

**PROVISO**  
**SUBCOMMITTEE**  
**RECOMMENDATIONS**

~~~

**PUBLIC EDUCATION**  
**AND**  
**SPECIAL SCHOOLS**

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

**SECTION 1 - H63-DEPARTMENT OF EDUCATION**

- 1.4**     **AMEND** (EFA - Formula) Provides directives for the distribution of Education Finance Act appropriations and the development of formulas; and requires the Department to make adjustments to EFA disbursements to ensure the aggregate of such disbursements does not exceed appropriated funds.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change “insure that” to “ensure.” *Technical.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**1.4.** (SDE: EFA - Formula) The amount appropriated in Part IA, Section 1 for “Education Finance Act” shall be the maximum paid under the provisions of Act 163 of 1977 (the South Carolina Education Finance Act of 1977) to the aggregate of all recipients. The South Carolina Education Department shall develop formulas to determine the state and required local funding as stipulated in the South Carolina Education Finance Act of 1977. Such formulas shall require the approval of the State Board of Education and the Budget and Control Board. After computing the EFA allocations for all districts, the department shall determine whether any districts’ minimum required local revenue exceeds the districts’ total EFA Foundation Program. When such instance is found, the department shall adjust the index of taxpaying ability to reflect a local effort equal to the cost of the districts’ EFA Foundation Program. The districts’ weighted pupil units are to be included in determination of the funds needed for implementation of the Education Finance Act statewide.

In the event that the formulas as devised by the Department of Education and approved by the State Board of Education and the Budget and Control Board should provide for distribution to the various school districts totaling more than the amount appropriated for such purposes, subject to the provisions of this proviso, the Department of Education shall reduce each school district entitlement by an equal amount per weighted pupil so as to bring the total disbursements into conformity with the total funds appropriated for this purpose. If a reduction is required in the state’s contribution, the required local funding shall be reduced by the proportionate share of local funds per weighted pupil unit. The Department of Education shall continually monitor the distribution of funds under the provisions of the Education Finance Act and shall make periodic adjustments to disbursements to ~~insure that~~ ensure the aggregate of such disbursements do not exceed the appropriated funds.

Local districts shall not be mandated or required to inflate the base number in their respective salary schedules by any percentage greater than the percentage by which the appropriated base student cost exceeds the appropriated base student cost of the prior fiscal year.

- 1.5**     **AMEND** (Employer Contributions/Allocations) Provides guidelines for the allocation of employer contribution funds to school districts.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change “which” to “that.” *Technical.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**1.5.** (SDE: Employer Contributions/Allocations) It is the intent of the General Assembly that the appropriation contained herein for “Public School Employee Benefits” shall not be utilized to provide employer contributions for any portion of a school district employee’s salary ~~which~~ that is federally funded.

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

State funds allocated for school district employer contributions must be allocated by the formula and must be used first by each district to cover the cost of fringe benefits for personnel required by the Defined Program, food service personnel and other personnel required by law. Once a district has expended all state allocated funds for fringe benefits, the district may utilize food service revenues to fund a proportionate share of fringe benefits costs for food service personnel.

The Department of Juvenile Justice and the Department of Corrections' school districts must be allocated funds under the fringe benefits program in accordance with criteria established for all school districts.

- 1.8**     **AMEND** (Educational Responsibility/Foster Care) Directs how children in foster care, group homes, orphanages, or a state operated health care facilities are to be educated and how funding is to be provided for the education of the child.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change "mentally retarded" reference to persons "with intellectual disabilities." *Conform reference to Act 47 of 2011.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**1.8.** (SDE: Educational Responsibility/Foster Care) The responsibility for providing a free and appropriate public education program for all children including disabled students is vested in the public school district wherein a child of lawful school age resides in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental illness or chemical dependence and habilitation centers for ~~mentally retarded~~ persons *with intellectual disabilities* or persons with related conditions located within the jurisdiction of the school district or alternative residences. The districts concerned may agree upon acceptable local cost reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child last resided before placement in a facility an additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. If a child from out of state is residing in a facility owned and/or operated by a for profit entity, the district providing educational services shall be reimbursed by the for profit entity the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. This also applies to John de la Howe School who also has the authority to seek reimbursement in any situation that the school district has participation in the placement of the student. John de la Howe school shall be reimbursed the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. Participation will be evidenced by a written agreement from the IEP team or 504 team, written referral, or the school district initiating the placement process. School districts providing the education shall notify the nonresident district in writing within forty-five calendar days that a student from the nonresident district is receiving education services pursuant to the provisions of the proviso. The notice shall also contain the student's name, date of birth, and disabling condition if available. If appropriate financial arrangements cannot be effected between institutions of the state, including independent school districts under the authority of the Department of Disabilities and Special Needs, and school districts, institutions receiving educational appropriations shall pay the local base student cost multiplied by the appropriate pupil weighting. Children residing in institutions of state agencies shall be educated with nondisabled children in the public school districts if appropriate to their educational needs.

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

Such institutions shall determine, on an individual basis, which children residing in the institution might be eligible to receive appropriate educational services in a public school setting. Once these children are identified, the institution shall convene an IEP meeting with officials of the public school district in which the institution is located. If it is determined by the committee that the least restrictive environment in which to implement the child's IEP is a public school setting, then the school district in which the institution is located must provide the educational services. However, that school district may enter into contractual agreements with any other school district having schools located within a forty-five mile radius of the institution. The cost for educating such children shall be allocated in the following manner: the school district where the child last resided before being placed in an institution shall pay to the school district providing the educational services an amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act; the school district providing the educational services shall be able to count the child for all funding sources, both state and federal. The institution and school district, through contractual agreements, will address the special education and related services to be provided to students. Should the school district wherein the institution is located determine that the child cannot be appropriately served in a public school setting, then the institution may request a due process hearing pursuant to the procedures provided for in the Individuals with Disabilities Education Act.

The agreed upon acceptable local cost reimbursement or the additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to out-of-district students, shall be paid within sixty days of billing, provided the billing district has provided a copy of the invoice to both the Superintendent and the finance office of the district being invoiced. Should the district not pay within sixty days, the billing district can seek relief from the Department of Education. The department shall withhold EFA funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the billing school district.

The agency placing a child in any situation that requires changing school districts, must work with the schools to assure that all required school records, including confidential records, are transferred from the sending to the receiving school within three working days. School records to be transferred should include grade transcripts, state birth certificate, certificate of immunization, social security card, attendance records, discipline records, IEP's, psychological reports (or notation in the school records that a psychological report on the child is available at the school district office) and any other records necessary for the appropriate placement of the child in the new school. School districts must release all records upon presentation of a court order or appropriate permission for confidential release. If evaluation or placement is pending, the receiving school district is responsible to secure information and to complete the placement. The receiving school will maintain appropriate confidentiality of all records received on a child.

- 1.15 AMEND** (Travel/Outside of Continental U.S.) Prohibits school district allocations from General Funds and EIA funds from being used for travel outside the continental U.S., but exempts the International Baccalaureate Program.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to include lottery funds in the prohibition. *School districts also receive lottery funds and the department indicates those funds should be included in the prohibition.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

**1.15.** (SDE: Travel/Outside of Continental U.S.) School District allocations from General Funds, lottery, and EIA funds shall not be used for travel outside of the continental United States. The International Baccalaureate Program shall be exempt from this restriction.

- 1.21**     **AMEND** (Teacher Data Collection) Requires the department and CHE to share data about the teaching profession in South Carolina using non-program funds.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change reference to “the department” to “it.” *Technical.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**1.21.** (SDE: Teacher Data Collection) Of the non-program funds appropriated to the Department of Education, ~~the department~~ it and the Commission on Higher Education shall share data about the teaching profession in South Carolina. The data sharing should ensure (1) a systematic report on teacher supply and demand information and (2) data to determine classes being taught by public school teachers out of field of their preparation. The data collection should include but not be limited to: classes/subjects taught, number of students taught, percentage of teacher education graduates from South Carolina colleges/universities who go into teaching, percentage of teacher education graduates who teach in public schools in South Carolina, percentage of new teachers who leave the South Carolina teaching profession in the first three years of public school teaching due to unsuccessful evaluations, percentage of new teachers who leave the profession in the first three years of public school teaching in South Carolina who have successful evaluations, turnover rate of teachers and certification areas with highest vacancies. All database items should be set up so that it can be disaggregated by ethnicity, gender, geographic location, etc.

- 1.26**     **AMEND** (~~SAT~~ Assessment Preparation) Requires the department to write a plan reviewing, on an individual basis, weaknesses of students on actual PSAT administrations, and provide guidance and assistance to schools.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change “SAT Preparation” to “Assessment Preparation” and require the plan review a student’s strengths as well as weaknesses on a variety of national assessments and exams. Require the department use reports that analyze student “strengths” and weaknesses to provide local school districts with guidance. *Broaden the definition of national assessments.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**1.26.** (SDE: ~~SAT~~ Assessment Preparation) From the funds appropriated in Part IA for ~~SAT~~ Assessment Preparation, the ~~State~~ Department of Education shall institute a plan reviewing, ~~on an individual basis, the strengths and~~ weaknesses of students on ~~actual PSAT administrations, and providing assistance~~ national assessments such as, but not limited to, the SAT, ACT, WorkKeys, GED, Advanced Placement exams, and International Baccalaureate exams. ~~To accomplish this, the Department~~ The department shall use reports that analyze student strengths and weaknesses ~~and to~~ provide guidance to local ~~schools~~ school districts ~~on the effective use of the reports.~~

- 1.27**     **AMEND** (School Bus Purchase) Requires certain specifications be met when purchasing school buses.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete the authorization to use Georgia or North Carolina’s school bus specification and instead authorize “any state’s education agency or local education agency’s” school bus specifications to be used.

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

*This could reduce the time required to complete a school bus procurement cycle.* Fiscal Impact: No impact on the General Fund, however the department indicates there could be potential savings associated with procurement contracts. Requested by Department of Education.

**1.27.** (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State Superintendent of Education. The School Bus Specifications Committee shall allow for input from all school bus chassis and body manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus specifications of ~~Georgia or North Carolina~~ any state's education agency or local education agency in the procurement of school buses.

- 1.36** **DELETE** (Alternative Certification/Displaced Employees) Directs the department to give priority in the PACE program to recruiting qualified state employees impacted by a reduction in force and directs the Student Loan Corporation to give qualified employees priority in the Career-Changer Loan program.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Preference is given to one group of applicants solely based on a former employer. The PACE program should be permitted to recruit the most capable applicants regardless of previous employment history.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**1.36.** (SDE: Alternative Certification/Displaced Employees) ~~The Department of Education is directed to give priority in the Program for Alternative Certification for Educators (PACE) to the recruitment of qualified state employees impacted by reduction in force actions of agencies. The Student Loan Corporation is directed to give priority in the Career Changer Loan program to qualified state employees. The Department of Education shall provide information to the Office of Human Resources and the personnel offices of state agencies instituting a reduction in force to advertise and inform employees of this program and state agencies shall work with the department in this effort.~~

- 1.42** **AMEND** (Governor's Schools' Fees) Authorizes the Governor's Schools for the Arts and Humanities and Science and Mathematics to charge, collect, expend, and carry forward approved student fees.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to require both schools to conspicuously publish a fee schedule on their websites. *Increases transparency of fees.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**1.42.** (SDE: Governor's Schools' Fees) The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to charge, collect, expend, and carry forward student fees as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality in both academics and residential support. No student will be denied admittance or participation due to financial inability to pay. The respective Board of Directors shall promulgate administrative policy governing the collection of all student fees. Both schools shall conspicuously publish a fee schedule on their respective websites.

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

- 1.44 DELETE** (Base Student Cost Funding) Redirects funding to the Base Student Cost from particular items and areas of the department's base budget that have been reduced or eliminated and from deleted provisos that directed funding for specific items.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *This proviso could cause conflict with others. Provisos that suspended programs specify how the savings generated from suspensions are to be distributed to school districts.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**1.44.** (SDE: Base Student Cost Funding) ~~The funding for particular items and areas in the Department of Education's base budget that have been reduced or eliminated and provisos that directed funding for specific items that have been deleted, shall be redirected to the Base Student Cost.~~

- 1.58 DELETE** (GSAH Human Resources Annual Report) Requires the Governor's School for the Arts and Humanities provide annual reports on the school's human resources statistics for filled and vacant positions; on recruiting activities; and a comprehensive enrollment report.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *This proviso only applies to one of the two Governor's Schools and does not apply to any other public schools.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**1.58.** (SDE: GSAH Human Resources Annual Report) ~~Of the funds appropriated to the Governor's School for the Arts and the Humanities, the school shall provide to the Senate Finance Committee, the House Ways and Means Committee, the Budget and Control Board Office of Human Resources, and the Commission on Human Affairs an annual report detailing the school's human resource statistics for both filled and vacant positions. The report shall include specifics as to advertising, applicants, and selections as well as the composition of the selection team. In addition, an annual report of recruiting activities that address the school's Access Plan shall be required. A comprehensive enrollment report must be furnished annually.~~

- 1.60 AMEND** (Charter School Funding Schedule) Establishes a funding schedule for the distribution of funds to public charter schools.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change the timeframe by which funds must be released to districts after enrollment is verified from "fifteen" to "ten" days and the time frame by which districts must provide the funds to eligible charter schools from "thirty" to "ten" days after they receive the funds from the department. *Increases the timeliness of payments to public charter schools.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**1.60.** (SDE: Charter School Funding Schedule) Of the funds appropriated, districts with charter schools will receive funds after verification of student attendance on the fifth day of school at the beginning of each school year for those charter schools with approved incremental growth and due to expansion as provided in their charter application for new charter schools opening in the current fiscal year. The Department of Education will release funds to districts on behalf of their charter schools no later than ~~fifteen~~ ten days after receipt of verified enrollment. Districts must provide this funding to eligible charters no later than ~~thirty~~ ten days after receipt from the Department of Education. Funding will be adjusted at the forty-five-day school count as is currently the case with the Education Finance Act.

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

- 1.62 DELETE** (Transparency) Requires the department publish a link on its homepage to a listing of all programs funded with Federal Stimulus Funds and to update the listing monthly.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *State Fiscal Stabilization Funds must be obligated by September 30, 2011. This program will end during Fiscal Year 2011-12, therefore, it is not necessary to keep this proviso.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

~~1.62. (SDE: Transparency) The department must publish a link on its homepage to a listing of all programs funded during the current fiscal year with Federal Stimulus Funds to include program name, location, starting date, funding level and contact person with telephone number. This listing must be updated monthly to allow the public to easily identify how these funds are being used.~~

- 1.63 DELETE** (Prohibit Use of ARRA for Administration) Prohibits the department and school districts from using ARRA funds for administrative salary increases, bonuses, retirement incentives or severance packages.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *The American Recovery and Reinvestment Act of 2009 will end during Fiscal Year 2011-2012. Therefore, it is not necessary to keep this proviso.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

~~1.63. (SDE: Prohibit Use of ARRA for Administration) The department and school districts are prohibited from using funds received from the American Recovery and Reinvestment Act of 2009 for state department or school district administrative salary increases, bonuses, retirement incentives, or severance packages. The department shall provide to the General Assembly a list of federal stimulus expenditures.~~

- 1.66 DELETE** (Program Reports) Requires all programmatic reports required by the General Assembly to be submitted electronically.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Codified in Section 2-1-230.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

~~1.66. (SDE: Program Reports) For the current fiscal year, all programmatic reports required by the General Assembly shall be submitted electronically.~~

- 1.68 AMEND** (Administrative Costs Report Posting) Requires school districts to report and post their administrative costs on their website.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to specify that the administrative costs to be reported are those as defined by InSight in the prior fiscal year. Require districts to provide an electronic copy of the report to the Department of Education in conjunction with the financial audit reports they are required to submit to the department. Authorize the department to withhold a school district's EFA funds if the district is determined to be non-compliant. Fiscal Impact: No impact on the General Fund.

**1.68. (SDE: Administrative Costs Report Posting)** School districts must report the amount of funds spent on administrative costs, as defined by InSight in the prior fiscal year and post the report on the districts website. School districts shall provide an electronic copy of this report to the Department of Education in conjunction with the financial audit report required



**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

by Section 59-17-100, of the 1976 Code. The department is authorized to withhold EFA funds from a school district determined to be non-compliant with these requirements.

- 1.69 DELETE/CONFORM TO FUNDING** (Effectiveness of Strategies for Teaching Reading) Allocates \$34,911 to the EFA. from Section XIII.A.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso / CONFORM TO FUNDING. *If the General Assembly desires to increase funding for the EFA, it should do so by amending budget lines and not via a budget proviso.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

~~1.69. (SDE: Effectiveness of Strategies for Teaching Reading) Funds appropriated in Section XIII.A. in the amount of \$34,911 shall be allocated to the Education Finance Act.~~

- 1.73 DELETE** (Transportation) Directs the department, Senate Finance and House Ways and Means Committees and the Governor's Office to work together to explore privatizing all or part of the state school bus system.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *No proviso is required for this collaboration to take place between the named government entities.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

~~1.73. (SDE: Transportation) In Fiscal Year 2011-12, and from appropriated or authorized funds, the Department of Education, the Senate Finance Committee, the House Ways and Means Committee, and the Governor's Office will work together to explore privatization of all or part of the state school bus transportation system while ensuring that all students are served and there are long term cost savings.~~

- 1.75 AMEND** (Governor's Schools Capacity) Directs the Governor's Schools for the Arts and Humanities and for Science and Mathematics to use their FY 11-12 funds to bring the schools up to full capacity, to the extent possible and to report by December 1<sup>st</sup> on how the funds have been used and how many additional students have been served.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change Fiscal Year "2011-12" to "2012-13." Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**1.75. (SDE: Governor's Schools Capacity)** For Fiscal Year ~~2011-12~~ 2012-13, funds appropriated to the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics must be used to bring the schools up to full capacity, to the extent possible. Each 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 how the funds have been utilized and how many additional students have been served.

- 1.79 DELETE** (Weighted Pupil Units Calculation) Requires the EOC to perform an analysis of the education funding formula as it pertains to weighted pupil units and report its findings by November 1, 2011.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *The EOC will have completed its work and presented a report.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

~~1.79. (SDE: Weighted Pupil Units Calculation) Of the funds appropriated to the Education Oversight Committee (EOC), the EOC shall calculate and publish the number of the weighted pupil units per weighting category in each district based upon the most recent 135-day average daily membership in each district and the weights as recommended in the most recent funding model developed by the Education Oversight Committee and suggested modifications made during Fiscal Year 2010-11 and make projections on how the revised weightings impact school districts for Fiscal Year 2011-12. In making its calculations, the EOC must use the Index of Taxpaying Ability and projected base student cost as adopted by the General Assembly for the current fiscal year. The EOC must report its findings electronically to the Chairman of the Senate Finance Committee and Chairman of the House Ways and Means Committee by November 1 2011.~~

- 1.81 AMEND** (Impute Index Value) Provides for the Index of Taxpaying Ability used in the calculation of EFA disbursements to school districts.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change Fiscal Year “2011-12” to “FY 2012-13.” Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**1.81.** (SDE: Impute Index Value) For Fiscal Year ~~2011-12~~ 2012-13 and for the purposes of calculating the index of taxpaying ability the Department of Revenue shall impute an index value for owner-occupied residential property qualifying for the special four percent assessment ratio by adding the second preceding taxable year total school district reimbursements for Tier 1, 2, and Tier 3(A) and not to include the supplement distribution. The Department of Revenue shall not include sales ratio data in its calculation of the index of taxpaying ability. The methodology for the calculations for the remaining classes of property shall remain as required pursuant to the EFA and other applicable provisions of law.

**SECTION 1A - H63-DEPARTMENT OF EDUCATION-EIA**

- 1A.2 AMEND** (Services for Students with Disabilities) Directs the expenditure of funds appropriated for Services for Students with Disabilities.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change reference to “mentally disabled” pupils to pupils “with intellectual disabilities.” *Conform to Act 47 of 2011.* Fiscal Impact: No impact on the General Fund or the EIA. Requested by Department of Education.

**1A.2.** (SDE-EIA: XI.A.1 Services for Students with Disabilities) The money appropriated in Part IA, Section 1, XI.A.1. for Services for Students with Disabilities shall be used only for educational services for trainable ~~mentally disabled~~ pupils with intellectual disabilities and ~~profoundly mentally disabled~~ pupils with profound intellectual disabilities.

- 1A.6 DELETE** (Teacher Salaries/SE Average) States the projected Southeastern average teacher salary and requires that the FY 2008-09 statewide minimum teacher salary schedule shall continue to be used.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. Fiscal Impact: No impact on the General Fund or the EIA.

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

**1A.6.** (SDE-EIA: XI.C.2.-Teacher Salaries/SE Average) ~~The projected Southeastern average teacher salary shall be the average of the average teachers salaries of the southeastern states as projected by the Division of Budget and Analyses. For the current school year the Southeastern average teacher salary is projected to be \$49,007. The statewide minimum teacher salary schedule used in Fiscal Year 2008 09 will continue to be used in Fiscal Year 2011 12. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.~~

~~Funds appropriated in Part IA, Section 1, XI.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59 20 50 (b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state.~~

**1A.13** **AMEND** (National Board Certification Incentive) Provides guidelines for the National Board Certification Incentive for public school classroom teachers.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to suspend the program for new applicants for FY 12-13 and require the department submit a report on the long term costs of the program to the Senate Finance and House Ways and Means Committees by November 1, 2012. Fiscal Impact: No impact on the General Fund or the EIA. Requested by Department of Education.

**1A.13.** (SDE-EIA: XI.C.2-National Board Certification Incentive) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010, may receive a loan equal to the amount of the application fee. Teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010 shall have one-half of the loan principal amount and interest forgiven when the required portfolio is submitted to the national board. Teachers who applied to the National Board for Professional Teaching standards for certification prior to July 1, 2010 who attain certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward by the department. The department may retain

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

up to ten percent of the funds collected to offset the administrative costs of loan collection. All other funds shall be retained by the department and used for National Board loan purposes. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program for teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010. In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification. Teacher specialists remain eligible for state supplement for National Board certification.

Teachers who begin the application process after July 1, 2007 and prior to July 1, 2010 and who teach in schools which have an absolute rating of below average or at-risk at the time the teacher applies to the National Board for certification, but who fail to obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one-half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the loan will be at the rate of thirty-three percent for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or at-risk during the forgiveness period, or for each year of full time teaching in another school that has an absolute rating of below average or at risk.

*New applications for the program are suspended for Fiscal Year 2012-13. The Department of Education shall submit a report on the long-term costs of the program to the Senate Finance Committee and the House Ways and Means Committee by November 1, 2012.*

**1A.17 AMEND** (Teacher of the Year Awards) Provides for Teacher of the Year Awards in the amount of \$1,000 for each district Teacher of the Year; \$25,000 for the State Teacher of the Year; and \$10,000 each for four Honor Roll Teachers of the Year.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to exempt these awards from South Carolina income taxes. Fiscal Impact: BEA states that based on 87 school districts that would qualify, this proviso would reduce General Fund revenue by \$8,526 for FY 212-13. Requested by Department of Education.

**1A.17.** (SDE-EIA: XI.C.2-Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each district Teacher of the Year shall receive an award of \$1,000. In addition, the State Teacher of the Year shall receive an award of \$25,000, and each of the four Honor Roll Teachers of the Year will receive an award of \$10,000. To be eligible, districts must participate in the State Teacher of the Year Program sponsored by the State Department of Education. *These awards shall not be subject to South Carolina income taxes.*

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

**1A.19 AMEND** (Technical Assistance) Provides for the allocation of technical assistance funds.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to prohibit the school district from transferring technical assistance funds to any other program without prior State Superintendent of Education approval. Delete the authorization for \$750,000 of technical assistance funds to be used for after school or summer enrichment programs that focus on dropout prevention for at risk students. Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**1A.19. (SDE-EIA: Technical Assistance)** In order to best meet the needs of underperforming schools, funds appropriated for technical assistance to schools with an absolute rating of below average or at-risk on the most recent annual school report card must be allocated according to the severity of not meeting report card criteria.

Schools receiving an absolute rating of below average or at-risk must develop and submit to the Department of Education a school renewal plan outlining goals for improvements. Of the technical assistance funds allocated to below average or at-risk schools each allocation must address specific strategies designed to increase student achievement and must include measures to evaluate success. The school renewal plan may include expenditures for recruitment incentives for faculty and staff, performance incentives for faculty and staff, assistance with curriculum and test score analysis, professional development activities based on curriculum and test score analysis that may include daily stipends if delivered on days outside of required contract days. School expenditures of technical assistance shall be monitored by the Department of Education.

With the funds appropriated to the Department of Education for technical assistance services, the department will assist schools with an absolute rating of below average or at-risk in designing and implementing technical assistance school renewal plans and in brokering for technical assistance personnel as needed and as stipulated in the plan. In addition, the department must monitor student academic achievement and the expenditure of technical assistance funds in schools receiving these funds and report their findings to the General Assembly and the Education Oversight Committee by January first of each fiscal year as the General Assembly may direct. If the Education Oversight Committee or the department requests information from schools or school districts regarding the expenditure of technical assistance funds pursuant to evaluations, the school or school district must provide the evaluation information necessary to determine effective use. If the school or school district does not provide the evaluation information necessary to determine effective use, the principal of the school or the district superintendent may be subject to receiving a public reprimand by the State Board of Education if it is determined that those individuals are responsible for the failure to provide the required information.

No more than five percent of the total amount appropriated for technical assistance services to schools with an absolute rating of below average or at-risk may be retained and expended by the department for implementation and delivery of technical assistance services. Using previous report card data, the department shall identify priority schools. Up to \$6,000,000 of the total funds appropriated for technical assistance shall be used by the department to work with those schools identified as priority schools. *These funds shall not be transferred to any other funding category by the school district without prior approval of the State Superintendent of Education.* ~~Of this amount, \$750,000 may be used for after school or summer enrichment programs focused on dropout prevention for at risk students.~~

The department will create a system of levels of technical assistance for schools that will receive technical assistance funds. The levels will be determined by the severity of not meeting

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

report card criteria. The levels of technical assistance may include a per student allocation, placement of a principal mentor, replacement of the principal, and/or reconstitution of a school.

Reconstitution means the redesign or reorganization of the school, which includes the declaration that all positions in the school are considered vacant. Certified staff currently employed in priority schools must undergo a formal evaluation in the spring following the school's identification as a priority school and must meet determined goals to be rehired and continue their employment at that school. Student achievement will be considered as a significant factor when determining whether to rehire existing staff. Educators who were employed at a school that is being reconstituted prior to the effective date of this proviso and to whom the employment and dismissal laws apply will not lose their rights in the reconstitution. If they are not rehired or are not assigned to another school in the school district they have the opportunity for a hearing. However, employment and dismissal laws shall not apply to educators who are employed in the district and assigned to the priority schools after the effective date of this proviso, in the event of a reconstitution of the school in which the educator is employed. Those rights are only suspended in the event of a reconstitution of the entire school staff. Additionally, the rights and requirements of the employment and dismissal laws do not apply to educators who are currently on an induction or annual contract, that subsequently are offered continuing contract status after the effective date of this proviso, and are employed at a school that is subject to reconstitution under this proviso.

The reconstitution of a school could take place if the school has been identified as a priority school that has failed to improve satisfactorily. The decision to reconstitute a school shall be made by the State Superintendent of Education in consultation with the principal and/or principal mentor, the school board of trustees, and the district superintendent. The decision to reconstitute a school shall be made by April first, at which time notice shall be given to all employees of the school. The department, in consultation with the principal and district superintendent, shall develop a staffing plan, recruitment and performance bonuses, and a budget for each reconstituted school.

Upon approval of the school renewal plans by the department and the State Board of Education, a newly identified school or a currently identified school with an absolute rating of below average or at-risk on the report card will receive a base amount and a per pupil allocation based on the previous year's average daily membership as determined by the annual budget appropriation. No more than fifteen percent of funds not expended in the prior fiscal year may be carried forward and expended in the current fiscal year for strategies outlined in the school's renewal plan. Schools must use technical assistance funds to augment or increase, not to replace or supplant local or state revenues that would have been used if the technical assistance funds had not been available. Schools must use technical assistance funds only to supplement, and to the extent practical, increase the level of funds available from other revenue sources.

**1A.23 AMEND** (*Dropout Prevention and* High Schools That Work Programs) Requires the department to report annually on the progress and effectiveness of the High Schools that Work Programs.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to also report on the effectiveness of dropout prevention programs. *Expands the scope of this proviso to include not only High Schools That Work, but all dropout prevention programs funded by the Education and Economic Development Act.* Fiscal Impact: No impact on the General Fund or the EIA. Requested by Department of Education.

**1A.23.** (SDE-EIA: *Dropout Prevention and* High Schools That Work Programs) The Department of Education must report annually by December first, to the Governor, the

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

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 on the effectiveness of dropout prevention programs funded by the Education and Economic Development Act and on the High Schools that Work Programs' progress and effectiveness in providing a better prepared workforce and student success in post-secondary education. The department, school districts, and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal that were allocated for High Schools That Work.

- 1A.28 AMEND** (Teacher Technology Proficiency) Directs the department to approve district technology plans that address and incorporate teacher technology competency.
- PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change reference to "teacher(s)" to "Certified Staff." Fiscal Impact: No impact on the General Fund.

**1A.28.** (SDE-EIA: XI-E.2.-~~Teacher~~ Certified Staff Technology Proficiency) To ensure the effective and efficient use of the funding provided by the General Assembly in Part IA, Section 1 XI.E.2 for school technology in the classroom and internet access, the State Department of Education shall approve district technology plans that specifically address and incorporate ~~teacher~~ certified staff technology competency standards and local school districts must require ~~teachers~~ certified staff to demonstrate proficiency in these standards as part of each ~~teacher's~~ certified staff's Professional Development plan. The Department of Education's professional development tracking, prescriptive and electronic portfolio system for ~~teachers~~ certified staff is the preferred method for demonstrating technology proficiency as this system is aligned to the International Society for Technology in Education (ISTE) teacher standards. Evidence that districts are meeting the requirement is a prerequisite to expenditure of a district's technology funds.

- 1A.38 DELETE** (Education Oversight Committee Transfer) Transfers \$200,000 from the EOC to Teacher Supplies for FY 11-12.
- PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Line item for Teacher Supplies should be increased by \$200,000. This is an unnecessary pass-through appropriation.* Fiscal Impact: No impact on the General Fund or the EIA. Requested by Department of Education.

**1A.38.** (SDE-EIA: Education Oversight Committee Transfer) ~~For Fiscal Year 2011-12 the Education Oversight Committee is directed to transfer \$200,000 to Teacher Supplies.~~

- 1A.39 AMEND** (Incentive for National Board Certification After 6/30/10) Provides for the National Board Certification Incentive for teachers certified by the National Board or who completed the application process on or after July 1, 2010.
- PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete requirement that "beginning July 1, 2010" up to 900 applicants will be processed annually and instead direct that number shall be processed "Should the program not be suspended." Delete authorization for a \$7,500 salary supplement to be paid, beginning with 2009 applicants for those public school classroom teachers who were certified or completed the application process prior to July 1, 2010. Suspend the program for new applicants for FY 12-13 and require the department submit a report on the long term costs of the program to the Senate Finance and House Ways and Means Committees by November 1, 2012. Fiscal Impact: No impact on the General Fund or the EIA. Requested by Department of Education.

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

**1A.39.** (SDE-EIA: Incentive for National Board Certification After 6/30/10) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who complete the application process on or after July 1, 2010 shall be paid a \$5,000 salary supplement in the year of achieving certification. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$5,000 salary supplement shall be added to the annual pay of the teacher, not to exceed ten years of the national certificate. However, the \$5,000 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer whereby teachers who are United States citizens or permanent resident aliens apply to the National Board for Professional Teaching Standards for certification on or after July 1, 2010. ~~Beginning July 1, 2010, *Should the program not be suspended,*~~ up to nine hundred applications shall be processed annually. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of teachers applying to the National Board for Professional Teaching Standards for certification.

~~Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified or certified for renewal by the National Board for Professional Teaching Standards or completed the application or renewal application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants.~~

~~*New applications for the program are suspended for Fiscal Year 2012-13. The Department of Education shall submit a report on the long-term costs of the program to the Senate Finance Committee and the House Ways and Means Committee by November 1, 2012.*~~

**1A.41** **DELETE** (SC Reading Achievement Systemic Initiative) Creates a policy panel to guide the S.C. Reading Achievement Systemic Initiative and requires a report be submitted by January 15, 2012..

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Once the report has been submitted the policy panel will no longer need to exist.* Fiscal Impact: No impact on the General Fund or EIA. Requested by Department of Education.

**1A.41.** (SDE-EIA: SC Reading Achievement Systemic Initiative) ~~From the funds appropriated or authorized for the Department of Education and the Education Oversight Committee, there is created a policy panel to guide the South Carolina Reading Achievement Systemic Initiative. The panel will be composed of twenty five members, which shall be appointed as follows:~~

~~The Governor shall appoint to the panel:~~

~~(1) one business leader;~~

~~(2) one parent;~~

~~(3) one representative of the Board of Trustees of the Office of First Steps to School Readiness;~~

~~(4) one representative of the State Library Board;~~



**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

~~(5) one pediatrician; and~~

~~(6) two representatives of community foundations or literacy organizations.~~

~~The State Superintendent of Education shall appoint to the panel:~~

~~(1) one business leader;~~

~~(2) one parent;~~

~~(3) one parent educator;~~

~~(4) one researcher in reading;~~

~~(5) two literacy coaches;~~

~~(6) two district early childhood or academic leaders;~~

~~(7) two principals, one representing elementary schools and one representing middle schools; and~~

~~(8) four teachers of students with needs for interventions to promote reading proficiency to include students with learning disabilities, student in poverty and students not mastering concepts.~~

~~The Chairman of the Senate Education Committee shall appoint one member of the Senate Education Committee to the panel.~~

~~The Chairman of the House Education and Public Works Committee shall appoint one member of the House Education and Public Works Committee to the panel.~~

~~The Chairman of the State Board of Education shall appoint one member of the State Board of Education to the panel.~~

~~The Chairman of the Education Oversight Committee shall appoint one member of the Education Oversight Committee to the panel.~~

~~The panel is directed to define the focus and priorities for state actions to improve the level of reading achievement among the state's young people including building upon the work of LiteracySC and the state literacy team organized to support the Striving Readers Comprehensive Literacy Grant. The panel should address factors contributing to or impeding progress including, but not limited to, the physical health, language development and quality of instruction provided in the state's schools. The panel should examine data, follow progress of the LiteracySC academies and pilots, recommend changes in practice and funding and provide for a longitudinal evaluation and establish a statewide policy for the teaching of reading, including particular attention to the lowest achieving students.~~

~~The panel is to be staffed through a collaborative among the Department of Education, SC Kids Count and the Education Oversight Committee. Expenses of the panel are to be shared among the collaborating entities.~~

~~The panel shall report to the General Assembly through the House Committee on Education and Public Works and the Senate Education Committee and to the State Board of Education and the Education Oversight Committee by January 15, 2012.~~

**1A.42 AMEND** (Assisting, Developing, and Evaluating Professional Teaching--ADEPT) Provides for the expenditure and distribution of ADEPT funds

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete the requirement that 10% of the funds be used to pay colleges and universities for ADEPT Services. *Restriction unnecessarily ties the hands of the Department and its implementation of ADEPT.* Fiscal Impact: No impact on the General Fund or EIA. Requested by Department of Education.

**1A.42.** (SDE-EIA: Assisting, Developing, and Evaluating Professional Teaching--ADEPT) Funds appropriated in Part IA, Section 1, XI.A-APT/ADEPT, may be used for the implementation of the ADEPT system. ~~Of the funds appropriated, ten percent is to be used to~~

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

~~pay colleges and universities for ADEPT services.~~ The ~~remaining~~ funds will be distributed to school districts, School for the Deaf and the Blind, John de la Howe School, Governor's School for Arts and Humanities and the Department of Juvenile Justice on a per induction contract teacher basis to offset the costs of implementing the ADEPT program. Governing boards of public institutions of higher education may provide by policy or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public school teachers who serve as supervisors for full-time students completing education degree requirements. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

- 1A.44 AMEND** (Carry Forward) Requires EIA funds carried forward from the prior fiscal year and from FY 11-12 that are not otherwise appropriated or authorized, be carried forward and spent for school bus fuel costs.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change Fiscal Year "2011-12" to "2012-13." Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**1A.44.** (SDE-EIA: Carry Forward) EIA carry forward from the prior fiscal year and Fiscal Year ~~2011-12~~ 2012-13 and not otherwise appropriated or authorized must be carried forward and expended for school bus fuel costs. Any unexpended funds must be carried forward and expended for the same purpose.

- 1A.46 DELETE** (Instructional Materials) Authorized the department to use up to \$3,000,000 of Instructional Materials funds to replace consumable instructional materials prior to using any authorized flexibility.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *The department recommends using the full appropriation for Instruction Materials after the program was suspended for FY 10-11 and FY 11-12.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

**1A.46.** (SDE-EIA: Instructional Materials) ~~The department is authorized to utilize up to \$3,000,000 from the funds appropriated in Part 1A, Section 1, XI.A.3 Instructional Materials for replacement of consumable instructional materials prior to any authorized flexibility.~~

- 1A.48 AMEND** (IDEA Maintenance of Effort) Directs that \$45,481,854 of Aid to Districts funds be used to meet the estimated maintenance of effort for IDEA. Requires the department submit an estimate of the IDEA MOE requirement to the General Assembly and the Governor by December, 2011

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change Fiscal Year from "2011-12" to "2012-13." Change "\$45,481,854" to "up to \$30,494,337." Direct that funds provided for IDEA's maintenance of effort may not be transferred for any other purpose and are not subject to flexibility. Fiscal Impact: No impact on the General Fund.

**1A.48.** (SDE-EIA: IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section XI.A.1 Aid to Districts according to Proviso 1A.43 for Fiscal Year ~~2011-12~~ 2012-13, the department shall direct ~~\$45,481,854~~ up to \$30,494,337 of the funds appropriated in Section XI.A.1 Aid To Districts to school districts and special schools for supplemental support of programs and services for students with disabilities, to meet the estimated maintenance of effort for IDEA. Funds provided for the maintenance of effort for

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

IDEA may not be transferred to any other purpose and therefore are not subject to flexibility.

The department shall distribute these funds using the current fiscal year one hundred thirty-five day Average Daily Membership. For continued compliance with the federal maintenance of efforts requirements of the IDEA, funding for children with disabilities must, to the extent practicable, be held harmless to budget cuts or reductions to the extent those funds are required to meet federal maintenance of effort requirements under the IDEA. In the event cuts to funds that are needed to maintain fiscal effort are necessary, when administering such cuts, the department must not reduce funding to support children with disabilities who qualify for services under the IDEA in a manner that is disproportionate to the level of overall reduction to state programs in general. By December 1, ~~2011~~ 2012, the department must submit an estimate of the IDEA MOE requirement to the General Assembly and the Governor.

- 1A.49 AMEND** (Building Fund Flexibility) Authorize school districts to flex School Building Aid Program funds in FY 2011-12.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change Fiscal Year :2011-12” to “2012-13.” Fiscal Impact: No impact on the General Fund or EIA. Requested by Department of Education.

**1A.49.** (SDE-EIA: Building Fund Flexibility) For Fiscal Year ~~2011-12~~ 2012-13, a school district may flex funds appropriated pursuant to the School Building Aid Program.

- 1A.50 DELETE** (Award Allocations) Directs Palmetto Gold and Silver program funds to school districts for FY 2011-12 and directs that the allocation be based on weighted pupil units.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso Fiscal Impact: No impact on the General Fund or EIA. Requested by Department of Education.

**1A.50.** (SDE-EIA: Award Allocations) ~~For Fiscal Year 2011-12, the funds allocated for the Palmetto Gold and Silver program will be directed to school districts and allocated based on the number of weighted pupil units.~~

- 1A.hsw ADD** (High Schools That work Carry Forward) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize High Schools That Works funds to be carried forward by the department, school districts and special schools. *Companion to General Education proviso 1.55.* Fiscal Impact: No impact on the General Fund.

**1A.hsw.** (SDE-EIA: High School That Work Carry Forward) Funds provided for High Schools That Work may be carried forward into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools.

**SECTION 3 - H71-WIL LOU GRAY OPPORTUNITY SCHOOL**

- 3.9 AMEND** (Capacity) Directs that FY 11-12 funds be used to bring the school up to full capacity, to the extent possible and to report by December 1<sup>st</sup> on how the funds have been used and how many additional students have been served.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change Fiscal Year “2011-12” to “2012-13.” *Technical.* Fiscal Impact: No impact on the General Fund.

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

**3.9.** (WLG: Capacity) For Fiscal Year ~~2011-12~~ 2012-13, funds appropriated to Wil Lou Gray Opportunity School must be used to bring the school up to full capacity, to the extent possible, and 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.

**SECTION 4 - H75-SCHOOL FOR THE DEAF AND THE BLIND**

**4.13** **DELETE / CONFORM TO FUNDING** (School Bus Purchase) Directs that subject to availability of funding, the school shall receive up to \$250,000 for two new schools buses equipped per their specifications.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso / CONFORM TO FUNDING. Fiscal Impact: No impact on the General Fund.

**4.13.** (SDB: School Bus Purchase) ~~The School for the Deaf and the Blind shall receive, from the amounts appropriated for School Transportation School Bus Purchases and subject to the availability of these funds, funds for two new school buses equipped according to the School for the Deaf and the Blind's specifications. Funds used for this purpose shall not exceed \$250,000.~~

**4.14** **AMEND** (Capacity) Directs that FY 11-12 funds be used to bring the school up to full capacity, to the extent possible and to report by December 1<sup>st</sup> on how the funds have been used and how many additional students have been served.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change Fiscal Year "2011-12" to "2012-13." *Technical.* Fiscal Impact: No impact on the General Fund.

**4.14.** (SDB: Capacity) For Fiscal Year ~~2011-12~~ 2012-13, funds appropriated to the School for the Deaf and the Blind must be used to bring the school up to full capacity, to the extent possible, and 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.

**SECTION 89 - X90-GENERAL PROVISIONS**

**89.106** **DELETE** (First Steps Transfer) Provides for the transfer and administration of the BabyNet program to First Steps.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. Fiscal Impact: No impact on the General Fund.

**89.106.** (GP: First Steps Transfer) ~~In accordance with federal requirements establishing a single line of authority over the Individuals with Disabilities Education Act, Part C, all State funds directly appropriated for BabyNet under the Department of Health and Environmental Control, and the School for the Deaf and the Blind, as well as all filled positions under the Department of Health and Environmental Control for the BabyNet program, during the current fiscal year shall be transferred to, and administered by, the South Carolina First Steps to School Readiness as the program's designated lead agency. These funds may then be contracted to partner agencies as appropriate and necessary to ensure the cost effective delivery of early intervention services.~~

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

~~All original medical and educational records created by the former lead agency, the Department of Health and Environmental Control, for documenting services to clients currently enrolled in BabyNet and who are continuing to receive services shall be transferred to First Steps, as designated lead agency and records custodian. All state and federal laws applicable to these records shall remain in effect, and First Steps shall make these records available to the Department of Health and Environmental control for audit and other purposes as necessary.~~

**89.112 DELETE** (Remittance to Children's Trust Fund) Directs the Department of Education to transfer \$100,000 to the Children's Trust Fund for FY 2011-12.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *This program is found in the Governor's Office of Executive Policy and Programs and funding it should be returned to that office.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

~~**89.112.** (GP: Remittance to Children's Trust Fund) For Fiscal Year 2011-12 the Department of Education is directed to transfer \$100,000 to the Children's Trust Fund.~~

**89.bn ADD** (First Steps - BabyNet) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require the First Steps Board of Trustees to ensure compliance with Part C of the Individuals with Disabilities Act and to fully implement the LAC's BabyNet Program recommendations 2 through 23. Require the First Steps agency to develop a schedule by September 15, 2012, to implement each of the recommendations and direct that the First Steps agency is responsible for such implementation. Require certain quarterly and monthly reports be submitted. Fiscal Impact: No impact on the General Fund.

**89.bn.** (GP: First Steps - BabyNet) In addition to the statutory duties assigned to South Carolina First Steps to School Readiness Board of Trustees; the Board shall ensure the state's compliance with the Individuals with Disabilities Act, Part C and the agency's full implementation of recommendations 2 through 23 as contained the audit report of the LAC regarding the BabyNet Program. The First Steps agency shall develop a schedule for each of the recommendations by September 15, 2012 for the implementation of recommendations. The First Steps agency shall be responsible for the implementation of the recommendations. Quarterly, the First Steps agency shall post on its' website a report on the timelines of the agency's progress in implementing the recommendations of the LAC. The Board of Trustees will be kept informed monthly of all activities related to this requirement and those progress reports must be recorded in the minutes for each meeting of the Board of Trustees. When the agency has implemented all of the recommendations enumerated above in paragraph (a) a final report shall be submitted to the Board of Trustees for its' adoption. Upon approval by the Board of Trustees, the final report shall be published on the agency's homepage. South Carolina First Steps to School Readiness, the South Carolina School for the Deaf and Blind, the Department of Disabilities and Special Needs, the Department of Health and Human Services, the Department of Mental Health and the Department of Social Services shall each provide a quarterly report to the Chairman of the House Ways and Means Committee and the Chairman of Senate Finance outlining all programs provided by the agency for BabyNet; all federal funds received and expended on BabyNet and all state funds expended on BabyNet. Each agency shall report on its

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2012-13  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

share of the state's ongoing maintenance of effort as defined by the US Department of Education under IDEA Part C. South Carolina First Steps to School Readiness shall develop a common reporting format for use by all agencies and shall submit the template to the agencies no later than September 1, 2012. Both the report submitted by First Steps and the reports submitted by the state agency partners may be used by the General Assembly in its' consideration of the LAC recommendation that "The General Assembly should appropriate all Baby Net funding directly to First Steps to increase accountability for the lead agency with regard to partner agencies and providers."

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