

**2024**

# **SCSBA LEGISLATIVE RESOLUTIONS**

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## The South Carolina School Boards Association (SCSBA)

serves as the voice of locally-elected and appointed school boards governing the public school districts in our state.

To guide the association's advocacy efforts, delegates from member school boards annually vote on legislative resolutions submitted by member school boards and staff.

Resolutions adopted by the membership help SCSBA officers and staff to address various policy and legislative issues.

Legislative resolutions are listed in alphabetical order, not in order of importance.

## Board hiring of superintendent

SCSBA believes that the superintendent, as the district's chief executive officer, should be hired and performance reviewed by the board of trustees. The board may delegate 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, 2021, 2022*

## Board member legal actions

SCSBA believes in 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 underachieving school districts

SCSBA believes that state-funded board training must be a key element of any recommendation by the state superintendent regarding district improvement well before the takeover stage. The training should be tailored to address the board's specific issues that are identified through a thorough diagnostic review of board operations, board and superintendent relationships and governance structure.

**Rationale:** State law places the governance of schools in the hands of board members chosen directly by the community's voters, who trust these leaders to make decisions in the best interests of their children. Removing voter control through takeovers should not be considered without technical assistance to school districts to include the school board. Under state law, state-funded board training is one option available to the state superintendent prior to the declaration of emergency in a district not meeting the state accountability standards.

*History: adopted 2004; revised 2008, 2011, 2019*

## Broadband expansion statewide

SCSBA believes state funding for the expansion of broadband statewide to ensure every student has access to the internet at sufficient speed and affordability for remote learning is critical.

**Rationale:** The need to teach and learn remotely due to the coronavirus, exposed a substantial lack of broadband capability in many school districts. Internet service is absolutely essential, particularly in rural areas, to ensure all students have the opportunity to learn and progress when remote learning is necessary. Since 2020, the South Carolina General Assembly has invested millions in state and federal funding to increase efforts for expanding broadband access. Some of these efforts includes creating a Broadband Infrastructure Program within the Office of Regulatory Staff to assist with expansion projects, a mapping project that identified underserved areas of the state and assistance in providing mobile hotspot to households with students. These efforts are a great start, but more work is needed to ensure all citizens in the state have effective and reliable internet access.

*History: adopted 2020; revised 2022, 2023*

## Compulsory attendance

SCSBA believes that state accountability and reporting measures and the state's compulsory attendance laws should be consistent.

**Rationale:** South Carolina's public schools have made great strides to improve student achievement since the Education Accountability Act of 1998 (EAA). A contradiction exists, however, between the accountability system's graduation measurement and the state's compulsory attendance law. While the accountability system penalizes high schools for students who do not graduate on time (within four years after entering high school), the compulsory attendance law allows students to leave or drop out of school when they reach the age of 17, which could happen during their junior year of high school.

*History: adopted 2006; revised 2007, 2009, 2010, 2018, 2019*

## Consolidation

SCSBA believes in consolidation or deconsolidation of school districts provided that in each district affected a majority of the board of trustees supports the consolidation or deconsolidation.

**Rationale:** A major consolidation of South Carolina school districts took place in the early 1950s. Since 2019, 15 small, rural districts have consolidated into six larger systems. Currently, there are 73 school districts ranging in size from 1,430 to 76,900 students. 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, 2022*

## 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*

## 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. Incentives that would directly or indirectly erode revenues for school district operations or debt service should require approval by the school district board of trustees for inclusion in any incentives package.

**Rationale:** School districts 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 due to economic development incentives, such as fee-in-lieu of taxes and multi-county industrial parks. According to a May 2022 report by the national, nonprofit organization, Good Jobs First, the state’s public schools reported \$534 million in revenues lost to corporate tax abatements in FY 2021, an increase of 65% compared to just four years earlier. Annual reported losses have been growing by \$50 million per year since tax-break disclosures began in 2017, for a cumulative five-year total of \$2.2 billion. Good Jobs First, which tracks subsidies in each state, concludes that S.C. school districts lost more property tax revenue to economic development incentives than those in any other state.

*History: adopted prior to 2000; revised 2000, 2001, 2002, 2003, 2004, 2006, 2010, 2022*

## Education achievement gap and graduation rates

SCSBA believes in meaningful, research-based national, state and local initiatives with measurable outcomes that facilitate closing the educational achievement gap and ensure all students complete at least a high school education program at the highest level.

**Rationale:** 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. Where there is a continuing or increasingly low graduation rate among some populations, including, but not limited to African American, Hispanic and Native American students, students with disabilities, and students living in poverty, school boards should adopt policies, programs, and practices and provide resources to address the needs of these students. Efforts must also be made to encourage and direct students who do not obtain a high school diploma to complete an alternative high school experience at the highest academic level.

*History: adopted 2007; revised 2016, 2018*

## Education funding reform

SCSBA believes that the state’s education funding structure 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. The method of fully funding public education in South Carolina should include 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; and,
- ensure that districts are held harmless from receiving less money through a new funding plan.



**Rationale:** An in-depth review of our state’s tax system and how public education is funded is long overdue. The funding structure 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, 2020, 2022*

## Elimination of Education Oversight Committee

SCSBA believes that the Education Oversight Committee should be dissolved and that its responsibilities and duties, where necessary, be 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.

**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. In South Carolina, the taxing authority of school boards vary to include limited taxing authority, taxing authority that is capped, or no taxing authority. 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.

*History: adopted prior to 1993; revised 1998, 2000, 2001, 2002, 2007, 2013, 2021, 2022*

## 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. 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, 2023*

## Health insurance coverage for boards

SCSBA believes the General Assembly should enact legislation to allow local school districts to opt into the state Public Employee Benefits Authority (PEBA) Health Insurance coverage for school board members, ensuring equal benefits across the board for all local government leaders in South Carolina.

**Rationale:** Effective governance of local school districts is the cornerstone of sound local government. PEBA Health Insurance coverage, which is granted to all other local elected officials, including city and county council members, fire and police departments, and various governmental boards, commissions and public service districts, does not extend to members of local school district boards of trustees. Access to health care and retirement benefits would be a fair and appropriate incentive to attract and retain committed, passionate citizens to serve on local school boards, given many school districts' difficulty in providing otherwise just compensation.

*History: adopted 2019*

## Impact fees

SCSBA believes public school boards should be authorized to levy impact fees on new single-family and multi-unit residential developments.

**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, 2019, 2021, 2022*

## 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, 2018, 2019*

## Local governance of school districts

SCSBA believes in the preservation of local decision-making in the governance of school districts by opposing efforts that limit or remove authority and autonomy in key governance areas.

**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 can exercise appropriate governance in areas including, but not limited to, local policy, curriculum and instruction, health and safety and student discipline, 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, 2023*

## Local legislation

SCSBA believes members of the General Assembly, prior to giving second reading to any local legislation, should be required to notify the local affected school board of the proposed legislation.

**Rationale:** South Carolina's current system of lawmaking 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 questions exist about the legality of local laws being unconstitutional special legislation under Article III, Section 34 of the South Carolina Constitution. The 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, 2018, 2019, 2022*

## Lottery funding for K12

SCSBA believes the General Assembly should increase funding from the South Carolina Education Lottery Program for K12 education.

**Rationale:** Over the years, the proportionate share of lottery funds that have been allocated for K-12 education programs and services has declined as lottery funds have grown. An increase of lottery funds should benefit students at all levels of education and be allocated to K-12 education in accordance with state law enacting the lottery, which states "proceeds of lottery games must be used to support improvements and enhancements for educational purposes and programs as provided by the General Assembly and that the net proceeds must be used to supplement, not supplant, existing resources for educational purposes and programs."

*History: adopted 2019*

## 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*

## Mental health services

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

**Rationale:** According to the Association for Children's Mental Health, addressing mental health needs in schools are vital because "1 in 5 children and youth have a diagnosable emotional, behavioral or mental health disorder, and 1 in 10 young people have a mental health challenge that is severe enough to impair how they function at home, school or in the community." It cites estimates that among children ages 6 to 17, "at least one-half and as many as 80 percent" do not receive the mental health care they require. South Carolina was ranked 41st in the nation on the overall well-being by the Annie E. Casey Foundation in 2020. The 2022 Kids Data by S.C. Joint Committee on Children cites suicide as the leading cause of death for children between 10 and 17-years-old in the state while, school-based mental health services are available in less than 50% of public schools. Mentally healthy children have a positive quality of life and good mental health is a proven prerequisite for consistently high levels of academic achievement and social development, according to research aggregated by the National Association of School Psychologists (NASP). As of 2018, each of the 37,000 school psychologists in the U.S. was responsible for an average 1,200 students, nearly double the recommended number. In some school districts, one psychologist is responsible for as many as 3,000 students, according to the NASP. The nation's 43,000 school social workers were responsible for, on average, 1,200 students each, in 2018, according to data from the U.S. Bureau of Labor Statistics. That's nearly five times the recommended ratio of 1-to-250. And millions of students attend schools where there is no social worker or psychologist.

*History: introduced 2022; revised 2022*



## 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. In South Carolina, there are only two, partisan-elected school boards in Horry County and Lee County. In addition to increased election costs, partisan election of school boards could narrow the pool of potential talent in some communities. Qualified candidates, including incumbents, who do not identify with a political party or do not wish to engage in politics may choose not to run. The Hatch Act prohibits federal employees, and state and local government employees whose salaries are paid entirely with federal funds, from running for partisan office. Candidates for school board should be elected on their qualifications, merits, experience, and platform, no matter their political party affiliation.

*History: adopted prior to 1993; revised 1998, 1999, 2002, 2008, 2011, 2022*

## 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*

## Realignment/reclassification of athletics-based schools

SCSBA believes the interscholastic competition of all non-traditional, athletics-based public schools, schools that are not required to adhere to the same rules and regulations governing athletics of traditional public schools, should be realigned/reclassified to include, but not limited to, the following provisions:

- A separate region based their enrollment.
- A separate classification level of competition to include a separate state championship.
- Allowance for non-region competition.

**Rationale:** The current process of determining a school's classification level for competitive play for athletic state championships has an unfair, negative impact on student athletes. These inequities are based on inconsistencies in application of rules and regulations by non-traditional public schools that include, but not limited to, recruitment of student athletes, student eligibility requirements, time requirements for practices and/or other activities, athletic facility requirements, coaching requirements and more. Realigning/reclassifying competition levels for schools based on their application of athletic rules and regulations will result in crowning champions in a more equitable manner.

*History: adopted 2022*

## Retired teacher salary cap

SCSBA believes the salary cap for retired classroom teachers who return to work must be eliminated as one measure to address the teacher shortage crisis.

**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. 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; revised 2020, 2023*



## School bus safety

SCSBA believes the Department of Public Safety should be authorized 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 stopped 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. 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, revised 2019*

## School governance takeovers

SCSBA believes in opposing the takeover of schools, school districts and locally raised revenues and opposes legislative efforts to remove, diminish or interfere with the authority of local governing school district boards.

**Rationale:** School and district takeovers are very disruptive and the effects of which for communities and schools can be long lasting and difficult to overcome. What ultimately is lost in the takeover debate is the action of suspending local autonomy and democracy by usurping the appropriation of local revenues and eliminating responsibilities of duly elected local school boards. These actions often raise constitutional issues. While researchers studying mayoral and state takeovers nationally are divided on the role takeovers have on student achievement, most agree that the role of parents and the community, especially among minority groups, can be marginalized and can further compromise democratic control of schools (Harvard, 2006; Moscovitch et al., 2010; Hess, 2003, 2011). Most found scant evidence that circumventing elected school boards helps solve the problems. In fact, it may disenfranchise the very communities who depend most on strong public schools for their youth.

*History: adopted 2018; revised 2023*

## School safety

SCSBA believes the state should allocate funding for school safety efforts in all South Carolina public school districts.

**Rationale:** Currently, school districts must fund the services of school resource officers (SROs), security cameras and other school security measures at the local level. County governments that have previously shared the cost of financing 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 from 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, 2018, 2019*

## School start date

SCSBA believes in 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 number 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, 2020*

### State school bus system review

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 can contract with private companies for transportation services.

*History: adopted 2004; revised 2005, 2007, 2010*

### 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. 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 the state should fully fund raising teacher pay to the national average 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 state 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, 2022*

## Threats and assaults on school employees

SCSBA believes in 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 walk into a classroom and strike a teacher in front of a classroom of children and face only 30 days in jail and/or a \$500 fine for third degree assault and battery. Changes 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; revised 2023*

## Tuition tax credits and vouchers

SCSBA believes in strongly opposing 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.

**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, 2021, 2023*