

**SENATE FINANCE COMMITTEE
K-12 EDUCATION SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2017-18
PACKAGE #2**

SECTION 1 - H630 - DEPARTMENT OF EDUCATION

1.88 **AMEND NEW PROVISO** (CDEP Overpayment) **WMC:** ADD new proviso to direct that school districts are not required to return any overpayment of CDEP funds they received in school year 2015-16 due to a department calculation error. Prohibit the department from requiring school districts to return such overpayment.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to authorize school districts to carry forward the overpayment they received and expend the funds on Pre-K activities. Direct the department to use any available carry forward funds to hold school districts harmless if the district was under funded from CDEP funds in FY 2015-16. *Note: Companion EIA proviso is 1A.co.*

1.88. (SDE: CDEP Overpayment) School districts that received an overpayment of CDEP funds in school year 2015-16 due to a Department of Education calculation error shall not be required to return such overpayment to the Department of Education. The Department of Education shall be prohibited from requiring school districts to return any such overpayment of CDEP funds. School districts are authorized to carry forward and expend these funds for Pre-K activities. From available carry forward funds, the department is directed to hold harmless any school district that was under funded from CDEP funds in Fiscal Year 2015-16.

1.err **ADD** (Committee on Educator Retention and Recruitment) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso.....

1.err. (SDE: Committee on Educator Retention and Recruitment) From the funds appropriated to the department, the Superintendent of Education shall initiate convening a study committee to address the issue of educator recruitment and retention to include identification of the causes of teacher shortages and the state's educational system's future demand for teachers. The study committee shall develop recommendations for the General Assembly to consider which include, but are not limited to, building teacher recruitment; alternative certification; financial incentives; induction and mentorship; evaluation and feedback; and teacher leadership.

The study committee shall be comprised of the following members:

- (1) Chairman of the Senate Education Committee, or his designee;*
- (2) Chairman of the House Education and Public Works Committee, or his designee;*
- (3) Chairman of the Senate Labor, Commerce, and Industry Committee, or his designee;*
- (4) Chairman of the House Labor, Commerce, and Industry Committee, or his designee;*
- (5) Senate Majority Leader, or his designee;*
- (6) Senate Minority Leader, or his designee;*
- (7) House Majority Leader, or his designee;*
- (8) House Minority Leader, or his designee;*
- (9) Chairman of the State Board of Education, or his designee;*
- (10) Chairman of the Palmetto State Teacher's Association, or his designee;*
- (11) Chairman of the South Carolina Education Association, or his designee;*
- (12) Superintendent from a small School District appointed by the Governor;*
- (13) Superintendent from a medium School District appointed by the Governor;*
- (14) Superintendent from a large School District appointed by the Governor;*

Of the three Superintendents appointed by the Governor, at least one Superintendent must come a plaintiff or trial district in the Abbeville lawsuit;

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- (15) Executive Director of CERRA;
- (16) Chairman of the Education Oversight Committee;
- (17) Two Deans of Colleges of Education appointed by the Governor; and
- (18) State Superintendent Education who shall serve as Chairman of the Committee.

Staff support shall be provided by the Department of Education, with assistance from the staffs of the Senate Education Committee and the House Education and Public Works Committee, upon request. Findings and recommendations shall be submitted to the General Assembly by December 31, 2017.

SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

1A.82 AMEND NEW PROVISO (EIA: Abbeville Equity Districts Capital Improvement Plan) **WMC:** ADD new proviso to direct that funds appropriated for the Abbeville Equity Districts Capital Improvement Plan be allocated by the department to eligible school districts to fund school facility upgrades. Define “eligible school district” and “school facility” for purposes of this provision. Direct that school facilities does not include unimproved real property, centralized district administration facilities, or other facilities, including those identified with interscholastic sports activities. Direct the department to develop and maintain an application process and establish policies, procedures and priorities. Direct the department, at least twice a year, to prioritize eligible projects and submit recommended grant awards to the State Board of Education and require the State Board to affirmatively vote to award a grant. Direct the department to prepare an annual report on Plan activities for the preceding year and submit the report to the Governor and the Chairmen of the Senate Finance, House Ways and Means, Senate Education, and House Education and Public Works Committees.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND NEW PROVISO

1A.82. (SDE-EIA: ~~Abbeville Equity School~~ Districts Capital Improvement Plan) The funds appropriated for the ~~Abbeville Equity School~~ Districts Capital Improvement Plan in Part IA, Section I, VIII, ~~I J~~, ~~Abbeville Equity School~~ Districts Capital Improvements and by provisos ~~1A.50 and 1A.81 and 1A.cf~~ shall be allocated by the Department of Education to **eligible** school districts for the purpose of funding school facility upgrades. ~~Eligible school districts include 70% of the funds shall go to~~ any school district that is a plaintiff in the Abbeville law suit or districts with a poverty index of eighty percent or higher. **The remaining balance shall go to the remaining school districts.** For the purpose of this provision, “school facility” means only facilities necessary for instructional and related supporting purposes including, but not limited to, classrooms, libraries, media centers, laboratories, cafeterias, physical education spaces, ~~and related interior and exterior facilities, and the conduit, wiring, and powering of hardware installations for classroom computers or for area network systems.~~ Eligible school facility projects shall include: (a) health and safety upgrades; ~~and~~ (b) ~~technology upgrades inside school facilities;~~ (c) ~~upgrades associated with career and technology education programs; and~~ ~~(d)~~ deferred maintenance needs as described in the district’s capital improvement plan. For purposes of this provision, school facilities shall not include unimproved real property, centralized district administration facilities, or other facilities, including those normally identified with interscholastic sports activities.

The department shall develop and maintain an application process for school districts to request funding for qualified school projects and establish policies, procedures, and priorities for the making of grants pursuant to this provision. **At a minimum, results of the facilities**

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assessments and a districts own ability to raise revenues as determined by the index of taxing ability shall be utilized to establish priority of the eligible projects for grants. At least twice a year and upon receipt of applications pursuant to the application process adopted by the department, the department shall prioritize the eligible projects with the greatest need and shall submit a list of recommended grant awards to the State Board of Education. Grants shall be awarded upon an affirmative vote of the State Board.

The financial assistance provided to school districts pursuant to this provision must be used for the eligible school facility project. The department is responsible for establishing policies and procedures to ensure that funds are expended in a manner consistent with this provision.

Following the close of the fiscal year, the department shall submit an annual report of its ~~Abbeville Equity School~~ Districts Capital Improvement Plan activities for the preceding year to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public Works Committee.

1A.co ADD (CDEP Overpayment) SFC SUBCOMMITTEE RECOMMENDATION: ADD new proviso to direct that school districts are not required to return any overpayment of CDEP funds they received in school year 2015-16 due to a department calculation error. Prohibit the department from requiring school districts to return such overpayment. Authorize school districts to carry forward the overpayment they received and expend the funds on Pre-K activities. Direct the department to use any available carry forward funds to hold school districts harmless if the district was under funded from CDEP funds in FY 2015-16. *Note: Companion General Education proviso is 1.88.*

1A.co. (SDE-EIA: CDEP Overpayment) School districts that received an overpayment of CDEP funds in school year 2015-16 due to a Department of Education calculation error shall not be required to return such overpayment to the Department of Education. The Department of Education shall be prohibited from requiring school districts to return any such overpayment of CDEP funds. School districts are authorized to carry forward and expend these funds for Pre-K activities. From available carry forward funds, the department is directed to hold harmless any school district that was under funded from CDEP funds in Fiscal Year 2015-16.

1A.ocp CONFORM TO FUNDING (Opportunity School Pilot Initiative) SFC SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation / ADD new proviso.....

1A.ocp. (SDE-EIA: Opportunity Schools Pilot Initiative) The Opportunity Schools Pilot Initiative is a program of the South Carolina Public Charter School District intended to be a public-private partnership to recruit, develop and expand high-quality charter schools specifically serving high-need areas of South Carolina, including the Plaintiff school districts in the Abbeville vs. State of South Carolina lawsuit. As used in this proviso a “high-need area” is defined as a plaintiff district in the Abbeville lawsuit or any school attendance zone with a poverty index of 75% or greater. A dedicated office within the South Carolina Public Charter School District or an affiliated non-profit corporation shall be created to support the Opportunity Schools Initiative.

From the funds appropriated pursuant to _____, the _____ is directed to transfer an amount of \$1,000,000 to the South Carolina Public Charter School District for the purpose of implementing the Opportunity Schools Pilot Initiative. Amounts not expended during the current fiscal year may be carried forward for purposes of implementing the Opportunity

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Schools Initiative. These funds may be used for no other purpose. The South Carolina Public Charter School District is required to obtain a 1:1 match in private donations, up to \$1,000,000, in order to access state funding to support the Opportunity Schools Pilot Initiative. Funds shall go toward the development of up to five public charter schools in high-need areas.

The South Carolina Public Charter School District shall create an application and evaluation process for individuals or groups with a demonstrated track-record of serving students in high-need communities to apply for the Opportunity Schools charter school development funding. In order to meet the criteria for opening an Opportunity School, existing charter operators must have a record of success with high-need, high-poverty students, and are not eligible if their existing charter school is in corrective action status within the South Carolina Public Charter School District or any other charter school sponsor. Individuals or groups seeking to apply for the Opportunity Schools funding that do not currently operate a charter school must demonstrate success in improving academic achievement for high-need, high-poverty students. All applications approved by the South Carolina Public School District for the Opportunity Schools Initiative must be certified by the Education Oversight Committee as meeting the criteria set forth in the Opportunity Schools Initiative.

The South Carolina Public Charter School District shall report to the Education Oversight Committee on an annual basis on the status of the Opportunity Schools Initiative.

1A.ta CONFORM TO FUNDING (Teacher Academy Pilot) SFC SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation / ADD new proviso

1A.ta. (SDE-EIA: Teacher Academy Pilot) Of the funds appropriated to the Education Oversight Committee for Teacher Academy, \$100,000 shall be utilized to pilot a Teacher Academy project to improve teacher recruitment and retention. The Academy shall provide intensive professional development to beginning, novice, and struggling teachers during the summer prior to the current school year. The Education Oversight Committee shall evaluate the impact of the Academy using the state observation tool "Effective Learning Environments Observation Tool" (ELEOT).

SECTION 7 - L120 - JOHN DE LA HOWE SCHOOL

7.4 CARRIED OVER (Transition) Directs the John de la Howe Board of Trustees to work with an advisory group to recommend an educational, vocational, and life skills training program for older children who are at risk and aging out of the foster care or juvenile justice DSS or DJJ supervisory programs. Directs the Board of Trustees, in consultation with the advisory group to contract with a child-service provider to operate the program. Directs the Board of Trustees, with technical assistance from Clemson University, DOA, and EBO to continue to provide wilderness camp programs and identify initiatives to provide agricultural education opportunities on campus. Directs the school to work with DSS and DJJ to safely transition existing students into appropriate placements, programs and services. Provides for a status and progress report to be made to certain legislative committees by June 30th. Directs the Board of Trustees, in consultation with the advisory group to made recommendations to the Governor and General Assembly on the future role of the school.

WMC: DELETE proviso. Requested by John de la Howe School.

HOU: ADOPT deletion of proviso.

SFC SUBCOMMITTEE RECOMMENDATION: CARRIED OVER.

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~~7.4. (JDLH: Transition) In accordance with the purposes of the will of Dr. John de la Howe, by September thirtieth of the current fiscal year, the Board of Trustees of John de la Howe is directed to work with an advisory group comprised of one person each designated by the Director of the Department of Social Services, the Director of the Department of Mental Health, the Director of the Department of Juvenile Justice, the State Superintendent of Education, the Director of the Department of Alcohol and Other Drug Abuse Services, the Chair of the Joint Citizens and Legislative Committee on Children, a Representative appointed by the Speaker of the House, and a Senator appointed by the President Pro Tempore of the Senate to recommend an educational, vocational, and life skills training program at the John de la Howe School for older youth who are at risk and who are aging out of the foster care or the juvenile justice supervisory programs of the Department of Social Services or the Department of Juvenile Justice. The program will utilize the funds appropriated to John de la Howe School for the costs of the program that will include school drop-out recovery to complete a high school degree, a GED program, vocational and employment training, and an aftercare program for transition of the youth to independent living and employment. Clemson University will collaborate with the advisory group regarding the development of a vocational farming component for the program.~~

~~In consultation with the advisory group and as set forth herein, by November thirtieth, the John de la Howe Board of Trustees will procure a contract with a child service provider to operate the program. The child service provider must be a nationally accredited (AdvancED) educational organization experienced in both child protection and juvenile justice programs and must be able to demonstrate a history of success in the operation of educational and vocational residential training programs for youth. The Department of Administration and the Executive Budget Office will assist John de la Howe as needed in the transition.~~

~~With funds appropriated and with technical assistance from Clemson University, the Department of Administration and the Executive Budget Office, the John de la Howe School Board of Trustees will continue to provide wilderness camp programs to students in the current fiscal year; and identify initiatives to provide agricultural education opportunities on campus for students.~~

~~John de la Howe will work with the Department of Social Services and the Department of Juvenile Justice to provide for the safe transition of the existing residents from John de la Howe School into such placements, programs and services as determined appropriate based on an assessment of their individual needs.~~

~~In the development of the program and in the qualifications and selection of the child service provider, considerations by the John de la Howe Board of Trustees in consultation with the advisory group will include the following:~~

~~(1) the overlap of needs of children who crossover for services between the Department of Social Services and the Department of Juvenile Justice;~~

~~(2) educational, school drop-out recovery, GED, vocational programs, life skills training programs, career and employment opportunities, and independent living programs for these older youth clients that can be provided using the John de la Howe School facilities, resources, and funding to assist these youth who are at risk and aging out of state services to prepare for success as adults;~~

~~(3) aftercare programs that will follow these youths into the community and help them to become established in viable employment and living situations that encourage a future free of homelessness, unemployment, poverty, alcohol and other substance abuse, criminal behavior, and dependence on public assistance;~~

~~(4) provide the existing child clients at John de la Howe School with a proper, safe transition to family reunification or other appropriate placements and services;~~

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~~(5) provide consideration of current John de la Howe School employees, where appropriate, for employment pursuant to the new provider contract for program services; and,~~

~~(6) how the existing funds and youth vocational training programs can be applied to provide repairs and maintenance to the John de la Howe School buildings and grounds.~~

~~The John de la Howe Board of Trustees, with technical assistance from the Department of Education will provide procurement for the contract, fiscal administration of the funds, contract accountability, compliance, and reporting and will submit reports by June thirtieth of the current fiscal year to the House Ways and Means Committee, the Senate Finance Committee, and the Joint Citizens and Legislative Committee on Children to inform the Committees regarding the status and progress of programs, operations, client data, facilities, and budget information. The John de la Howe Board of Trustees, in consultation with the advisory group will make recommendations to the Governor and General Assembly regarding the future role of the John De La Howe School.~~

7.5 CARRIED OVER (Transition) WMC: ADD new proviso to suspend all John de la Howe School operations for Fiscal Year 2017-18 and to terminate all employees, effective July 1, 2017. Provide for final compensation payout and direct all remaining funds and vacant FTEs be transferred to Clemson University PSA. Direct Clemson PSA to use the funds to evaluate and report on what agricultural educational programs can be offered that align with the Will, what land management and operational changes are needed and what the projected costs and timeframe would be for these changes. Direct that findings and recommendations be reported by December 1 to the Senate Finance and House Ways and Means Committees.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: CARRIED OVER.

7.5.(JDLHS: Transition) For Fiscal Year 2017-18, all financial and programmatic management and operations of the John de la Howe School shall be suspended and all employees terminated, effective July 1, 2017.

After the terminated employees final compensation has been paid, all remaining funds and vacant FTE's shall be transferred to Clemson University PSA. The university shall utilize transferred funds to perform an evaluation and report focused on: (1) what agricultural educational programs can be offered that align with the terms and purpose of the Dr. John de la Howe will; (2) what land management and operation changes are needed in order for the property and remaining assets to support the agricultural education programming mission of the will; and (3) what would be the projected costs of and timeframe for these changes. Additionally, Clemson University PSA shall be authorized to utilize the transferred funds to manage and maintain the grounds and other property of the estate as it sees fit, during the suspension period.

Clemson University PSA shall report to the Senate Finance Committee and to the House Ways and Means Committee by December 1 of the current fiscal year on its findings and recommendations.