

1 DRAFT PREPARED BY LEGISLATIVE COUNCIL
2 For: Sen. Hayes
3 Attorney: Hray
4 Stenographer: Morgan
5 Date: November 1, 2010
6 DOC. I.D.: L:\COUNCIL\BILLS\AGM\18190BH11.DOCX
7
8

9 **A BILL**

10
11
12
13

Be it enacted by the General Assembly of the State of South Carolina:

14
15
16

SECTION 1. Section 59-20-50 of the 1976 Code is amended to read:

17
18

“Section 59-20-50. (1) Notwithstanding the computations prescribed in Section 59-20-40, the level of state contributions to each district ~~shall~~ may not be reduced to a per-pupil level of foundation program funds below that per-pupil level of state funding of programs for the fiscal years prior to implementation of this chapter which will be incorporated in the foundation program.

19
20
21
22
23
24
25
26
27
28
29
30

~~Provided, no~~ A district ~~shall~~ may not receive annually an increase in state funds less than the full rate of the inflationary adjustment in the base student cost specified in Section 59-20-40(1)(b). This increase ~~shall~~ must be computed annually over and above the amount actually received from the State for the foundation program in the prior fiscal year.

31
32
33
34
35
36

~~Provided, further, After the Fiscal Year 1982-83 no~~ a district ~~shall~~ may not receive annually an increase in state funds less than four-fifths of the inflationary adjustment in the base student cost specified in Section 59-20-40(1)(b). This increase ~~shall~~ must be computed annually ~~over and~~ above the amount actually received from the State for the foundation program in the prior fiscal year.

37
38
39
40

Beginning July 1, 1994, no additional school district shall receive hold-harmless funds under this subsection due to decreases in student numbers or upward adjustments in the index of taxpaying ability.

41
42

(2) Notwithstanding any provisions of this chapter, ~~any~~ a local school district may increase the local effort above the foundation

1 program funding level as deemed necessary to meet the aspirations
2 of the people of the district.

3 (3) Eighty-five percent of the funds appropriated through state
4 and local effort for each weighted classification ~~shall~~ must be spent
5 in direct and indirect aid in the specific area of the program
6 planned to serve those children who generated the funds. ~~Districts~~
7 ~~expending~~ A district that spends less than the required eighty-five
8 percent of the appropriated amount ~~shall be~~ is subject to a penalty
9 the following fiscal year in the amount equal to the difference
10 between the amount spent and the required eighty-five percent
11 figure.

12 However, this requirement ~~shall~~ does not apply to the funds
13 generated by children in the pupil classification 'Speech
14 Handicapped Pupils'.

15 (4)(a) ~~Each~~ A school district shall pay each certified teacher or
16 administrator an annual salary at least equal to the salary stated in
17 the statewide minimum salary schedule for the person's experience
18 and class. ~~No~~ A teacher or administrator employed in the same
19 position, over the same time period, ~~shall~~ may not receive less total
20 salary, including any normal incremental increase, than that
21 teacher or administrator received for the fiscal year before the
22 implementation of this ~~article~~ chapter.

23 (b) ~~Effective Fiscal Year 2011-2012,~~ the state minimum
24 salary schedule ~~must be~~ is based on the state minimum salary
25 schedule index in effect as of July 1, ~~1984~~ 2009. In Fiscal Year
26 ~~1985~~ 2009-2010, the 1.000 figure in the index is \$14,172. ~~(This~~
27 ~~figure is based on a 10.27% increase pursuant to the South~~
28 ~~Carolina Education Improvement Act of 1984.)~~
29 _____. Beginning with Fiscal Year ~~1986~~
30 2011-2012, the 1.000 figure in the index must be adjusted on a
31 schedule to stay at the southeastern average as projected by the
32 Division of Research and Statistical Services and provided to the
33 Budget and Control Board and General Assembly during their
34 deliberations on the annual appropriations bill. The southeastern
35 average teacher salary is the state average of the average teachers'
36 salaries of the southeastern states. In projecting the southeastern
37 average, the division shall include in the South Carolina base
38 teacher salary all local teacher supplements and all incentive pay.
39 Under this schedule, a school ~~districts are~~ district is required to
40 maintain local salary supplements per teacher no less than their
41 prior fiscal year level. In Fiscal Year 1986 and thereafter teacher
42 pay raises through adjustments in the state's minimum salary
43 schedule may be provided only to teachers who demonstrate

1 minimum knowledge proficiency by ~~meeting one of the following~~
2 ~~criteria:~~

- 3 (1) holding a valid professional certificate;
- 4 (2) having a score of 425 or greater on the Commons
5 Examination of the National Teachers Examinations;
- 6 (3) meeting the minimum qualifying score on the
7 appropriate area teaching examination; or
- 8 (4) meeting the minimum standards on the basic skills
9 examinations as prescribed by the State Board of Education
10 provided in Section 59-26-20.

11 (5) By June 1, 2012, the State Board of Education shall
12 promulgate regulations to establish a framework by which a local
13 school district may implement an incentive compensation system
14 for teachers in the district that is technically sound and minimizes
15 bias. The system may include incentives tied to responsibilities,
16 assignments, instructional performances, and student achievement
17 results. A local school district may decide to develop and
18 implement a system, and if it chooses to do so, it shall use the
19 framework provided in regulations promulgated by the board.”

20
21 SECTION 2. This act takes effect upon approval by the Governor.
22 ----XX----