party, a bill creating such elections may be debated in 2023.

The referendum advisory question followed an attempt by lawmakers during the legislative session to make school board elections partisan in one state school district. The local bill, which passed both chambers, was vetoed by the governor who stated that while he was not necessarily opposed to partisan school board elections, he was opposed to imposing state policy on a specific county. Such legislation, he said, could lead to a "patchwork" of policies and school governing bodies across the state.

Note: SCSBA believes in the popular nonpartisan election of all school board members. School board elections should continue to be non-partisan. Candidates for school board should be elected on their qualifications, merits, experience, and platform, no matter their political party affiliation. School boards are not immune from political conflict but inviting politics into the board room through partisan school board elections could have the unintended consequence of further fueling such conflict. Only three states have partisan school board elections: Connecticut, Louisiana, and Pennsylvania.

Student mental health/school safety

There are increasing calls, including from SCSBA, for increased state support to improve mental health services to students. The growing number of students bringing weapons to school creates a tremendous threat and incidences of student disruptive behaviors are making it very difficult to provide continuous, effective instruction in the classroom.

Since the beginning of the pandemic, children and adolescents have experienced even higher rates of anxiety, depression and stress. In October 2021, the American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry, and the Children's Hospital Association declared a National State of Emergency in Children's Mental Health.

In December 2021, the U.S. surgeon general issued an advisory on protecting youth mental health, calling for an all-of-society effort. In his 2022 State of the State Address, Governor McMaster stated that a "mental health crisis exists in South Carolina, especially among our young people."

According to a recent analysis by the Post and Courier newspaper, South Carolina had its highest number of school shootings in 47 years in 2021. Over half of the nine shootings occurred in the fall and winter of 2021.

The newspaper also discovered that the number of weapons in schools doubled in three years ending in the fall of 2021.

The 2022 Annual Report of the Joint Citizens and Legislative Committee on Children focused on three themes raised repeatedly by parents, constituents, and professionals that included children's mental health. The report recommends the committee continues investigating school mental health services, including the current framework and funding. This review should include but not be limited to:

- The Department of Mental Health Services audit report and recommendations.
- The S.C. Department of Education's school district survey on school mental health services.
- Other data or resources informing all aspects of school mental health services in South Carolina.

Note: SCSBA believes the General Assembly should appropriate adequate and sustainable funding for school districts to provide mental health services for students.

Other

Curricula challenges

Legislation aimed at curbing instruction and training on certain concepts will likely return in 2023. A bill that passed the House this year did not get through the Senate before time ran out this past session. The bill was compiled from different components of five bills that were filed on this topic and part of more than 18 hours of public testimony by the House Education and Public Works Committee.

South Carolina was among 36 states that have adopted or introduced laws or policies in 2022 that restrict teaching about race and racism.

In 2021, the state General Assembly adopted a budget proviso (1.93, SDE: Partisanship Curriculum) prohibiting the use of state funds to provide instruction or training that serve to inculcate any of the following concepts:

1. one race or sex is inherently superior to another race or sex;
2. an individual, by virtue of his race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
3. an individual should be discriminated against or receive adverse treatment solely or partly because of his race or sex;
4. an individual's moral standing or worth is necessarily determined by his race or sex;
5. 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;
6. an individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his race or sex;
7. 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; and
8. 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.

The proviso clarifies that the prohibition does not extend to 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 policies.