

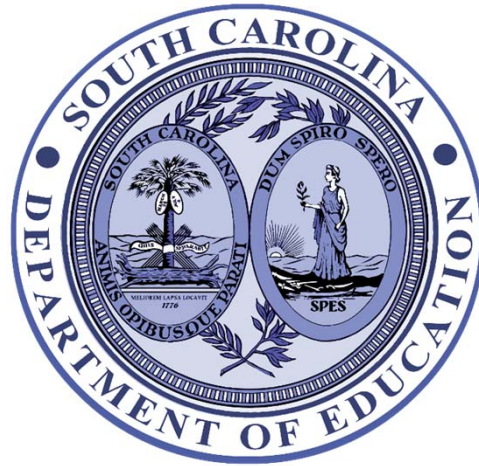
House Legislative Oversight
Education and Cultural Subcommittee

Department of Education
Division of Legal Affairs and Chief Finance Office
December 9, 2019

Division of Legal Affairs

The Division for Legal Affairs encompasses four offices: General Counsel, the Grants Program, Governmental Affairs and Procurement. Each office's mission is to support the profile of the South Carolina graduate through its unique contributions of legal advice, grant-related specialized technical assistance, legislative and policy related guidance, and efficient and cost effective acquisition of goods and services.





Office of General Counsel

Cathy Hazelwood

General Counsel

Mission

The attorneys in the Office of General Counsel provide legal advice to the State Superintendent of Education, the State Board of Education, and the staff of the State Department of Education.



Employee Turnover Rates

Number of all types of employees:

Number of employees (all types) in the unit	
<u>Start of fiscal year</u>	
2017-18	14
2016-17	15
2015-16	12
<u>End of fiscal year</u>	
2017-18	17
2016-17	14
2015-16	15
<u>Leave the unit during fiscal year</u>	
2017-18	4
2016-17	7
2015-16	1
<u>Turnover rate</u>	
2017-18	25.81%
2016-17	48.28%
2015-16	7.41%

Full Time Employees Only:

<u>Start of fiscal year</u>	
2017-18	8
2016-17	8
2015-16	9
<u>End of fiscal year</u>	
2017-18	10
2016-17	8
2015-16	8
<u>Leave the unit during fiscal year</u>	
2017-18	1
2016-17	1
2015-16	0
<u>Turnover rate</u>	
2017-18	11.11%
2016-17	12.50%
2015-16	0.00%



Deliverable #20: Provide legal advice and support regarding the Individuals with Disabilities Education Act (IDEA) and other disability and civil rights laws related to the education of students with disabilities; the Family Educational Rights and Privacy Act (FERPA); school-based Medicaid services; medical homebound instruction; the educational rights of students placed or referred by state agencies in foster care, group homes, state-operated healthcare facilities, and residential treatment facilities (RTFs); the Freedom of Information Act (FOIA) and other education-related matters.

Single Unit Description: A signed IDEA complaint, a due process hearing request, a mediation request, or a due process hearing appeal.

Units Provided:

- 2017-2018: 99
- 2016-2017: 82
- 2015-2016: 36

Federal Funds:

- 2017-18: \$305,254.26
- 2016-17: \$269,191.04
- 2015-16: \$217,240.12



Deliverable #21: Tasked with disciplinary matters for South Carolina educators. Investigate and prosecute teacher certification matters in due process hearings. Provide legal guidance to school districts, educators, and the general public.

Number of Complaints Received:

- **2017-2018:** 215
- **2016-2017:** 132
- **2015-2016:** 99

Types of Complaints Handled:

- Unprofessional Conduct
- Test Security Violations
- Failing to meet requirements of ADEPT
- Breach of Contract

Pending Matters:

- 94 Unprofessional Conduct
- 29 Breach of Contract
- 1 Test Security Violation

In 2019 (as of October 23, 2019) the SBE has issued orders in the following cases:

- 64 Unprofessional Conduct
- 28 Breach of Contract
- 1 Test Security Violation
- 6 ADEPT
- 1 Out-of-State Certification



Deliverable #21 Continued

Case Example

1. WISTV publishes article entitled “Fired SC assistant principal to face sexual charges in Lexington County” on February 26, 2018.
2. OCG opened file on the matter.
3. Summary suspension of the educator’s certificate was sought and obtained from the SBE.
4. OGC’s investigatory file prepared.
5. Case presented to the Certification Review Committee (CRC) on February 25, 2019.
5. Notice sent to educator on February 27, 2019.
6. OGC was contacted by educator’s attorney and alternate resolutions discussed.
7. Order presented to the SBE on April 9, 2019 and was signed by the Board Chair.
8. Order placed on the SCDE website and notice of disposition released to all SC School Districts and the NASDTEC Clearinghouse.



Deliverable #22: Oversees all state legal matters within the purview of the SCDE.

Total employee equivalents required:

2017-2018: 1.47

2016-2017: 1.23

2015-2016: 1.44

Intent: Provide all SCDE employees work-related legal advice to ensure all rules and regulations are being properly followed.

Deliverable #23: Provide legal support and advice regarding all federal programs housed within the SCDE.

Total employee equivalents required:

2017-2018: .69

2016-2017: .56

2015-2016: .60

Federal Funds:

2017-18: \$200,653.48

2016-17: \$103,439.93

2015-16: \$40,081.37



Deliverable #24: Provide due process hearings to resolve disputes involving agency decisions, including proper handling of state and federal moneys.

- **Total employee equivalents required:**
 - 2017-2018: 1.58
 - 2016-2017: 1.42
 - 2015-2016: 1.53
- **Role of Agency:** Ensure integrity of a multitude of federal programs aimed at student intervention, after school programs offered across the state, and health and nutrition programs offered to our students year around.

Through the Office of Auditing Services, based on oversight required as the Fiscal Agency on behalf of the US Department of Education and the USDA, the OCG pursues instances where grant recipients have violated the terms of the grant.

Examples: 21st Century Grants, USDA Grants



Deliverable #25: Serve as MOA (Methods of Administration) on behalf of the Office for Civil Rights within the US Department of Education. This role entails two district site visits per year to ensure civil rights compliance in the area of program access and physical accessibility for all students.

Total employee equivalents required:

2017-2018: .69

2016-2017: .56

2015-2016: .60

School Districts Visited:

2017-2018: Orangeburg 5; Greenwood 51

2016-2017: Abbeville; Hampton 1

2015-2016: Lexington 4; Cherokee

Deliverable #26: Provide professional development as requested.

Total employee equivalents required:

2017-2018: .10

2016-2017: .10

2015-2016: .10

Examples of PD Provided:

- Principal Induction; student privacy and confidentiality Rights; medical homebound; general student discipline; education of students with disabilities, etc.



Deliverable #27: Provide administrative and legal advice to the State Board of Education.

Single Unit Description: A State Board of Education Meeting was held

- **Units:**
 - **2017-2018:** 12
 - **2016-2017:** 13
 - **2015-2016:** 11

Total employee equivalents required:

- **2017-2018:** 2.10
- **2016-2017:** 2.00
- **2015-2016:** 2.04

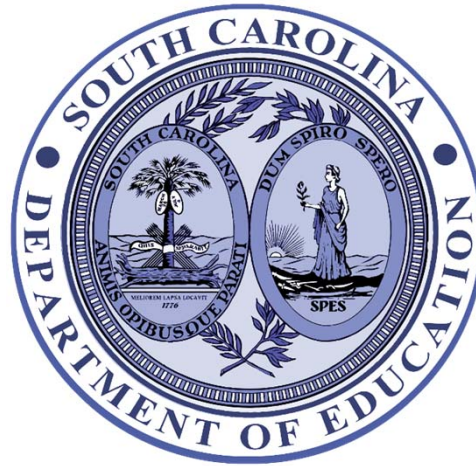
Deliverable #28: Oversee the State Board of Education

The State Board of Education is established in Article XI § 1 of South Carolina Constitution. The Board consists of 17 members, one appointed from each of the state's 16 judicial circuits by the legislators representing the various circuits, and a 17th member appointed by the governor. Members are appointed for four-year terms.

Total Deliverable Expenditures (SBE Annual Budget):

- **2017-2018:** \$72,296.91
- **2016-2017:** \$33,559.63
- **2015-2016:** \$32,424.28





Grants Program

Audrey Shifflett

Program Manager

Mission

The SCDE Grants Program's mission is to provide specialized technical assistance and resources to help the SCDE and school districts address their grant-related needs as we support the *Profile of the South Carolina Graduate*.



Employee Turnover Rate

- Three FTEs
 - Grants Manager
 - Grants Coordinator
 - Program Coordinator
- FY 2017–18 Turnover: Grants Coordinator
- May–October 2018: Temporary Employee.

Number of employees
(all types) in the unit

Start of fiscal year	
2017–18	3
2016–17	3
2015–16	3
End of fiscal year	
2017–18	4
2016–17	3
2015–16	3
Leave the unit during fiscal year	
2017–18	1
2016–17	0
2015–16	0
Turnover rate	
2017–18	28.57%
2016–17	0.00%
2015–16	0.00%



Deliverable #29: Provide technical assistance and resources to the agency administration and program offices on pre-award tasks and grant management topics.

While not required by state/federal law, 2 C.F.R. Part 200, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, requires grant recipients to have internal controls for administering federal funds.



More on Deliverable for the Grants Program

Single deliverable unit: funding application submitted (includes any application/form Grants Program assisted in submitting)

of Units Provided

2017–18	15
2016–17	15
2015–16	9

Total deliverable expenditures
(operational & employee salary/fringe)

2017–18	\$239,375.13
2016–17	\$214,242.47
2015–16	\$197,881.22

Agency expenditures/unit of deliverable

2017–18	\$15,958.35
2016–17	\$14,282.83
2015–16	\$21,986.80



Three Things SCDE Grants Program Does

1. Provides specialized technical assistance around phases of grant lifecycle.



Three Things SCDE Grants Program Does, continued

2. Maintains resources including agency's Grants Policy, Grants Manual, SMARTList, and others.

TITLE OF POLICY: ADMINISTRATION OF GRANTS
SECTION: Finance
POLICY NO.: 401 EFFECTIVE DATE: 12/18/2017
Revised: 12/17/2018
OFFICE OF RESPONSIBILITY: Finance and Division for Legal Affairs (Grants Program)

THE LANGUAGE USED IN THIS POLICY IS NOT INTENDED TO CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE STATE DEPARTMENT OF EDUCATION. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY, IN WHOLE OR IN PART, WITH OR WITHOUT NOTICE.

I. Policy Overview

The purpose of the Grants Policy is to communicate the standard operating processes related to the life cycle of a grant and reinforce the statutory and regulatory requirements surrounding the state grants and federal formula and discretionary grants that the South Carolina Department of Education (SCDE) receives and passes through to other entities. This includes processes for pre-award, post-award, and close out of grants received by the SCDE.

This policy applies to



- proposals for grant funding prepared for submission by the SCDE,
- formula (entitlement) grants and subgrants administered by the SCDE,
- discretionary (usually competitive) grants and subgrants administered by the SCDE, and
- cooperative agreements administered by the SCDE.

The policy also ensures that SCDE grants and subgrants adhere to applicable laws and regulations and are administered with fairness and consistency and in accordance with the appropriate Code of Federal Regulations (CFR).

The SCDE program office responsible for administering a grant program is responsible for understanding and following all applicable federal and state laws, regulations, and policies and for keeping up-to-date with any applicable guidance issued by the funding agency.

All grant documents, including applications for funding, requests for proposals (RFPs), award documents for state grants and for formula and discretionary subgrants, amendments to grant and subgrant awards, and responses to audits and monitoring visits must route for approval through the agency's approved routing system.

SCDE Policy No. 401 1




South Carolina Department of Education

2018

SMART List
Policies and Procedures, Grants Management,
Templates, and Samples

Page 1 of 1 100%

Grants Manual



Three Things SCDE Grants Program Does, continued

3. Maintains resources on SCDE website
 - SCDE Grant Opportunities
 - SCDE Grants Program
 - Program planning tools, templates, and samples
 - Training resources
 - Grants Programs Administered by the SCDE.

SOUTH CAROLINA DEPARTMENT OF EDUCATION
ed.sc.gov

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Home / Finance / Grants / SCDE Grant Opportunities

SCDE Grant Opportunities

Welcome to the agency's Web page of open grant opportunities. Our goal is to provide easy, one-stop access to open grant opportunities (federal, state, and privately funded) offered by the SCDE that includes all pertinent application requirements.

Closed grant opportunities are available using the "SCDE Archived Grant Opportunities" link. These may help you prepare for the next available funding round.

For grant writing resources, program planning tools, and grant announcements from external funders, visit the [Grants Program](#) web site.

NOTE The SCDE does not provide personal financial assistance. To learn where you may find personal help, please visit [USA.gov](#). To report fraud, please contact the [South Carolina Office of the Inspector General](#).

Current Grant Opportunities

Grant Opportunity	Program Office	Eligible Applicants	Total Available Funding	Application Due Date
Arts Curricular Innovation Grants - Arts Teacher Institutes	Office of Standards and Learning	SC public or private Institution of Higher Education (IHE), non-profit in partnership with IHE, SC Governor's School for the Arts and Humanities, and SC Governor's School for Science and	\$500,000	11/26/19

Contact Information

Grants Program
Division of Legal Affairs
 1429 Senate Street
 Room: 1001
 Columbia, SC 29201
Phone: [803-734-5810](tel:803-734-5810)
Email: grants@ed.sc.gov

Tutorials

[Request for Proposals: A Guide for Applying \(Script for Accessibility, PDF, 2gkb - 2/12/18\)](#)

[Grant Writing: Getting Started \(Script for Accessibility, PDF, 44.60kb - 2/23/18\)](#)

[Good Writing Matters \(Script for Accessibility\), PDF, 47kb - 3/20/18\)](#)

[Attaching Documents, Saving Progress, Confirming and Submitting an Application, and Troubleshooting Suggestions \(PDF, 736kb - 4/12/16\)](#)

For inquiries, please contact the Grants Program at [803-734-5810](tel:803-734-5810) or grants@ed.sc.gov.



SCDE in top 25 states for grant website friendliness!

- Up-to-date central repository for all opportunities
- Readily accessible to the public
- “...everything you need for planning – including the current or previous competition’s application instructions – can be easily accessed through links or downloads off of a central grant opportunity landing page!”



Reminder: What a Grant is Not

Free money!

All grants have
“strings
attached.”





Office of Procurement

Elsie Montgomery

Chief Procurement Officer

Mission Statement and Staff

The Division of Legal Services, Office of Procurement Services' mission is to provide the highest level of professional service to its customers. Our goal is to anticipate customer needs when possible and to ensure those needs are thoroughly and promptly met.

Our customers include the offices within the SCDE, the school districts, and other state agencies and entities promoting education. The primary thrust of our efforts is to serve our ultimate customers, the citizens of South Carolina.

Staff of Four (4): Procurement Director, Procurement Manager, and two Procurement Specialists



Employee Turnover Rates

Number of employees (all types) in the unit	
<u>Start of fiscal year</u>	
2017-18	3
2016-17	4
2015-16	5
<u>End of fiscal year</u>	
2017-18	4
2016-17	3
2015-16	4
<u>Leave the unit during fiscal year</u>	
2017-18	1
2016-17	1
2015-16	1
Turnover rate	
2017-18	28.57%
2016-17	28.57%
2015-16	22.22%



Associated Laws

- South Carolina Consolidated Procurement – “The Code”
 - Section 11-35
 - Regulation 19-445
- Applies to all expenditure of funds
 - Where federal funds are used, the more restrictive requirements (federal or state) apply.
- Comptroller General’s Disbursement Regulations



Certification

- SCDE has certification* as follows:
 - Goods and Services - \$100,000
 - Information Technology - \$100,000
 - School Bus Supplies / Maintenance- \$250,000
- Excluding Sole Source, Emergency and Exempt purchases, procurements exceeding or having the potential to exceed SCDE's certification must be processed by SFAA DPS

*Certification will increase with approval of minutes from Oct 2019 SFAA Board meeting



Customers

- Internal Staff
 - Offices
 - Transportation Bus Shops
 - Governor's School of Science and Mathematics (GSSM)
 - Governor's School for Arts and Humanities (GSAH)
 - Office of First Steps
- School Districts
- Vendors
- General Public



Deliverables and Intent

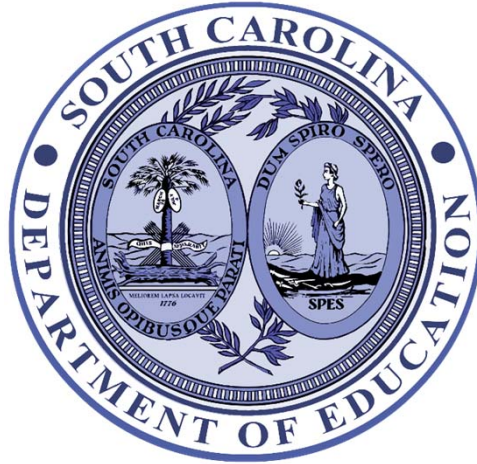
- Procure requested items for Internal Staff
 - Assist vendors with questions/concerns regarding the procurement process
 - Assist School Districts as requested with questions that they may have
- Ensure all procurement rules and regulations are being properly followed



Types of Procurement

- Buses
 - Purchase 2,634 since FY16
- Number of Purchase Orders by FY
 - FY19: 4,541
 - FY18: 5,32
 - FY17: 7,529
- Request For Proposals (RFP) examples
 - Efficiency Study, SC Ready, Multiple Assessments, Certification and Compensation System, Educator Evaluation Data Management System, Unique Student ID System, Marketing for SCDE, Education Value Added System, *Bus Routing*
- Assistance with State Contracts for that school districts can use
- PCard Spending By FY
 - FY19: 35,599 transactions - \$8,981,508
 - FY18: 27,182 transactions - \$7,748,620
 - FY17: 30,974 transactions - \$8,865,529





Office of Governmental Affairs

Katie Nilges

Mission

The Governmental Affairs division acts as the primary liaison between the Department of Education and the legislature by providing reports and data requested by the South Carolina General Assembly.



Employee Turnover Rates

Number of employees (all types) in the unit	
<u>Start of fiscal year</u>	
2017-18	0
2016-17	0
2015-16	0
<u>End of fiscal year</u>	
2017-18	3
2016-17	6
2015-16	0
<u>Leave the unit during fiscal year</u>	
2017-18	0
2016-17	0
2015-16	0
Turnover rate	
2017-18	0.00%
2016-17	0.00%
2015-16	Agency did not have employees in this unit



Deliverable #31: Communicate and work with members of the General Assembly and their staff regarding policy changes and budget updates.

Intent: Provide agency transparency to members of the Legislature to ensure that the educational needs of South Carolina students are being met through the various programs and initiatives housed at the SCDE.

Deliverable #32: Ensure all reports required of the SCDE are sent to the appropriate recipients.

Single Unit Description: A report was requested and submitted.

- Around 60 reports are due each year by various offices within the SCDE.

