

**PROVISOS CARRIED OVER
BY PROVISO SUBCOMMITTEE ON 2/10/14
AND ADDITIONAL PROVISOS FOR CONSIDERATION**

PUBLIC EDUCATION AND SPECIAL SCHOOLS SUBCOMMITTEE AREA

SECTION 1A - H63-DEPARTMENT OF EDUCATION-EIA

**1A.68 AMEND (BabyNet Early Intervention Autism Therapy) AMENDMENT K2 - SPONSOR:
REP BINGHAM: AMEND proviso.**

1A.68. (SDE-EIA: BabyNet Early Intervention Autism Therapy) The \$437,476 \$814,348 in funds appropriated in this act to the Office of First Steps to School Readiness for BabyNet Autism Therapy must be used only to increase the BabyNet autism therapy provider hourly rate and the individual hourly pay of line therapists during the current fiscal year. The Office of First Steps must consult with the Department of Disabilities and Special Needs regarding the implementation of these increases. The Office of First Steps must ensure that, prior to payment, these line therapists meet all current state requirements. It is the intent of the General Assembly that these monies be used solely for the purpose of increasing the BabyNet autism therapy provider rate to \$13.58 per hour and the hourly pay to individual line therapists being increased to a minimum of \$10.00 per hour. Quarterly, the Office of First Steps must send a letter to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee reporting on their compliance with the requirements of this proviso. The report must include information regarding the expenditure of state funds as well as the receipt and expenditure of Federal Medicaid funds associated with the program.

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HIGHER EDUCATION AND TECHNICAL SCHOOLS SUBCOMMITTEE AREA

SOUTH CAROLINA STATE UNIVERSITY

**19.so ADD (Suspend Operations) HIGHER EDUCATION AND TECHNICAL SCHOOLS
SUBCOMMITTEE RECOMMENDATION: ADD new proviso.**

19.so. (SCSU: Suspend Operations) For Fiscal Year 2015-16, all operations and programs of the South Carolina State University shall be suspended as of July 1, 2015. It is the intent of the General Assembly that all athletic programs shall be suspended, the president shall be terminated, faculty and staff shall be dismissed, and the board of trustees shall be terminated. The university shall remain closed for one year during which time the Blue Ribbon Advisory Committee will establish a plan to reconstitute South Carolina State University by January 1, 2017; to re-hire necessary faculty, reconstitute athletic programs, and set curriculum to be offered as approved by the Commission on Higher Education so that applications for the 2017-18 school year can be accepted and the school year can begin in the fall of 2017.

The State of South Carolina shall assume all debt and pay off all outstanding bonded indebtedness, debt to vendors, and loans made from the Contingency Reserve Fund. To effectuate this payment the Executive Budget Office, in conjunction with the Comptroller General shall utilize the General Funds appropriated to the institution along with any other funds the institution carried forward from the prior fiscal year. The order in which outstanding debt shall be paid is as follows: vendors, then bonded indebtedness, then Contingency Reserve Fund.

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Current South Carolina State University students who have a 2.5 GPA or higher and qualify to transfer to another in-state public institution or South Carolina historically black university, shall have their tuition paid for by the State of South Carolina, for up to four years from this date. All lottery scholarships and federal assistance currently awarded to the student shall be factored into the amount of tuition paid for by the State of South Carolina. If the student falls below a 2.5 GPA during any of the remaining semesters, the tuition shall be terminated and the school may dismiss the student at its discretion.

The Blue Ribbon Advisory Committee must submit the entire plan to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee before final approval by the General Assembly.

- 19.sap** ADD (Suspend Athletic Programs) **HIGHER EDUCATION AND TECHNICAL SCHOOLS SUBCOMMITTEE RECOMMENDATION:** ADD new proviso.

19.sap. (SCSU: Suspend Athletic Programs) For Fiscal Year 2015-16, all athletic programs at the South Carolina State University shall be suspended as of July 1, 2015, until such time as all outstanding debt the university owes to vendors, other state agencies, and the Contingency Reserve Fund has been repaid. Satisfaction of the debt must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, and upon verification, the suspension of athletic programs shall be lifted.

- 19.ep** ADD (Expenditure Prohibition) **HIGHER EDUCATION AND TECHNICAL SCHOOLS SUBCOMMITTEE RECOMMENDATION:** ADD new proviso.

19.ep. (SCSU: Expenditure Prohibition) Effective July 1, 2015, South Carolina State University is prohibited from expending any source of funds on travel, other than for student recruitment for academic purposes, conference attendance, or organizational (state or national) memberships. This prohibition shall apply to the president, all faculty and staff, and the Board of Trustees.

- 19.ap** ADD (Acting President) **AMENDMENT HE1 - SPONSOR: REP. LIMEHOUSE:** ADD new proviso.

19.ap. (SCSU: Acting President) Dismiss the Board of Trustees and all faculty and staff of SC State and have the Blue Ribbon Committee recommend one person to assume the duties of acting President, with authority to hire and fire all personnel and reconstitute faculty and staff of SC State to the extent he or she desires. This person shall be fully vested and authorized to negotiate all past, current, and future contracts on behalf of SC State.

STATE FISCAL ACCOUNTABILITY AUTHORITY

- 104.pa** ADD (SCSU Procurement Audit) **HIGHER EDUCATION AND TECHNICAL SCHOOLS SUBCOMMITTEE RECOMMENDATION:** ADD new proviso.

104.pa. (SFFA: SCSU Procurement Audit) The State Fiscal Accountability Authority shall conduct a procurement audit of South Carolina State University. The process shall be initiated no later than July 15, 2015. South Carolina State University is directed to cooperate with all requests for information associated with the audit. Results of the audit are to be submitted to the

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Chairman of the Senate Finance Committee, Chairman of the House Ways and Means
Committee, the Executive Budget Office, and the Revenue and Fiscal Affairs Office.

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HEATH CARE SUBCOMMITTEE AREA

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ECONOMIC DEVELOPMENT AND NATURAL RESOURCES SUBCOMMITTEE AREA

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LAW ENFORCEMENT AND CRIMINAL JUSTICE SUBCOMMITTEE AREA

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TRANSPORTATION, REGULATORY, AND CULTURAL SUBCOMMITTEE AREA

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LEGISLATIVE, EXECUTIVE, AND LOCAL GOVERNMENT SUBCOMMITTEE AREA

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REPRESENTATIVE Bingham PROPOSES THE FOLLOWING AMENDMENT:

AGENCY: Department of Education

Amend

1.3. (SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for one hundred percent of full implementation of the Education Finance Act to include an inflation factor projected by the Revenue and Fiscal Affairs Office to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be \$2,120 ~~\$2,220~~. For the current fiscal year, the total pupil count is projected to be ~~708,231~~ 714,394. The average per pupil funding is projected to be ~~\$5,290~~ \$5,536 state, ~~\$1,154~~ \$1,185 federal, and ~~\$4,996~~ \$5,371 local. This is an average total funding level of ~~\$11,440~~ \$12,092 excluding revenues of local bond issues. For the current fiscal year the South Carolina Public Charter School District and any institution of higher education sponsoring a public charter school shall receive and distribute state EFA funds to the charter school as determined by one hundred percent of the current year's base student cost, as funded by the General Assembly multiplied by the weighted students pupils enrolled in the charter school, which must be subject to adjustment for student attendance.

The Revenue and Fiscal Affairs Office, must post in a prominent place on their website for each school district projections, including the per pupil state, federal and local revenues, excluding revenues of local bond issues, for the current fiscal year. Also, as soon as practicable, upon determining the exact numbers regarding pupil count and funding, the Revenue and Fiscal Affairs Office, shall also post on their website the one hundred thirty-five-day average daily membership for each school district and per pupil state, federal and local revenues, excluding revenues of local bond issues, based on the most recent audited financial statement as reported annually pursuant to Section 59-17-100. The Department of Education and the Education Oversight Committee shall provide in a prominent place on their internet websites a link to the information posted by the Revenue and Fiscal Affairs Office, including the projected numbers and the exact numbers.

For the current fiscal year, the pupil classification weightings are as follows:

- (1) K-12 pupils or base students including homebound students..... 1.00

Students served in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section 44-7-130 of the 1976 Code shall receive a weighting of 2.10.

- (2) Weights for students with disabilities as prescribed in Section 59-20-40(1)(c) Special Programs

- (3) Precareer and Career Technology..... 1.29
- (4) Additional weights for personalized instruction:
 - (A) Gifted and Talented..... 0.15
 - (B) Academic Assistance..... 0.15

- (C) Limited English Proficiency..... 0.20
- (D) Pupils in Poverty..... 0.20

~~No local match is required for the additional weightings for personalized instruction in school year 2014-15. After the 2014-15 school year, a local match to conform with the Education Finance Act will be required.~~—Charter school per pupil calculations for locally sponsored charters will continue to be calculated according to Section 59-40-140 of the 1976 Code.

Students may receive multiple weights for personalized instruction; however, within each weight, students should only be counted once. These weights are defined below: ~~Gifted and talented~~ Accelerated students are students who are classified as academically or artistically gifted and talented or who are enrolled in Advanced Placement (AP) and International Baccalaureate (IB) courses in high school or state-identified artistically and academically high-achieving students who are enrolled in charter schools serving in core academic classes with an accelerated curriculum that has been verified by the Department of Education to meet the requirements of State Board of Education Regulations and which are included on the prior year's Commission on Higher Education's list of transferable courses. Districts shall set-aside twelve percent of the funds for serving artistically gifted and talented students in grades three through twelve.

Students in need of academic assistance are students who do not meet state standards in mathematics, English language arts, or both on state approved assessments in grades three through eight and high school assessments for grades nine through twelve. The additional weight generates funds needed to provide additional instructional services to these students.

Students with limited English proficiency are students who require intensive English language instruction programs and whose families require specialized parental involvement intervention.

For the ~~2014-15~~ **2015-16** school year, students in poverty will continue to be defined as students eligible for free/reduced lunch and/or Medicaid. The Department of Education will continue to use counts from the 2013-14 school year to determine poverty funding for the add-on weighting. The Department shall report on the effects USDA community certification have had on the ability for individual districts no later than October 1, 2015 and shall provide recommendations on using poverty data from the United States Census Bureau to calculate a district's poverty allocation in lieu of direct certification to the Governor, Chairman of Senate Finance, and Chairman of House Ways and Means.

Further, the Department of Education may use school district student counts for personalized instruction as collected in the same manner as the prior fiscal year, PowerSchool or other available existing data sources as determined by the department to calculate the school district add on weightings for the personalized instruction classifications and the determination of the school districts monetary entitlement. End of year adjustments shall be based on the one hundred thirty-five day student average daily membership for all classifications. During the current fiscal year the department will update PowerSchool calculations, reports, screen development, documentation, and training to incorporate the new pupil classification weightings and to make final district allocation adjustments by June 30, ~~2015~~ **2016**. The department must provide districts with technical assistance with regard to student count changes in PowerSchool.

Amendment # K3

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Amend

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Students may receive multiple weights for personalized instruction; however, within each weight, students should only be counted once. These weights are defined below: ~~Gifted and talented~~ Accelerated students are students who are classified as academically or artistically gifted and talented or who are enrolled in Advanced Placement (AP) and International Baccalaureate (IB) courses in high school or state-identified artistically and academically high-achieving students who are enrolled in charter schools serving in core academic classes with an accelerated curriculum that has been verified by the Department of Education to meet the requirements of State Board of Education Regulations and which are included on the prior year's Commission on Higher Education's list of transferable courses. Districts shall set-aside twelve percent of the funds for serving artistically gifted and talented students in grades three through twelve.

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Amendment # X1

REPRESENTATIVE G.M. SMITH PROPOSES THE FOLLOWING AMENDMENT:

AGENCY - Section 117 - General Provisions

NEW

117.fa. (GP: PEBA Fiduciary Audit) For the current fiscal year, the provisions of Section 9-4-40 requiring the Inspector General to employ a private audit firm to perform the fiduciary audit on the Public Employee Benefit Authority as required by section 9-4-40 of the 1976 Code shall be suspended.

Amendment # X2

REPRESENTATIVE G.M. SMITH PROPOSES THE FOLLOWING AMENDMENT:

AGENCY - SECTION 117 - GENERAL PROVISIONS

NEW

117.ab. (GP: ABLÉ Savings Expense Fund) For the current fiscal year, the South Carolina ABLÉ Saving Expense Fund is established in the Office of the State Treasurer to allow for tax-exempt savings accounts for disability-related expenses for individuals defined as being entitled to benefits based on blindness or disability under Title II or XVI of the Social Security Act, or individuals with a disability certification, which must state that "the individual has a medically determinable physical or mental impairment, which results in marked and severe functional limitations, and which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months," or is blind. The certification must include the diagnosis and be signed by a physician.