

# 2026 South Carolina School Boards Association Legislative Preview Live & interactive Webinar



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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 5, 2025. The purpose of the webinar is to review some of the issues likely to be debated during the 2026 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?

School board member and district administrators 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.

## Submit your questions, comments

Questions and comments can be made during the webinar by typing them into the chat box on the screen or using the "Raise hand" feature in Zoom. Questions or comments may also be submitted in advance to [jarradaza@scsba.org](mailto:jarradaza@scsba.org).

## Agenda

### Welcome and purpose

Scott Price, *SCSBA Executive Director*

### Legislative issues discussion

Debbie Elmore, *SCSBA Director of Governmental Relations*

Daniel Boan, *Cornerstone Government Affairs*

Duane Cooper, *The Cooper Group*

Mark Harmon, *Cornerstone Government Affairs*

### Closing comments

Scott T. Price, *SCSBA Executive Director*

## Legislative issues, position statements, talking points

### K12 state funding revisions

#### Budget Proviso 1.3

#### Overview

Lawmakers will consider several recommendations revising the distribution of State Aid to Classrooms (SAC) funding to school districts and charter school authorizers in 2026.

During the 2025 legislative session, a SAC budget proviso was amended to direct the Office of Revenue and Fiscal Affairs (RFA) to:

- review the student weightings used in the SAC formula;
- examine ways to improve the alignment of SAC funding with student enrollment, while ensuring consistent distributions to districts and charter authorizers.

The proviso was adopted by lawmakers late in the session after they learned of a highly disproportionate distribution of new SAC funding between charter schools and traditional public schools. An analysis of new SAC funds appropriated by the General Assembly since the new formula was enacted in 2023–24 showed that as much as 50 percent of the funding was allocated to the state's three charter school authorizers, which serve about 53,000 students, while the remaining 50 percent went to the state's 72 traditional school districts serving more than 750,000 students.

In mid-October, RFA released its analysis and recommendations, which did not include a simulation showing how the changes would impact funding for school districts and charter school authorizers. RFA based its review and recommendation on the following general principles:

- Maximizing property tax equity in allocations through more consistent application of student weights and greater consideration of the relative wealth of a district's local property tax base.
- Simplifying the use of weights to reduce the burden on districts, minimize the impact of errors, and limit the influence of local preferences.

- Adding clarity and certainty to the budget process for districts.
- Working within existing resources while recognizing the practical impact of significant funding changes on school districts.

RFA recommendations focus on the two factors required by the budget proviso:

- revisions to student weightings in the current SAC formula; and,
- alignment of funding with enrollment.

### **Student weightings recommendations**

1. Reduce the number of weighting categories for easier reporting, reduce complexity and local influence on state funding distribution.
2. Fund equipment for Career and Technology Education (CTE) on a separate budget line item and distribute the 0.2 weighting for a CTE student distribute to districts based on Average Daily Membership (ADM) of CTE students.
3. Consolidate funding for Limited English Proficiency (LEP) weighting, Gifted & Talented (GT) weighting, and Academic Assistance (AA) weighting to increase the current 1.0 base K-12 student weight by 0.1. The three weightings make up less than 5 percent of the total \$5.56 billion K-12 funds.
4. Allocate funding for the charter school brick and mortar weighting and virtual charter school weighting (\$355.6 million) separately from the total SAC appropriation. Once separated, annual increases to the charter weight funding would not impact formula funding.
5. Continue to fund the 25 percent local match for charter schools through the SAC formula but note that as charter enrollment grows, so does the state's funding responsibilities for the 25 percent local match.

### **Improve funding alignment and consistency**

1. Distribute all funding through the formula to improve tax equity by taking into consideration the local property tax wealth of a district in allocating resources. Changing the student-teacher ratio component in the SAC formula to incorporate proportional funds would ensure that the property tax equity component is applied to the majority of funding.
2. Distribute state health insurance funding to districts through the SAC formula. The current

formula does not capture health insurance funding in the cost of a teacher. Moving health insurance to the formula as a component of fringe benefits would apply the Index of Taxpaying Ability (ITA) to this allocation.

3. Allocate SAC funding based on prior year's student counts to improve consistency and predictability for districts to budget, with the flexibility for SCDE to consider adjustments for new schools and/or fast-growing districts as appropriate.
4. Update the Hold Harmless Year from 2021-22 to current year and/or use a phase-in approach to reduce the financial impact to districts due to changes in the formula. A prior year hold harmless erodes the ITA component of the formula and bases funding on historical enrollment and property tax values as opposed to current enrollment and values.
5. Request the SCDE to review districts' processes and/or identify standards to help ensure consistency in assignment and reporting of weights by each district.

### **Position statement**

In general, SCSBA is supportive of the recommendations offered by the Office of Revenue and Fiscal Affairs, many of which recognize concerns previously raised by school districts. To help us better evaluate the impact of these proposed changes, we would like to see a simulation showing how funding would be affected for both school districts and charter school authorizers.

We are especially grateful to lawmakers for acknowledging the disproportionate distribution of funds between traditional school districts and charter school authorizers and for calling for an analysis of the current education funding formula along with recommendations for improvement.

We particularly support RFA's recommendation to allocate funding for the charter school brick-and-mortar weighting and virtual charter school weighting—totaling \$355.6 million—separately from the overall State Aid to Classrooms (SAC) appropriation. SCSBA has consistently raised concerns that these additional charter school funding weights are a significant factor contributing to funding disparities.

We also greatly appreciate the recommendation to allocate SAC funding based on prior year's student counts to help improve consistency and predictability for districts to develop its annual operating budget each year.

## Talking points

### General support for the RFA analysis and recommendations

- We appreciate the work of the Office of Revenue and Fiscal Affairs and support many of the recommendations in its report.
- Recommendations reflect concerns that school board members and districts have raised for the past two years.

### Recognition of funding disparities

- Thank you for acknowledging the disproportionate distribution of education funds between traditional school districts and charter school authorizers.
- We believe this recognition is a critical step toward ensuring equitable funding for all public school students.

### Support for separate charter weight funding

- We strongly support the RFA's recommendation to allocate charter school brick-and-mortar and virtual school weightings (about the \$355.6 million) separately from the overall State Aid to Classrooms (SAC) appropriation.
- These additional charter school -specific funding weights have been a major contributor to the funding imbalance affecting traditional districts.
- Separate accounting would help ensure a more accurate and fair distribution of resources.

### Need for a simulation

- Before any changes are finalized, we respectfully request a funding simulation that shows how the proposed recommendations would impact both school districts and charter school authorizers.
- This data is essential to fully understand the implications and to ensure no students are unintentionally disadvantaged.

### Commitment to fairness and accountability

- Our goal is NOT to pit districts against charters, but to ensure that every dollar is distributed transparently and fairly.

- We support a funding system that prioritizes accountability, equity, and sustainability for all public school students.

## State health plan option for school board members

It's about consistency.

School board members are the only elected officials (state or local) who do not have the option of participating in the state health and dental insurance program.

Precedent has already been set for elected and other public officials who have the option of participating in the state program. By budget proviso, commissioners of the S.C. Lottery, members of the South Carolina Transportation Infrastructure Bank Board and their dependents, and magistrates have been added to a list of public officials who have the option to participate in the program. Other locally and state elected officials and their eligible dependents who have the option to pay for and participate in the state health and dental insurance programs are as follows:

- state constitutional officers
- state representatives
- state senators
- county council members
- county sheriff, auditor, treasurer, clerk of court, coroner, probate judge, solicitor
- city council members

### Important note

Elected officials who are state retirees receiving state health insurance as secondary to their Medicare may have to choose between Medicare and their state health insurance as follows:

- continue to be on Medicare and lose your state health insurance as a secondary supplement; or,
- choose to be in the state health insurance program and Medicare as secondary insurance; however, it is important to note that Medicare does not operate in the same way as when commercial plans act as secondary payer.

### Position statement

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.

## Talking points

- Support legislation providing locally elected school board members the option of participating in the state health and dental insurance program. If this benefit cannot be extended to all elected public officials, then it should cease to be extended to only some who now have this option. It's about consistency.
- Not all school board members will opt to participate in the state health insurance program. In a recent SCSBA survey, 238 out of 567 school board members responded as follows:
  - 137 board members said they would consider participating in the state health and dental insurance program if it were more affordable than their current one.
  - A large majority of those who would opt to participate ranged in ages between 30 and 69 and identified themselves as self-employed, contractors, business owners, or professionals.
  - 101 respondents said they would not participate because they already have health and dental insurance through their workplace.
- School board members are held to higher accountability. Unlike other elected officials, board members are held up to numerous accountability standards including:
  - public official conduct and other requirements under the S.C. Ethics Act, which include campaign, statement of economic interests and other disclosure requirements
  - subject to removal by the governor for certain acts
  - subject to removal under the S.C. Education Accountability Act (EAA) and the S.C. School Fiscal Accountability Act.
- The passage of legislation would not only align with best practices in supporting all elected officials but also underscore our collective commitment to education and those who lead its direction.

## Paid parental leave expansion

### House bill 3645

A bill increasing paid leave from six weeks to 12 weeks for the birth, fostering (in state custody), or adoption of a child for the birthing or primary parent passed the House in 2025 and was sent to the Senate, where it remains in play for the 2026 legislative session.

The bill also increases leave from two weeks to four weeks for non-birthing or secondary parents. It also updates the definition of an eligible employee to include those occupying any percentage of a full-time equivalent (FTE) position.

Other leave components of the bill are:

- Paid at 100% of base pay and must be used within 12 months of the qualifying event (birth, fostering, or adoption).
- Cannot be donated, accumulated, or carried over.
- Taken consecutively, with an exception for foster parents (who may request nonconsecutive one-week increments).
- Runs concurrently with Family and Medical Leave Act (FMLA) leave but does not deduct from annual or sick leave balances.
- Accrual of annual and sick leave continues during parental leave, if applicable.
- Legal holidays do not count against paid parental leave.
- If both parents are eligible employees, leave can be taken concurrently or separately.

While the bill's text and **earlier fiscal impact statements** did not explicitly reference school district employees, an **updated fiscal impact statement** posted on April 16 confirms that they are included. This inclusion is based on an existing provision in state law that entitles eligible school district employees to the same paid parental leave benefits as state employees when they experience a qualifying event.

Estimates on the financial impact for school districts varied widely, ranging from approximately \$22,000 to \$1.5 million, depending on the size of the district and the assumptions used regarding duration and cost.

In addition to the fiscal impact, 12 weeks and possibly more with the use of annual and or sick

leave, could mean the absence of the teacher for half of a school year.

### **Important note**

In September, S.C. Attorney General's Office released an official opinion concluding that state law on paid parental leave covers parents who experience the tragedy of a stillbirth.

The opinion was issued in response to a request from State Representative Neal Collins, who raised concerns that some teachers and state employees were being denied the benefit following a stillbirth, despite going through the same major medical event as parents of children born alive. The opinion notes that neither of the state laws governing paid parental leave, restricts the benefit to "live births." Instead, the law use the broader term "birth."

"Giving birth to a stillborn child is physiologically identical to giving birth to a living child, although far more traumatic," the opinion emphasizes. "Parents in this circumstance deserve the time, support, and benefits guaranteed under law to recover from their tragic loss."

### **Position statement**

SCSBA supports the intent of paid parental leave; however, our concerns focus on how the proposed expansion of leave could uniquely impact public schools. The bill may impose unintended fiscal and operational burdens on districts already facing teacher shortages and limited substitute availability.

Based on existing program data of the current six weeks of leave, many school employees actually utilize eight to nine weeks of leave by combining the current six-week entitlement with their accrued sick or annual leave. Extending the statutory paid leave to twelve weeks may lead to significantly longer absences, particularly for instructional staff.

### **Talking points (for senators)**

#### **Acknowledge the principle**

- We support the concept of paid parental leave and recognize its value to employee well-being and family stability.
- Our concern is not with the existence of parental leave, but with how the proposed expansion could uniquely impact public schools.

### **Highlight the potential instructional impact**

- Unlike typical state agencies, schools operate on an 180- to 190-day instructional calendar. A 12-week teacher absence could mean missing nearly half the school year.
- Extended absences, especially in critical teaching roles with limited to no applicants, may disrupt instructional continuity and affect student achievement.

### **Address fiscal and staffing challenges**

- Most districts already face significant teacher shortages. Longer absences will increase reliance on substitutes, many of whom may not be highly qualified in the subject area.
- Covering extended leave with substitutes increases costs and administrative burdens, which are particularly difficult for smaller or under-resourced districts.

### **Use available data**

- Current data on the existing six-week leave program show that most school employees take eight to nine weeks by combining six weeks of parental leave with accrued sick and annual leave. Increasing paid leave to 12 weeks could encourage even longer total absences.

### **Emphasize the original intent**

- This legislation was initially designed for state employees with year-round schedules. Extending it to school employees—who have different work calendars— may create unintended consequences.

### **Ask for targeted solutions**

- Lawmakers should consider the unique context of public schools and explore alternatives that balance support for employees with the need to maintain instructional quality.
- Potential solutions include maintaining the current six-week leave limit for school district employees or providing districts flexibility in how the leave is administered.

## School immunization, other requirements

More than 420 bills revising longstanding public health protections from vaccines, foods, and fluoride have been introduced in statehouses across the country this year and will likely make their way into South Carolina in 2026.

A few of these bills have already made their way through the state's 2025 legislation. For example, **House bill 4339**, which passed the House and resides in the Senate Education Committee, prohibits schools, excluding charter schools, from serving or selling to students ultra-processed meals. It bans 11 specific food additives. Require food suppliers to list all ingredients and additives and impose fines on suppliers violating ingredient bans. The bill stipulates that the prohibitions only apply to school meals (breakfast and lunch) not snacks or food supplied to a class by an outside source.

Senate bill 54, which passed out of the Senate Medical Affairs Committee, would enact the Medial Informed Consent Act. As it was originally filed, the bill appeared to prohibit vaccine requirements for students; however, it was amended to exclude standard student vaccination requirements and focuses on "novel" or newer vaccines.

Current school immunizations requirements are Hepatitis A, Hepatitis B, MMR (measles, mumps, rubella), Varicella (chickenpox), DTaP (tetanus, whooping cough), Polio and Tdap (whooping cough booster required before seventh grade).

According to the Centers for Disease Control (CDC), vaccination rates have declined since Covid, while rates of measles and whooping cough are increasing.

The S.C. Department of Health recently reported a measles outbreak in the Upstate, including in two Spartanburg County schools. One case was reported in Greenville County.

The health department says 91% of students statewide have received the vaccines that guard against diphtheria, tetanus and whooping cough.

## Bills of note still in play for 2026

- **House bill 3974**, which passed the House and resides in the Senate Education Committee, authorizes private Applied Behavior Analysis (ABA) providers to deliver medically necessary services to students with autism during school hours in classroom, under certain conditions and with appropriate oversight. It lists specific guidelines for school districts to follow when reviewing requests from parents. Requires the State Board of Education to develop a model policy to include a list of the particulars that should be in a written agreement between the school district and the private providers delivering services.
- **House bill 3802**, which passed the House and resides in the Senate Education Committee, expands and standardizes the rights of home school, charter school, and Governor's school students to participate in interscholastic (sports), co-curricular (band, orchestra, theater, ROTC, etc.), extracurricular (clubs and programs) and career and technical education (CTE) in the public school district their residence is zoned to attend. Participation is based on space availability. Districts can include home school students in their average daily attendance based on time spent participating in the school's activities and cannot be subjected to additional requirements beyond those required by homeschooling laws.
- **Senate bill 416**, which passed the Senate and resides in the House Education and Public Works Committee, modifies the automatic, one-year expulsion of students who bring a firearm to school as follows: requires a finding that the student "knowingly" brought the gun to school. The bill authorizes the school board to modify year expulsion on case-by-case basis. Expelled students are not precluded from receiving educational services in an alternative setting, include virtual programming.
- **House bill 3258**, which passed the House and resides in the Senate Education Committee, directs all public schools, including charter schools, to implement certain mobile panic alert systems before July 1, 2026. Systems are required to be integrated with local emergency response systems. School districts that already have a system that meets the bill's technical requirements are not required to procure or implement a new system.

SCDE, with the State Law Enforcement Division (SLED) and Department of Public Safety are required to identify compliant vendors and provide a list to schools. Note: a funding source is not specified in the bill.

- **House bill 3831**, which passed the House and resides in Senate Education Committee, mandates school districts and charter school authorizers to develop a cardiac emergency response plan that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency while on school grounds. High schools are required to ensure the availability of Automated External Defibrillators (AEDs) at schools and athletic events. Implementation of the bill is subject to funding by the General Assembly or South Carolina Department of Education.
- **House bill 3927**, which passed the House and resides in the Senate Judiciary Committee, would enact the Ending Illegal Discrimination and Restoring Merit-Based Opportunity Act, by prohibiting Diversity, Equity and Inclusion (DEI) policies, practices, and programs if they constitute illegal discrimination under state or federal law. Prohibitions include establishing departments or roles whose primary function is to promote DEI, programs that give preferential treatment based on race, color, religion, sex, or national origin, requiring DEI statements during hiring, mandating DEI-related training for staff or students (voluntary training should be reviewed for DEI compliance). It also requires school districts to inform staff and the public of their right to file DEI violation complaints with the state inspector general.