AMENDED

February 18, 2009

**H. 3352**

Introduced by Reps. Cooper, Owens, Stewart, Whitmire, Funderburk, Rice, Wylie, Allison, E.H. Pitts, R.L. Brown, White, Stavrinakis, Miller, Anderson, Battle, Hayes, Gilliard, Sottile, Mack, Harvin, Whipper, Hutto, G.R. Smith, Knight, Willis, Neilson, T.R. Young, Cobb‑Hunter, J.H. Neal, Clyburn, G.M. Smith, Kennedy, Herbkersman, Merrill, Bingham, Ott, J.R. Smith, A.D. Young, Kirsh, Lucas, Littlejohn, Edge, Limehouse, M.A. Pitts, Loftis, D.C. Smith, Pinson, Barfield, Bannister, Dillard, Stringer, Allen, Nanney, Govan, Parker, Frye, Hardwick, Hearn, J.E. Smith, Clemmons, Agnew, Bedingfield, Williams, Vick, Horne, Bales and Umphlett

S. Printed 2/18/09--H.

Read the first time January 27, 2009.

**A** **JOINT RESOLUTION**

TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER FUNDS AMONG APPROPRIATED REVENUES IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING THE 2008‑2009 AND 2009‑2010 FISCAL YEARS; TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEARS 2008‑2009 AND 2009‑2010 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS, TO TRANSFER FUNDS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, AND TO NEGOTIATE SALARIES FOR RETIRED AND TERI TEACHERS BELOW MINIMUM SALARY REQUIREMENTS; TO ALLOW SCHOOL DISTRICTS FOR THE 2008‑2009 AND 2009‑2010 FISCAL YEARS TO FURLOUGH TEACHERS AND SCHOOL AND DISTRICT ADMINISTRATORS UPON CERTAIN CONDITIONS; TO PROVIDE CERTIFICATION AND REPORTING REQUIREMENTS; TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR THE 2008‑2009 AND 2009‑2010 FISCAL YEARS.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. For the 2008‑2009 and 2009‑2010 fiscal years, school districts and special schools of this State may transfer among appropriated state revenues, excluding lottery funds, as needed to ensure the delivery of academic and arts instruction to students.

SECTION 2. Notwithstanding another provision of law and for the 2008‑2009 and 2009‑2010 fiscal years, school districts must be granted:

1. suspension from professional staffing ratios and subfund level expenditure regulations and guidelines;

2. permission to transfer funds among funding categories, including capital funds from the Children’s Education Endowment Fund and excluding funds required for debt service or bonded indebtedness;

3. permission to delay from April fifteenth to May fifteenth the date that contracts are issued to teachers. A teacher who is reemployed by written notification pursuant to Section 59-25-410 shall notify the board of trustees of the district in writing of his acceptance of the contract within ten days of such notification or April twenty-fifth, whichever occurs later. Failure on the part of the teacher to notify the board of acceptance within the specified time limit is conclusive evidence of the teacher’s rejection of the contract;

4. permission to negotiate salaries below the minimum salary requirements for retired teachers if specified in the contract or otherwise authorized by law.

If specified in the contract or if the district is otherwise authorized by law to furlough teachers, a district may furlough teachers for up to five noninstructional days provided that district administrators are furloughed for twice the of days. All other program regulations, guidelines, reporting, and audit requirements remain in effect unless addressed in this joint resolution. To further ensure resources are maximized, districts are encouraged to limit the number of low enrollment courses, expand virtual instruction, and, to the extent possible, develop schedules to minimize transportation costs of extracurricular and academic competitions. Prior to implementing the flexibility provisions provided in this joint resolution, school districts must provide to public charter schools the per pupil allocation due to the charter schools for each categorical program.

The school district board of trustees must certify that specific actions were taken in response to the measures provided in Sections 1 and 2 of this joint resolution. The certification and report must be in writing and delivered, on a quarterly basis, to the State Superintendent of Education, and a copy must be forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee.

SECTION 3. Notwithstanding another provision of law and for the 2008‑2009 and 2009‑2010 fiscal years, implementation of formative assessments for grades one, two, and nine, the foreign language program assessment, the physical education assessment, and new textbook adoptions must be suspended. School districts and the State Department of Education must be granted permission to purchase the most economical type of bus fuel.

SECTION 4. In order for a school district to take advantage of the flexibility provisions provided in this joint resolution and for the 2009 to 2010 Fiscal Year only, At least sixty‑five percent of the education operational budget of the school district as determined by the State Department of Education must be used for classroom instruction including, but not limited to, instruction, institutional support such as guidance and media, transportation, and food services. No portion of the sixty-five percent may include monies received as a portion of the federal stimulus package. No portion of the sixty‑five percent may be used for bureaucratic purposes. The school district shall report to the State Department of Education by August first of each year the actual percentage of its education operational budget that the school district used for classroom instruction for the previous school year.

SECTION 5. This joint resolution takes effect upon approval by the Governor.

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