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Legislative Oversight Committee



South Carolina House of Representatives

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Education and Cultural Subcommittee

September 15, 2016

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 Chair James E. Smith, Jr., on Thursday, September 15, 2016, in Room 108 of the Blatt Building. Representative Gary E. Clary and Representative Tommy M. Stringer were present at the meeting.

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 Stringer moved to approve the minutes from the Subcommittee’s meeting on August 17, 2016. A roll call vote was held, and the motion passed.

Rep. Stringer’s motion to approve the minutes from July 13, 2016:	Yea	Nay	Not Voting
Rep. Gary E. Clary	✓		
Rep. Joseph H. Jefferson, Jr.			✓ (Not Present)
Rep. Tommy M. Stringer	✓		
Rep. James E. Smith, Jr.	✓		

- III. Representative Stringer moved to approve the minutes from the Subcommittee’s meeting on August 23, 2016. A roll call vote was held, and the motion passed.

Rep. Stringer’s motion to approve the minutes from July 13, 2016:	Yea	Nay	Not Voting
Rep. Gary E. Clary	✓		
Rep. Joseph H. Jefferson, Jr.			✓ (Not Present)
Rep. Tommy M. Stringer	✓		
Rep. James E. Smith, Jr.	✓		

Discussion of the School for the Deaf and the Blind

- I. Chair Smith provided an update on the activities to date with regards to the study of the School for the Deaf and the Blind; he requested that committee staff provide the subcommittee with an overview of the School for the Deaf and the Blind’s programs. Additionally, Chair Smith noted the subcommittee’s charge as provided in S.C. Code of Laws Section 2-2-20 which state the purpose of legislative oversight is to determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether or not they should be continued, curtailed or even eliminated. There was an opportunity for subcommittee members to ask any additional questions they may have of the agency about continuing, curtailing, or eliminating programs.
- II. Representative Clary made a motion to recommend continuation of the School for the Deaf and the Blind’s education, student support, residential, outreach, administration, and physical support programs, subject to any revisions considered later in this meeting. A roll call vote was held, and the motion passed.

Rep. Clary's motion to recommend continuation of the School for the Deaf and the Blind's education, student support, residential, outreach, administration, and physical support programs, subject to any revisions considered later in this meeting:	Yea	Nay	Not Voting
Rep. Gary E. Clary	✓		
Rep. Joseph H. Jefferson, Jr.			✓ (Not Present)
Rep. Tommy M. Stringer	✓		
Rep. James E. Smith, Jr.	✓		

III. Chair Smith noted that during the reporting part of the legislative oversight process, each agency under study is asked for their recommendations for restructuring and any legislative changes required to accomplish that restructuring. While in its most recent report the agency did not have any recommendations, after further review by committee staff and the agency there are some areas of the Code that may need modernization including provisions relating to the following topics: agency's purpose; maintenance fees; annual reporting, and employee classification and compensation. Additional information about these recommendations is incorporated in these minutes in Appendix A. Chair Smith asked that committee staff provide an overview of these recommendations for clarifying the agency's roles, and he sought input from the agency on each of the recommendations for clarification that was provided by Dr. Page McCraw. There was an opportunity for the subcommittee members to ask any additional questions they may have of the agency about these recommendations.

Representative Clary made a motion that the subcommittee consider all four of the recommendations together. A roll call vote was held, and the motion passed.

Rep. Clary's motion for the subcommittee to consider all four of the recommendations together:	Yea	Nay	Not Voting
Rep. Gary E. Clary	✓		
Rep. Joseph H. Jefferson, Jr.			✓ (Not Present)
Rep. Tommy M. Stringer	✓		
Rep. James E. Smith, Jr.	✓		

Representative Stringer made a motion that the subcommittee approve the four discussed recommendations relating to the topics of agency purpose;

maintenance fees; annual reporting; and employee classification and compensation. A roll call vote was held, and the motion passed.

Rep. Stringer’s motion that the subcommittee approve the four discussed recommendations relating to the topics of agency purpose; maintenance fees; annual reporting; and employee classification and compensation:	Yea	Nay	Not Voting
Rep. Gary E. Clary	✓		
Rep. Joseph H. Jefferson, Jr.			✓ (Not Present)
Rep. Tommy M. Stringer	✓		
Rep. James E. Smith, Jr.	✓		

Representative Stringer made a motion that the subcommittee instruct staff to draft a report and provide a copy to all subcommittee members by Friday, September 2, 2016. A roll call vote was held, and the motion passed.

Rep. Stringer’s motion that the subcommittee instruct staff to draft a report and provide a copy to all subcommittee members by Friday, September 2, 2016:	Yea	Nay	Not Voting
Rep. Gary E. Clary	✓		
Rep. Joseph H. Jefferson, Jr.			✓ (Not Present)
Rep. Tommy M. Stringer	✓		
Rep. James E. Smith, Jr.	✓		

Standard Practice 12.4 allows individual subcommittee members the opportunity to provide a written statement for inclusion with the Subcommittee Report. Representative Stringer made a motion that any such written statements be provided to staff before 5:00 p.m. on Friday, September 30, 2016. A roll call vote was held, and the motion passed.

Rep. Stringer’s motion that any subcommittee members’ written statements be provided to staff before 5:00 p.m. on Friday, September 30, 2016:	Yea	Nay	Not Voting
Rep. Gary E. Clary	✓		
Rep. Joseph H. Jefferson, Jr.			✓ (Not Present)
Rep. Tommy M. Stringer	✓		
Rep. James E. Smith, Jr.	✓		

Representative Clary made a motion that if by 5:00 p.m. on Friday, September 30, 2016, no member has requested another meeting in writing,

pursuant to Standard Practice 12.5 the Subcommittee Chair will notify the Committee Chair that a study is available for consideration by the full committee. A roll call vote was held, and the motion passed.

Rep. Clary’s motion for that if by 5:00 p.m. on Friday, September 30, 2016, no member has requested another meeting in writing, pursuant to Standard Practice 12.5 the Subcommittee Chair will notify the Committee Chair that a study is available for consideration by the full committee:	Yea	Nay	Not Voting
Rep. Gary E. Clary	✓		
Rep. Joseph H. Jefferson, Jr.			✓ (Not Present)
Rep. Tommy M. Stringer	✓		
Rep. James E. Smith, Jr.	✓		

- IV. After general remarks about the study process of the agency by subcommittee members and Dr. McCraw, the meeting was adjourned.

Appendix A

Agency Purpose

Code Section	Addition to Title 59, Chapter 47
Justification	Unlike some special schools addressed in other chapters of Title 59, there is no concise description of what the School does and who it serves.
Suggested Language	<p>CHAPTER 47 School for the Deaf and the Blind</p> <p><u>SECTION xx-xx-xx. Purpose</u></p> <p><u>The School for the Deaf and the Blind is established to provide high quality educational programs and outreach services to students who are deaf, blind, or sensory multi-disabled.</u></p>

Maintenance Fees

Code Section	SC Code of Laws §59-47-90
Justification	The School does not currently collect maintenance fees; it has not in recent years. Capital improvements are financed through a combination of public and private funds.
Suggested Language	<p>SECTION 59-47-90. Maintenance fees.</p> <p>_____ Pursuant to the authority of Section 59-47-80, the board of commissioners shall establish a maintenance fee schedule to be charged students attending the school. Such schedule may, in the discretion of the board, be graduated in accordance with the financial resources and income of the parent or guardian of the student concerned, or may be excused entirely in proper cases. Failure to pay maintenance fees in accordance with the schedule prescribed by the board may result in the discharge of a student from the school when the board determines that payment of fees would not be an unreasonable burden upon those persons obligated to pay such fees. All funds collected as maintenance fees, including any such fees collected prior to July 1 1970, shall be remitted to the State Treasurer for deposit in a special fund to be used for capital improvements at the school.</p>

Annual Report

Code Section	SC Code of Laws 59-47-100
Justification	While SCSDB provides an annual report to the General Assembly, in the form of the accountability report, the SCSDB-specific requirement that the report include student names, ages, residence, and progress information is outdated. Because it would violate student privacy and not clearly fall into any exemption, within the Family Educational Rights and Privacy Act (FERPA), the school would have to obtain written consent to release these records. In addition, providing this information in a publicly available format to the General Assembly would be highly irregular.

Suggested Language	<p>SECTION 59-47-100. Appropriations; reports of board.</p> <p>The board of commissioners shall draw the annual appropriations as made by the General Assembly for the support and maintenance of said school and shall annually report to the General Assembly an exact statement of their various acts and doings during the past year, showing exactly how they disbursed the money received and expended, the names of the persons who have received the bounty, the ages and places of residence of such persons and information as to their progress. Vouchers covering all such disbursements shall be filed in the office of the Comptroller General.</p>
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Employee Classification and Compensation

Code Section	SC Code of Laws 8-11-270
Justification	<p>Currently, SCSDB only considers teachers to be unclassified employees. That means that teachers can be hired at a rate that is competitive with the location that the teacher is working in and that the teacher will receive comparable step increases. However other personnel involved in instruction have been considered a part of the classified system. That means that those employees must be hired within the state's bands and are not eligible for step increases. In school districts, the same type of employee would be eligible for step increases. Since this section specifically provides an exemption to the classified system for instructional positions for which a certification is required, SCSDB would like to specifically define what those positions are. They all require some type of certification and they are all involved in instruction. The agency will also work with the Department of Administration regarding the appropriate classification of SCSDB employees.</p>
Suggested Language	<p>SECTION 8-11-270. Exemptions from classification and compensation plan.</p> <p>The classification and compensation plan shall not apply to:</p> <ol style="list-style-type: none"> 1. Exempt employees specified in Section 8-11-260; 2. Academic personnel; 3. Officials or employees whose salaries are fixed by statute; 4. Such other positions the General Assembly may elect to exempt from time to time; 5. Such other personnel employed by the State institutions of higher learning and/or medical institutions of education and research as are recommended by the respective governing bodies and approved by the Department of Administration. 6. Instructional positions for which certification is required at the South Carolina School for the Deaf and Blind, <u>including but not limited to teachers, bus drivers, orientation and mobility staff, occupational therapists, physical therapists, and interpreters.</u>