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**South Carolina House of Representatives**

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### **Education and Cultural Subcommittee**

**Monday, December 9, 2019  
Room 410 Blatt Building**

#### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

#### **Attendance**

- I. The Education and Cultural Subcommittee meeting was called to order by Chairman Joseph H. Jefferson, Jr., December 9, 2019, in Room 410 of the Blatt Building. All members were present for some or all of the meeting, except Representative Pat Henegan.

#### **Minutes**

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.

- II. Representative Tommy Stringer moves to approve the minutes from the Subcommittee’s prior meeting on November 26, 2019. A roll call vote is held, and the motion passes.

Representative Stringer’s motion to approve the minutes from the November 26, 2019 meeting:	Yea	Nay	Not Voting: Present	Not Voting: Absent
Neal A Collins	✓			
Patricia Moore Henegan				✓
Joseph H. Jefferson, Jr.	✓			
Tommy Stringer	✓			

### Discussion of the Department of Education

- I. Chairman Jefferson provides opening comments and states that this is the subcommittee’s fourth meeting with the Department of Education. Further, he explains the purpose of the meeting is to discuss the Department of Education’s Division of Legal Affairs, which is comprised of four offices: Office of General Counsel; Grants Program; Office of Governmental Affairs; and Office of Procurement.
- II. Chairman Jefferson places the following Department of Education staff members under oath:
- Cathy Hazelwood, Deputy Superintendent Division of Legal Affairs
  - Henry Gunter, Deputy General Counsel
  - Elise Montgomery, Chief Procurement Officer; and
  - Audrey Shifflet, Grants Program Manager.

Superintendent of Education Molly Spearman and Katie Nilges, Director of Governmental Affairs, were present. Chairman Jefferson then reminds all individuals sworn in during prior Committee meetings they remain under oath.

- III. Cathy Hazelwood and Henry Gunter provide testimony about the Office of General Counsel, including its mission, employee turnover rate, related deliverables. Related deliverables include:
- 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 home bound 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.

- 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.
- Deliverable #22: Oversees all state legal matters within the purview of the SCDE.
- Deliverable #24: Provide due process hearings to resolve disputes involving agency decisions, including proper handling of state and federal moneys.
- 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.
- Deliverable #26: Provide professional development as requested.
- Deliverable #27: Provide administrative and legal advice to the State Board of Education.
- Deliverable #28: Oversee the State Board of Education.

IV. Audrey Shifflett provides testimony about the Grants Program including its mission, employee turnover rate, what the program does, its related deliverable (#29), which is to provide technical assistance and resources to the agency administration and program offices on pre-award tasks and grant management topics.

V. Elise Montgomery provides testimony about Office of Procurement, including its mission, staff, employee turnover rate, associated laws, certification authority, customers, related deliverables, and information about the types of procurement. Related deliverables include: procure requested items for internal staff and ensure all procurement rules and regulations are being properly followed.

VI. Katie Nilges provides testimony about the Office of Governmental Affairs, including its mission, employee turnover rate, and related deliverables. Related deliverables include:

- Deliverable #31: Communicate and work with members of the General Assembly and their staff regarding policy changes and budget updates.
- Deliverable #32: Ensure all reports required of the SCDE are sent to the appropriate recipients.

VII. Agency staff respond to Subcommittee member questions about:

- school resources officers (i.e., agency does not have disciplinary jurisdiction over law enforcement);
- funding for the Division of Legal Affairs;
- school district legal representation and amounts expended statewide by the districts;

- average length of cases handled by the Division of Legal Affairs;
- hearing officers expenses; and
- agency and local school districts handling of IDEA complaints.

As there was an afternoon full committee meeting, it was noted that additional questions related to these topics would be taken up at the December 18, 2019, subcommittee meeting.

### Adjournment

- I. There being no further business, the meeting is adjourned.