

## Amendment # 1 [K12]

*Language*

**REPRESENTATIVE BINGHAM PROPOSES THE FOLLOWING AMENDMENT:**

**EIA-Accountability Program Implementation**

**Amend**

**1A.21.(SDE-EIA: Accountability Program Implementation)** To support implementation of the accountability program, the Education Oversight Committee may carry forward unexpended Education Accountability Act funds authorized specifically for the administration of the Education Oversight Committee. *For the current fiscal year the Education Oversight Committee may carry forward prior year EIA South Carolina Community Block Grants for Education Pilot Program funds not awarded by the grant committee. These funds must be used for an independent common evaluation of each awarded grant to ensure high quality programs that maximize a return on the state's investment.*

## Amendment # 2 [K12]

*Language*

**REPRESENTATIVE BINGHAM PROPOSES THE FOLLOWING AMENDMENT:**

**EIA-Low Achieving Schools**

**Delete**

~~1A.55. (SDE-EIA: Low Achieving Schools) Of the funds appropriated to the Education Oversight Committee for Partnerships for Innovation, \$500,000 must be allocated to support up to three low-achieving schools in designing and planning for implementation innovative, research-based strategies focused on recruiting and retaining highly effective teachers and on increasing time-on-task through the amount of time, the quality of instruction and the engagement of students. The committee will assist the schools in determining the evidence that will be collected to measure the effectiveness of the initiative and in identifying resources to support the initiative and in collaborating with TransformSC.~~

## Amendment # 3 [K12]

### *Language*

#### **REPRESENTATIVE BINGHAM PROPOSES THE FOLLOWING AMENDMENT:**

#### **John De La Howe Capacity**

#### **Delete**

~~7.4. (JDLHS: Capacity) For Fiscal Year 2015-16, funds appropriated to John de la Howe School must be used to complete deferred maintenance on the residential cottages and to bring the school up to full capacity, to the extent possible. The school must not utilize the funds to hire new employees until the school has completed deferred maintenance on a cottage and requires the new employee due to a projected increase in students. Any increases in staff must be reported to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee thirty days prior to the hire. Further, the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December first, on how the funds have been utilized and how many additional students have been served.~~

## Amendment # 4 [K12]

### *Language*

#### REPRESENTATIVE BINGHAM PROPOSES THE FOLLOWING AMENDMENT:

#### ETV-Antenna and Tower Replacement

#### Delete

~~93.21. (DOA: Antenna and Tower Placement) All leases for antenna and tower operations within institutions of higher learning campuses must conform to master plans for such property, as determined solely by the institution of higher learning.~~

#### New

*8.atp (ETV: Antenna and Tower Placement) All leases for antenna and tower operations within institutions of higher learning campuses must conform to master plans for such property, as determined solely by the institution of higher learning.*

## Amendment # 5 [K12]

Language

REPRESENTATIVE BINGHAM PROPOSES THE FOLLOWING AMENDMENT:

SDE-College Readiness Assessment

New

*1.CRS (SDE- College Readiness Assessment) For the current fiscal year, the State Department of Education is directed to procure a college readiness assessment. The assessment, or an alternate college readiness measure approved by the department as set forth by the student's Individualized Education Program, must be administered to all students in grade 11. A testing accommodation made for a student must be selected from a vendor-approved accommodations list and included in the student's Individualized Education Program or an accommodations plan of a student made pursuant to Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. Part 104. The department will collect from districts the percentage of students taking the college readiness assessment.*

## Amendment # 6 [K12]

*Language*

**REPRESENTATIVE BINGHAM PROPOSES THE FOLLOWING AMENDMENT:**

**SDE-EIA Assessment**

**Amend**

1A.17. (SDE-EIA: Assessment) The department is authorized to carry forward into the current fiscal year, prior year state assessment funds for the same purpose. Reimbursements shall resume in the current fiscal year for PSAT or 10<sup>th</sup> grade Aspire.

## Amendment # 7 [K12]

*Language*

**REPRESENTATIVE BINGHAM PROPOSES THE FOLLOWING AMENDMENT:**

**SDE-Highly Qualified Teachers**

**New**

*1. hqt (SDE-Highly Qualified Teachers) For the current fiscal year, the requirement that teachers must be highly qualified in the core academic subjects is suspended.*

## Amendment # 8 [K12]

### Language

#### REPRESENTATIVE BINGHAM PROPOSES THE FOLLOWING AMENDMENT:

#### SDE-EIA School Districts and Special Schools Flexibility

##### Amend

**1.28 & 1A.14.** (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level maintenance of effort requirement for federal program, funds provided for the Education and Economic Development Act, funds provided for Career and Technology Education, nor required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs and programs serving students with disabilities who have Individualized Education Programs.

In order for a school district to take advantage of the flexibility provisions, at least seventy-five percent of the school district's per pupil expenditures must be utilized within the In\$ite categories of instruction, *and* instructional support, ~~and noninstruction pupil services~~. No portion of the seventy-five percent may be used for *operations*, business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, *and* instructional support, ~~and noninstruction pupil services~~ for the current school year ending June thirtieth. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

"In\$ite" means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, restructuring administrative staffing, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the current fiscal year, the chairman of each school district's board and



the superintendent of each school district must certify where noninstructional or nonessential programs have been suspended and the specific flexibility actions taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting, and the certification must be conspicuously posted on the internet website maintained by the school district.

For the current fiscal year, Section 59-21-1030 is suspended. Formative assessments for grades one, two, and nine, the foreign language program assessment, and the physical education assessment must be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

For the current fiscal year, savings generated from the suspension of the assessments enumerated above must be allocated to school districts based on weighted pupil units.

School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and made available for public viewing and downloading. The register must include for each expenditure:

- (i) the transaction amount;
- (ii) the name of the payee; and
- (iii) a statement providing a detailed description of the expenditure.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

School districts that do not maintain an internet website must transmit all information required by this provision to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the internet website.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act. Nothing in this proviso shall be interpreted as prohibiting the State Board of Education to exercise its authority to grant waivers under Regulation 43-261.

## Amendment # 10 [LEG]

### *Language*

**REPRESENTATIVES WHITE, LIMEHOUSE, HERBKERSMAN, MERRILL, BINGHAM, AND SIMRILL PROPOSE THE FOLLOWING AMENDMENT:**

### **SECTION 93 - DEPARTMENT OF ADMINISTRATION**

#### **NEW**

**93.ra.** (DOA: Confederate Relic Room Relocation Analysis) From the funds appropriated or authorized to the department, the Department of Administration shall conduct an analysis of available building space in the Charleston area sufficient in size to house the Confederate Relic Room and Military Museum. If available property with sufficient space is identified, the department shall prepare an estimate of the cost to relocate the Confederate Relic Room and Military Museum from its current location to the available space in the Charleston area. The department shall present its analysis to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee by January 10, 2017.

# Amendment # 11 [ECD]

## Language

### REPRESENTATIVE SIMRILL PROPOSES THE FOLLOWING AMENDMENT:

#### DEPARTMENT OF COMMERCE

#### Amend

**50.13.** (CMRC: Regional Economic Development Organizations) The Department of Commerce shall utilize \$5,000,000 appropriated in Fiscal Year ~~2015-16~~ 2016-17 for Regional Economic Development Organizations to provide funds to the following economic development organizations and must be disbursed as follows:

- |  |   |     |
|--|---|-----|
| (1) Upstate Alliance                         | \$ 750,000;                               |     |
| (2) Central SC Economic Development Alliance | \$ 750,000;                               |     |
| (3) North Eastern Strategic Alliance (NESA)  | \$ 745,000;                               |     |
| (4) Charleston Regional Development Alliance | \$ 660,000;                               |     |
| (5) I-77 Alliance                            | <del>\$ 600,000;</del> <u>\$ 660,000;</u> |     |
| (6) Economic Development Partnership         | \$ 450,000;                               |     |
| (7) Southern Carolina Alliance               | \$ 460,000;                               | and |
| (8) The LINK Economic Alliance               | \$ 385,000.                               |     |

Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development. No funds appropriated in this proviso may be used for routine operating costs of the organization as defined by the Department of Commerce.

The remaining ~~\$200,000~~ \$140,000 shall be provided to ~~counties as follows~~ Beaufort County, provided ~~they meet~~ it meets the requirements established above:

- |                                 |                       |     |
|---------------------------------|-----------------------|-----|
| (1) Beaufort County             | \$ 140,000;           | and |
| <del>(2) Lancaster County</del> | <del>\$ 60,000;</del> |     |

Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disburse the funds to the requesting organization.

Funds recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee and the Secretary of Commerce on the expenditure of the funds and on the outcome measures.

Any unexpended, unallocated, or undistributed funds appropriated in prior fiscal years for Regional Economic Development Organizations shall first be made available to Regional Economic Development Organizations and any remainder shall be transferred to the Rural Infrastructure Fund at the Department of Commerce. If more than one alliance applies for the same funds, the funds will be distributed pro-rata.

## Amendment # 12 [K12]

### Language

### REPRESENTATIVE BINGHAM PROPOSES THE FOLLOWING AMENDMENT:

### EIA-Rural Teacher Recruiting Incentive

### Amend

1A.64. (SDE-EIA: Rural Teacher Recruiting Incentive) (A) There is created a program within the South Carolina Center for Educator Recruitment, Retention, and Advancement (CERRA) to recruit and retain classroom educators in rural and underserved districts experiencing excessive turnover of classroom teachers on an annual basis.

(B) During ~~Fiscal Year 2015-16~~ the current fiscal year, CERRA shall ~~develop~~ publish eligibility requirements and applications for individual educators, school districts, and institutions of higher education not inconsistent with existing licensure requirements for each, but also including:

(1) Eligible districts identified by CERRA as experiencing greater than twelve percent average annual teacher turnover, as reported on the districts' five most recent district report cards issued by the South Carolina Department of Education, may make application to participate in the program.

(2) Individuals eligible for incentives shall be willing to provide instructional services in an eligible district in exchange for participation in an incentive detailed in item (C) of this section, pursuant to the obligations and restrictions stated for each.

(3) Institutions of higher education eligible to receive education funding as a component of recruiting incentives created pursuant to item (C) of this section shall not be excluded from participation in Teaching Fellows Program ~~in accordance with proviso 1A.57 of this Act.~~

(4) Any incentives requiring individuals to relocate into an eligible district to provide instructional services shall not be made available to individuals providing instructional services in other eligible districts.

(C) Pursuant to item (A), CERRA shall develop a set of incentives including, but not limited to, salary supplements, education subsidies, professional development, and mentorship to be provided to classroom educators that offer instructional services in eligible districts. ~~The incentives and implementation shall be developed in consultation with the State Department of Education and the Education Oversight Committee, and shall provide incentive options for eligible individuals at all stages of their careers, including high-school and college or university students interested in entering the teaching profession.~~

### At a minimum, the incentives shall include:

~~(1) Subsidized tuition and instructional materials for students pursuing baccalaureate degrees in a major course of study that will result in that student's eligibility to seek certification as a teacher. Students participating in this incentive shall commit to providing instructional services in an eligible district at a rate of two school years for every year of subsidy received. South Carolina Teachers Loan forgiveness at a rate of one year for every two years of service as a teacher in an eligible district, unless otherwise eligible for a greater forgiveness rate under the guidelines of the South Carolina Teachers Loan.~~

~~(2) Enhanced student loan forgiveness or repayment. Development of a program for forgiveness for other student loans, not to exceed \$7,500 per year, to be administered by the South Carolina Student Loan Corporation. Teachers participating in this incentive shall receive loan forgiveness at a rate of one year for each year of service as a teacher commit to providing one year of instructional services in an eligible district for each year this incentive is received.~~

~~(3) Subsidized tuition, fees, and instructional materials for individuals pursuing graduate coursework in furtherance of a teaching career, including enrollment in a graduate degree-granting program, graduate-level coursework necessary to seek additional credentialing or certification relevant to the participant's teaching practice, or individuals seeking an alternative pathway to certification as a teacher. Development of a forgivable loan program for individuals pursuing graduate coursework in furtherance of a teaching career, to be administered by the SC Student Loan Corporation, including enrollment in graduate-level coursework necessary to seek additional credentialing or certification relevant to the participant's teaching practice, or individuals seeking an alternative pathway to certification as a teacher.~~

~~(4) Support for the establishment and maintenance of a teaching mentorship program, including salary supplements for teaching mentors not to exceed \$5,000 per year for a period of time not to exceed 5 years.~~

~~(5) Other technical support and recruiting incentives as developed by CERRA in conjunction with the Department of Education and the Education Oversight Committee consistent with the objectives of this section.~~

~~(D) In addition to eligibility and application requirements, CERRA shall develop a process for recovering an amount equal to the incentives given to individual participants who fail to comply with the obligations associated with a relevant incentive in which they participate including, but not limited to, failure to complete a prescribed course of study, failure to obtain a relevant certification or licensure upon completion of a course of study, or failure to provide instructional services in an eligible district for a prescribed period of time.~~

~~(DE) CERRA shall report by July 31 of the current fiscal year January 15, 2016 to the Governor, President pro Tempore of the Senate, and Speaker of the House on the incentives developed pursuant to item (C) of this section and make recommendations for attracting and retaining high quality teachers in rural and underserved districts. The report shall contain at a minimum eligibility requirements and application processes for districts and individuals, descriptions of and proposed budgets for each incentive program and an analysis of the number and demographics of individuals potentially eligible for each.~~

~~(EF) Funds appropriated or transferred for use in the Rural Teacher Recruiting Incentive may be carried forward from prior fiscal years and used for the same purpose.~~

## Amendment # 13 [K12]

### Language

#### REPRESENTATIVE ANTHONY PROPOSES THE FOLLOWING AMENDMENT:

#### SDE-Educational Credit for Exceptional Needs Children

#### Amend

1.86. (SDE: Educational Credit for Exceptional Needs Children) (A) As used in this proviso:

(1) "Eligible school" means an independent school including those religious in nature, other than a public school, at which the compulsory attendance requirements of Section 59-65-10 may be met, that:

(a) offers a general education to primary or secondary school students;

(b) does not discriminate on the basis of race, color, or national origin;

(c) is located in this State;

(d) has an educational curriculum that includes courses set forth in the state's diploma requirements and where the students attending are administered national achievement or state standardized tests, or both, at progressive grade levels to determine student progress;

(e) has school facilities that are subject to applicable federal, state, and local laws;

and

(f) is a member in good standing of the Southern Association of Colleges and Schools, the South Carolina Association of Christian Schools, or the South Carolina Independent Schools Association.;and

(g) offers a specially designed program or learning resource center to provide needed accommodations based on the needs of exceptional needs students or is a school specifically existing to meet the needs of only exceptional needs students with documented disabilities.

(2) "Exceptional needs child" means a child:

(a) (i) who has been evaluated in accordance with this state's evaluation criteria, as set forth in S.C. Code Ann. Regs. 43-243.1, and determined eligible as a child with a disability who needs special education and related services, in accordance with the requirements of Section 300.8 of the Individuals with Disabilities Education Act; or

(ii) who has been diagnosed within the last three years by a licensed speech-language pathologist, psychiatrist, or medical, mental health, psychoeducational, or other comparable licensed health care provider as having a neurodevelopmental disorder, a substantial sensory or physical impairment such as deaf, blind, or orthopedic disability, or some other disability or acute or chronic condition that significantly impedes the student's ability to learn and succeed in school without specialized instructional and associated supports and services tailored to the child's unique needs; and

(b) ~~the child's parents or legal guardian believes that the services provided by the school district of legal residence do not sufficiently meet the needs of the child.~~

(3) "Independent school" means a school, other than a public school, at which the compulsory attendance requirements of Section 59-65-10 may be met and that does not discriminate based on the grounds of race, color, religion, or national origin.

(4) "Nonprofit scholarship funding organization" means a charitable organization that:

(a) is exempt from federal tax pursuant to Section 501(a) of the Internal Revenue Code by being listed as an exempt organization in Section 501(c)(3) of the code;

(b) allocates, after its first year of operation, at least ninety-seven percent of its annual contributions and gross revenue received during a particular year to provide grants for tuition to children enrolled in an eligible school meeting the criteria of this proviso, and incurs administrative expenses annually, after its first year of operation, of not more than three percent nor more than \$200,000 in the aggregate, whichever is less, of its annual contributions and revenue for a particular year to cover operational costs;

(c) allocates all of its funds used for grants on an annual basis to children who are exceptional needs students;

(d) does not provide grants solely for the benefit of one school, and if the department determines that the nonprofit scholarship funding organization is providing grants to one particular school, the tax credit allowed by this proviso may be disallowed;

(e) does not have as a volunteer, contractor, consultant, fundraiser or member of its governing board any parent, legal guardian, or member of their immediate family who has a child or ward who is currently receiving or has received a scholarship grant authorized by this proviso from the organization within one year of the date the parent, legal guardian, or member of their immediate family became a board member;

(f) does not have as a member of its governing board or an employee, volunteer, contractor, consultant, or fundraiser who has been convicted of a felony;

(g) does not release personally identifiable information pertaining to students or donors or use information collected about donors, students or schools for financial gain; and

(h) must not place conditions on schools enrolling students receiving scholarships to limit the ability of the schools to enroll students accepting grants from other nonprofit scholarship funding organizations.

(5) "Parent" means the natural or adoptive parent or legal guardian of a child.

(6) "Person" means an individual, partnership, corporation, or other similar entity.

(7) "Qualifying student" means a student who is an exceptional needs child, a South Carolina resident, and who is eligible to be enrolled in a South Carolina secondary or elementary public school at the kindergarten or later year level for the applicable school year.

(8) "Resident public school district" means the public school district in which a student resides.

(9) "Transportation" means transportation to and from school only.

(10) "Tuition" means the total amount of money charged for the cost of a qualifying student to attend an independent school including, but not limited to, fees for attending the school, textbook fees, and school-related transportation.

(11) "Department" means the Department of Revenue.

(B) (1) A person is entitled to a tax credit against income taxes imposed pursuant to Chapter 6, Title 12, or bank taxes imposed pursuant to Chapter 11, Title 12 for the amount of cash and the monetary value of any publicly traded securities the person contributes to a nonprofit scholarship funding organization up to the limits of this proviso if:

(a) the contribution is used to provide grants for tuition to exceptional needs children enrolled in eligible schools who qualify for these grants under the provisions of this proviso; and

(b) the person does not designate a specific child or school as the beneficiary of the contribution.

(2) An individual is entitled to a refundable tax credit against income taxes imposed pursuant to Chapter 6, Title 12, or bank taxes imposed pursuant to Chapter 11, Title 12 for the amount of cash and the monetary value of any publicly traded securities, not exceeding ten thousand dollars per child, the individual contributes as tuition for exceptional needs children within their custody or care and enrolled in eligible schools who qualify for these grants under the provisions of this proviso. The cumulative maximum total for credits authorized by this subitem may not exceed four million dollars. However, if a child within the care and custody of an individual receives a tuition scholarship from a nonprofit scholarship funding organization, then the individual only may claim a credit equal to the difference of ten thousand dollars or the cost of tuition, whichever is lower, and the amount of the scholarship.

(C) Grants may be awarded by a scholarship funding organization in an amount not exceeding ten thousand dollars or the total cost of tuition, whichever is less, for qualifying students with exceptional needs to attend an independent school. Before awarding any grant, a scholarship funding organization must receive written documentation from the parent documenting that the qualifying student is an exceptional needs child. Upon approving the application, the scholarship funding organization must issue a check to the eligible school in the name of the qualifying student. In the event that the qualifying student leaves or withdraws from the school for any reason before the end of the semester or school year and does not reenroll within thirty days, then the eligible school must return a prorated amount of the grant to the scholarship funding organization based on the number of days the qualifying student was enrolled in the school during the semester or school year within sixty days of the qualifying student's departure.

(D) (1) (a) The tax credits authorized by subsection (B) may not exceed cumulatively a total of twelve million dollars for contributions made on behalf of exceptional needs students. If the department determines that the total of such credits claimed by all taxpayers exceeds either limit amount, it shall allow credits only up to those amounts on a first come, first served basis.

(b) The department shall establish an application process to determine the amount of credit available to be claimed. The receipt of the application by the department shall determine priority for the credit. Subject to the provisions of item (5), contributions must be made on or before June 30, 2016, in order to claim the credit. The credit must be claimed on the return for the tax year that the contribution is made.

(2) A taxpayer may not claim more than sixty percent of their total tax liability for the year in contribution toward the tax credit authorized by subsection (B)(1). This credit is not refundable.

(3) If a taxpayer deducts the amount of the contribution on the taxpayer's federal return and claims the credit allowed by this proviso, then the taxpayer must add back the amount of the deduction for purposes of South Carolina income taxes.

(4) The department shall prescribe the form and manner of proof required to obtain the credit authorized by subsection (B). Also, the department shall develop a method of informing taxpayers if the credit limit is met at any time during Fiscal Year ~~2015-16~~ 2016-17.

(5) A person only may claim a credit pursuant to subsection (B) for contributions made between July 1, ~~2015~~ 2016, and June 30, ~~2016~~ 2017.

(E) A corporation or entity entitled to a credit under subsection (B) may not convey, assign, or transfer the credit authorized by this proviso to another entity unless all of the assets of the entity are conveyed, assigned, or transferred in the same transaction.

(F) Except as otherwise provided, neither the Department of Education, the Department of Revenue, nor any other state agency may regulate the educational program of an independent school that accepts students receiving scholarship grants pursuant to this proviso.

(G) (1) ~~By August 1, 2015, each independent school must apply to the Education Oversight Committee to be considered an eligible institution for which it may receive contributions from a nonprofit scholarship funding organization for which the tax credit allowed by this proviso is~~



~~allowed.~~ The Education Oversight Committee, as established in Chapter 6, Title 59, is responsible for determining *annually* if an eligible school meets the criteria established by subsection (A)(1), and shall ~~publish an approved list of such schools meeting the criteria~~ *maintain on its website a list of schools approved for participation in the program. Any school that participated in the program in the prior fiscal year and complied with the requirements of the program would have until December 30 of the current fiscal year to reapply for participation in the program and in the meantime would continue to be an eligible institution unless the school notifies the committee in writing of its decision not to participate in the program. Furthermore, any school that did not participate in the program in the prior fiscal year may apply for participation in the program at any time in the current fiscal year.* If an independent school does not apply to be an eligible school, the independent school may not be published as an approved school, and contributions to that school shall not be allowed for purposes of the credit allowed by this proviso. The Education Oversight Committee must publish the approved list of schools on its website by September first of each year, *shall update the list upon the approval of additional eligible schools*, and the list must include their names, addresses, telephone numbers, and, if available, website addresses. Also, the score reports and audits received by the Education Oversight Committee pursuant to items (2)(b) and (c) must be published with the list. The Education Oversight Committee shall summarize or redact the score reports if necessary to prevent the disclosure of personally identifiable information. For this purpose, it also shall promulgate regulations further enumerating the specifics of this criteria. In performing this function, the Education Oversight Committee shall establish an advisory committee made up of not more than nine members, including parents, and representatives of independent schools and independent school associations. The advisory committee shall provide recommendations to the Education Oversight Committee on the content of these regulations and any other matters requested by the Education Oversight Committee.

(2) An independent school's application for consideration as an eligible institution must contain:

(a) the number and total amount of grants received from each nonprofit scholarship funding organization in the preceding fiscal year;

(b) student test scores, by category, on national achievement or state standardized tests, or both, for all grades tested and administered by the school receiving or entitled to receive scholarship grants pursuant to this proviso in the previous fiscal year;

(c) a copy of a compilation, review, or compliance audit of the organization's financial statements, conducted by a certified public accounting firm; and

(d) a certification by the independent school that it meets the definition of an eligible school as that term is defined in subsection (A)(1) and that the report is true, accurate, and complete under penalty of perjury in accordance with Section 16-9-10.

(3) Any independent school not determined to be an eligible school pursuant to the provisions of this proviso may seek review by filing a request for a contested case hearing with the Administrative Law Court in accordance with the court's rules of procedure.

(4) The Education Oversight Committee, after consultation with its nine-member advisory committee, may exempt an independent school having students with exceptional needs who receive scholarship grants pursuant to this proviso from the curriculum requirements of subsection (A)(1)(d).

(H) (1) By August first of each year, each nonprofit scholarship funding organization must apply to the department to be considered an eligible organization for which its contributors are allowed the tax credit allowed by this proviso. If a nonprofit scholarship funding organization does not apply, the organization may not be published as an approved organization, and contributions to that organization shall not be allowed for purposes of the credit allowed by this proviso. A nonprofit scholarship funding organization's application must contain:

(a) the number and total amount of grants issued to eligible schools in the preceding fiscal year;

(b) for each grant issued to an eligible school in the preceding fiscal year, the identity of the school and the amount of the grant;

(c) an itemization and detailed explanation of any fees or other revenues obtained from or on behalf of any eligible schools;

(d) a copy of the organization's Form 990 or other comparable federal submission that indicates the provisions of the Internal Revenue Code under which the organization has been granted exempt status for purposes of federal taxation;

(e) a copy of a compilation, review, or audit of the organization's financial statements, conducted by a certified public accounting firm;

(f) the criteria and eligibility requirements for scholarship awards; and

(g) a certification by the organization that it meets the definition of a nonprofit scholarship funding organization as that term is defined in subsection (A)(4) and that the report is true, accurate, and complete under penalty of perjury in accordance with Section 16-9-10.

(2) By receiving the application materials and approving the organization as an eligible organization pursuant to item (1), the department is not determining that the organization meets all of the requirements of a qualified nonprofit scholarship funding organization and the organization remains subject to examination as provided for pursuant to subsection (I).

(3) The department has authority to disclose the names of qualifying nonprofit scholarship funding organizations to the Education Oversight Committee. The department also may disclose to the Education Oversight Committee the names of organizations that applied but were not qualified by the department and those organizations whose eligibility has been revoked in accordance with subsection (I)(2), as well as the reason the application of the organization was not accepted or the reason its qualification was revoked.

(4) By September first of each year, the Education Oversight Committee must publish on its website a list of all qualifying nonprofit scholarship funding organizations, provided by the department, to include their names, addresses, telephone numbers, and, if available, website addresses. Also, the results of the audit required by item (1)(e) must be published with the list.

(I) (1) The department has authority to oversee, audit, and examine the nonprofit scholarship funding organizations, including determining whether the nonprofit scholarship funding organization is being operated in a manner consistent with the requirements for an IRC Section 501(c)(3) organization or is in compliance with any other provision of this proviso.

(2) (a) If at any time during the year, the department has evidence, through audit or otherwise, that a nonprofit scholarship funding organization is not being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with any other provision of this proviso, the department immediately may revoke the organization's participation in the program and must notify the organization and the Education Oversight Committee in writing of the revocation.

(b) Notice of revocation may be provided to the organization by personal delivery to the organization, by first class mail to the last known address of the organization, or by other means reasonably designed to provide notice to the organization.

(c) Any donations made following the date the notice of revocation is received by the organization or in the case of delivery by mail ten days after the notice of revocation was mailed, will not qualify for the credit and the donated funds must be returned to the donor by the organization. This proviso shall not limit the department's authority to deny any tax credit or other benefit provided by this proviso if the circumstances warrant.

(d) (i) Within thirty days after the day on which the organization is notified of the revocation, the organization may request a contested hearing before the Administrative Law Court. Within thirty days after a request for a contested case hearing is received by the Administrative Law Court, an administrative law judge shall hold the contested case hearing and

determine whether the revocation was reasonable under the circumstances. The department has the burden of proof of showing that the revocation was reasonable under the circumstances. The revocation is "reasonable" if the department has some credible evidence to believe that the organization is not being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization or is not in compliance with any other provision of this proviso. The decision made by the administrative law judge is final and conclusive and may not be reviewed by any court. If the organization does not request a contested case hearing within thirty days of the immediate revocation, the revocation shall become permanent.

(ii) If the administrative law judge determines that the revocation was reasonable, the administrative law judge shall remand the case to the department to issue a department determination for permanent revocation within the time period determined by the judge. The organization may appeal this department determination in accordance with Section 12-60-460. At the contested case hearing on the department determination, the parties can raise new issues and arguments in addition to those issues and arguments previously presented at the revocation hearing.

(iii) If the administrative law judge determines that immediate revocation is not reasonable, the revocation shall be lifted and the organization may resume accepting donations and award scholarships hereunder. The department may still issue a department determination in accordance with Section 12-60-450(E)(2).

(iv) If at any time during the process, the department believes the organization is in compliance, the department, in its sole discretion, may reinstate the organization and notify the Education Oversight Committee.

(v) Following the permanent revocation of a nonprofit scholarship funding organization, the Education Oversight Committee has the authority to oversee the transfer of donated funds of the revoked organization to other nonprofit scholarship funding organizations.

(J) A nonprofit scholarship funding organization may transfer funds to another nonprofit scholarship funding organization, especially in the event that the organization cannot distribute the funds in a timely manner or if the organization ceases to exist. None of the funds that are transferred by one nonprofit scholarship funding organization to another may be considered by the former organization when calculating its administrative expenses.

Amendment #14 [CRJ]

REPRESENTATIVES CLEMMONS and PITTS PROPOSE THE FOLLOWING  
AMENDMENT:

Language

DEPARTMENT OF NATURAL RESOURCES/SECTION 47

New

47.NEW (DNR: Predator Control Program) Of the funds authorized and appropriated in this Act, the Department of Natural Resources is directed to develop and implement a coyote tagging and bounty program within this state. They must tag and release no less than three coyotes in each of the four game zones and apply a bounty of not less than \$1,000 per tagged coyote, however, the Department's Board may at its discretion increase the amount of the bounty.

## Amendment # 15 [TRA]

Language

**REPRESENTATIVE G.M. SMITH PROPOSES THE FOLLOWING AMENDMENT:**

**R36 - DEPARTMENT OF LABOR, LICENSING, AND REGULATION**

**New:**

*81.scb. (LLR: Suspend Cemetery Board) For Fiscal Year 2016-17, the provisions of Chapter 8 of Title 40 of the 1976 Code, relating to the South Carolina Perpetual Care Cemetery Act, shall be suspended. The department shall be prohibited from expending any funds appropriated to and/or authorized for the S.C. Perpetual Care Cemetery Board.*

- 40-8-20 - creates Perpetual Care Cemetery Board
- 40-8-30 - provides definitions
- 40-8-35 - cemetery contract disclosure requirements
- 40-8-40 - licensure requirements; care designations
- 40-8-50 - board membership
- 40-8-60 - election of chm, vice-chm; expense reimb; meetings
- 40-8-70 - board power and duties
- 40-8-75 - seal
- 40-8-80 - license fees
- 40-8-90 - application to establish cemetery; license change applic to purchase existing cemetery
- 40-8-100 - records; adoption & notification of use, care, mgmt, merchandise installation policies, service fees
- 40-8-110 - care and maintenance trust funds; merchandise accts; financial reports; penalties
- 40-8-120 - land requirements; conveyance and use of excess contiguous lands; transfer to municipality
- 40-8-130 - mausoleum and below ground crypt construction deadlines; burial vault replacement, coastal and lowland exception
- 40-8-140 - cemetery signs
- 40-8-150 - disciplinary action; grounds
- 40-8-160 - dissemination of order finding basis for disciplinary action; fine
- 40-8-170 - voluntary surrender of license
- 40-8-180 - appeal
- 40-8-190 - punishment and fines for violation of chapter
- 40-8-200 - certain cemeteries excepted from provisions of chapter
- 40-8-210 - licensing of existing cemeteries
- 40-8-220 - disclosure of conditions for free burial rights; basic maintenance requirements; religious code isolation designations
- 40-8-230 - severability
- 40-8-240 - application of chapter to new public cemeteries

Ways and Means Committee Amendment

## Amendment # 16 [HEA]

*Language*

**REPRESENTATIVE G.M. SMITH PROPOSES THE FOLLOWING AMENDMENT:**

**DHHS - Department of Health and Human Services**

Amend:

**33.15.** (DHHS: ~~SCHIP~~ CHIP Enrollment and Recertification) The Department of Health and Human Services shall enroll and recertify eligible children to the State Children's Health Insurance Program (~~SCHIP~~ CHIP) and ~~must~~ may use available state agency program data including but not limited to that housed in the Revenue and Fiscal Affairs Office, to include the Department of Social Services' ~~Food Stamp program~~ Supplemental Nutritional Assistance Program (SNAP) and poverty-related information from the Department of ~~Education's Free and Reduced Meal eligibility data~~ Education. Use of this data and cooperative efforts between state agencies reduces the cost of outreach and maintenance of eligibility for ~~SCHIP~~ CHIP.

## Amendment # 17 [HEA]

*Language*

### REPRESENTATIVE COLE PROPOSES THE FOLLOWING AMENDMENT:

#### DHEC - Department of Health and Environmental Control

Delete:

~~34.50. (DHEC: Seawall Reconstruction/Repair) In the current fiscal year, the Department of Health and Environmental Control may issue a special permit for the reconstruction or repair of an existing erosion control device of at least four thousand contiguous linear feet that is located landward of an area which the department has granted a permit authorizing a renourishment project that does not qualify for public funding and the permit is active as of July 1, 2014. The department may only issue the permit if the seawall will be reconstructed or repaired with like material and the footprint of the replacement is no more than two feet from the footprint of the original. The department may charge a permit fee equal to the actual cost of issuing the permit.~~

## Amendment # 18 [HEA]

### *Language*

#### **REPRESENTATIVES NEAL AND LIMEHOUSE PROPOSES THE FOLLOWING AMENDMENT:**

#### **DHEC - Department of Health and Environmental Control**

#### **New**

**34.ahp:** (DHEC: AIDS Service Provision and Hemophilia Assistance Programs) For the current fiscal year, funds appropriated and authorized to the Department of Health and Environmental Control for clinical services, medical case management, and the Hemophilia Assistance Program shall be used to provide for the following:

(1) The Department shall establish through contract a pilot program for the expansion of direct services to clients who are HIV positive. As part of the pilot program, the Department shall facilitate 340b pricing for the AIDS Healthcare Foundation by utilizing Ryan White Part B federal funding to support this pilot in order to maximize the state's resources and service provision beyond its current levels. The Department shall require that the AIDS Healthcare Foundation provide any reports or information required by the 340b pricing program, and shall provide proof of the contractual relationship between the Department and the AIDS Healthcare Foundation to the Office of Pharmacy Affairs at HRSA.

(2) The Department shall develop and provide for an appeal process for individuals to Opt-Out of services provided by the Department's Hemophilia Pharmacy. The department must develop and enter into a contract with an alternate pharmacy for individuals granted this exemption. The alternate pharmacy must be licensed in South Carolina by the board of pharmacy as either a "resident" or "non-resident" pharmacy, and must also be a credentialed and contracted pharmacy provider with the department. The alternate pharmacy must be a specialty pharmacy providing Hemophilia pharmacy services.



## Amendment # 19 [LEG]

*Language*

**REPRESENTATIVE HERBKERSMAN PROPOSES THE FOLLOWING AMENDMENT:**

### **SECTION 114 - AID TO SUBDIVISIONS - DEPARTMENT OF REVENUE**

**DELETE:**

**114.1.** (AS-DOR: Homestead Exemption Fund Reduction and CTC Road Program) ~~The Fiscal Year 2015-16 appropriation to Aid to Subdivisions Department of Revenue for Distribution to Subdivisions: Aid to Counties Homestead Exemption Fund (X440) is reduced by \$20,425,000. — The first \$10,000,000 carried forward from Fiscal Year 2014-15 annual appropriations to Aid to Subdivisions Department of Revenue for Distribution to Subdivisions: Aid to Counties Homestead Exemption Fund (X440) shall be credited to the Department of Transportation for distribution pursuant to Section 12-28-2740 of the 1976 Code. County Transportation Committees shall utilize the funds distributed pursuant to this proviso solely for use on the state-owned secondary road system for paving, rehabilitation, resurfacing, and/or reconstruction, and bridge repair, replacement, or reconstruction. No funds from this allocation shall be used for any road, bridge, or highway that is not part of the state-owned system.~~

## Amendment # 20 (LEG)

### REPRESENTATIVE HERBKERSMAN

### SECTION 118 - STATEWIDE REVENUE

#### AMEND

**118.9.** (SR: Tax Relief Reserve Fund) There is created the Tax Relief Reserve Fund, which shall be separate and distinct from the General Fund. Interest accrued by the fund must remain in the fund. Notwithstanding any other provision of law, on December 31, ~~2015~~ 2016, the State Treasurer shall transfer funds identified in this act from the General Fund to the Tax Relief Reserve Fund. These funds may only be used to provide tax relief to businesses and individuals as provided by law. Funds within the Tax Relief Reserve Fund shall be retained and carried forward to be used for the same purpose.

Amendment # 21[CRJ]

*Language*

**REPRESENTATIVES GM SMITH, PITTS, CLEMMONS PROPOSE THE FOLLOWING AMENDMENT:**

**[SECTION 117/GENERAL PROVISIONS]**

New

*117. ursi (GP: Uniform and Retroactive Step Increase) Where a step increase is funded or authorized in this Act for full-time classified state employees, it shall be applied uniformly across the same position title and pay band associated with that position title. This step increase shall apply retroactively for step increases awarded in Fiscal Year 2013-14, Fiscal Year 2014-15 and Fiscal Year 2015- 16.*