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Indicates New Matter

AMENDED

March 29, 2017

**H. 3311**

Introduced by Reps. White, G.R. Smith, Clyburn, Cobb‑Hunter, Pitts, G.M. Smith, West, V.S. Moss, Thayer, Putnam, Loftis, Whipper, Brown and Gilliard

S. Printed 3/29/17--H.

Read the first time January 10, 2017.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Amended by the House of Representatives on March 21, 2017**

**State Expenditure**

The amendment adds a school district superintendent, a school counselor, and a career technology education director to the Coordinating Council for Workforce Development (council). The State Superintendent of Education (SDE) appoints these three members. The council’s responsibilities are expanded to include advising appropriate agencies and governing boards to ensure the components of the South Carolina Education and Economic Development Act are implemented with fidelity. The council shall review accountability and performance measures and make recommendations for the promulgation of regulations on provisions including monitoring and auditing functions and consequences for noncompliance. The due date for the annual progress report to the Governor and the General Assembly is changed from July 1st to September 1st. The Department of Education is added to the list of agencies that provide staff for the council.

This bill as amended establishes the Pathways Initiative (initiative), to improve employment outcomes and address critical workforce development needs statewide. The initiative will be implemented by the member agencies of the council in alignment with the South Carolina Education and Economic Development Act. Expected outcomes of the initiative include a Career Pathways program, a Pathways to New Opportunities program, a Workforce Scholarship and Grant Fund, and by September 15th of each year an annual report prepared by the Coordinating Council for Workforce Development provided to the Chairman of the Senate Finance Committee and the Chairman of House Ways and Means Committee of the initiative’s accountability measures and key performance indicators. The bill outlines the purpose, responsibilities, and eligibility requirements for each program.

**The State Board for Technical and Comprehensive Education.** The State Board for Technical and Comprehensive Education (SBTCE) is directed to coordinate the development and implementation of the Career Pathways program, in consultation with the State Department of Education. The purpose of the Career Pathways program is to facilitate a seamless transition from secondary education and postsecondary technical education to employment in industry sectors with critical workforce needs. The SBTCE is also directed to administer the Career Pathways Grant Fund and the Workforce Opportunity Scholarship and Grant Fund and maintain eligibility criteria for the grants and scholarships. The Career Pathways grant is intended to provide eligible technical colleges the necessary infrastructure needed to offer the Pathways program and is awarded to technical colleges that demonstrate the strongest ability to meet grant criteria. The Workforce Opportunity Scholarship and Grant Fund is to be used for tuition and education-related expenses for eligible career training and certification programs for qualifying individuals. The SBTCE must submit an annual report on the Career Pathways program and grant fund to the council by September 1st of each year. The SBTCE must provide a list of approved programs that accept grants on its website annually by August 1st.

SBTCE indicates this amended bill will increase recurring general fund expenditures by $2,634,000 in FY 2017-18 and each year thereafter. Of the recurring amount, $1,768,000 will pay the salary and employer contributions for one new position at each of the 16 colleges, $188,500 for the salary and employer contributions for two new positions at the central office, and $677,500 for marketing, certification fees, and other administrative expenses. The new position at each of the 16 technical colleges will ensure the desired performance measures and outcomes of the initiative are met. The two positions in the central system office will ensure the coordination of the colleges and system as a whole. Non-recurring general fund expenditures will increase by $26,000,000. This amount consists of an average of $1,000,000 for equipment and $625,000 for up-fit and repurposing of labs and classrooms at each of the 16 colleges. In total, SBTCE estimates this amended bill will increase expenditures of the general fund by $28,634,000 and require 18 new positions in FY 2017-18 and $2,634,000 in FY 2018-19 and each year thereafter.

**Department of Education.** The bill as amended adds a school district superintendent, a school counselor, and a career technology education director to the Coordinating Council for Workforce Development. The State Superintendent of Education appoints these three members. The Coordinating Council’s responsibilities are expanded to include advising appropriate agencies and governing boards to ensure the components of the South Carolina Education and Economic Development Act are implemented with fidelity. The Coordinating Council shall review accountability and performance measures and make recommendations for the promulgation of regulations on provisions including monitoring and auditing functions and consequences for noncompliance. The Department of Education is added to the list of agencies that provide staff for the Coordinating Council.

The department is required to develop and implement, in conjunction with the State Board for Technical and Comprehensive Education, the statewide Pathways to First Careers program. This program is to facilitate a seamless transition from education to employment in industries with critical workforce shortages.

The department is also required to coordinate with the State Board for Technical and Comprehensive Education, the Department of Commerce, and the Department of Employment and Workforce to develop and implement the Pathways to New Opportunities program to provide subsidized career training, certification, and job placement assistance to adults pursuing careers in high demand jobs in critical need industries.

The department indicates that additional general fund expenditures for these two programs would total $380,866 in FY 2017-18. The expenditures include the following:

$205,416 for two FTE positions to administer the development and implementation of the two programs. This expenditure includes salary of $69,289 plus $28,599 employer contributions for each position. Travel, supplies and technology costs for both positions would amount to $9,640.

$175,450 for travel, printing, and web expenditures for the new Career Cluster Guides to provide web and printed materials to increase the students’ ability to successfully complete a certification or degree regardless of where a student may eventually graduate.

The department also expects to allocate $13,210,000 to the school districts for the following items from a portion of the $13,798,983 recurring Education Improvement Act appropriation to modernize vocational equipment. The expected expenditures include the following:

$1,640,000 allocated to the school districts for the cost of industry certifications and exams for the Pathways to New Opportunities program.

$500,000 allocated to the school districts for adult education for the cost of industry certifications and exams.

$10,250,000 allocated to the school districts to purchase equipment for career development and workforce readiness programs. At least thirty percent of these funds are directed to school districts or multidistrict career centers.

$820,000 allocated to the school districts for instructional materials.

**Department of Commerce.** The department is responsible for assisting in the coordination of the Pathways to New Opportunities program that will provide subsidized career training and certification and job placement assistance to adults. The department indicates that this bill will increase general fund expenses by $150,000. This amount includes $60,000 for the salary and fringe of one new position for staffing the Coordinating Council for Workforce Development. The remaining amount will be used for other operating expenses.

**Department of Employment and Workforce.** The department indicates the as amended will result in an expenditure impact to the general fund of $167,969. The expenditure costs are $69,468 salary and employer fringe for a Program Coordinator and $98,501 for other operating expenses. Other operating expenses include supplies, communications, postage, travel, equipment rental and expense, premises rent and expense, technology support, and indirect costs. DEW based these costs on a similar program coordinator supporting a program analogous to the Pathways to New Opportunities Initiative proposed in the bill.

**State Revenue**

The bill establishes the Career Pathways Grant Fund to provide grants to technical colleges for infrastructures needed to offer the Pathways program. Funding for the program will depend upon appropriations. Any potential increase in revenue to the technical colleges will depend upon funding and is undetermined

**Introduced on January 10, 2017**

**State Expenditure**

This bill establishes the Pathways Initiative (initiative), to improve employment outcomes and address critical workforce development needs statewide. The initiative will be implemented by the State Board for Technical and Comprehensive Education (SBTCE), the Department of Education (SDE), the Department of Employment and Workforce (DEW), and the Department of Commerce (DOC). Expected outcomes of the initiative include a statewide Pathways to First Careers program, a Pathways to New Opportunities program, a Workforce Scholarship and Grant Fund, and by February 1st of each year an annual report prepared by the Coordinating Council for Workforce Development provided to the Chairman of the Senate Finance Committee and the Chairman of House Ways and Means Committee of the initiative’s accountability measures and key performance indicators. The bill outlines the purpose, responsibilities, and eligibility requirements for each program and places the responsibility of administering the programs with the SBTCE in coordination with the SDE, DEW, and DOC.

**The State Board for Technical and Comprehensive Education.** The board is directed to coordinate the development and implementation of the statewide Pathways to First Careers program and the Pathways to New Opportunities Program. The board is also directed to administer the Workforce Scholarship and Grant Fund, including development and maintenance of eligibility criteria for scholarships and grants.

The Pathways to First Careers program facilitates a seamless transition from education to employment in industries with critical workforce shortages and provides funding for infrastructure, equipment, facilities, instructional materials, transportation, and tuition grants. School districts that lack adequate career development and workforce readiness programs will receive 30 percent or more of funding provided to the program with the remaining funding used to establish programs in all regions of the state. The Pathways to New Opportunities program will provide subsidized career training and certification and job placement assistance to adults.

The Workforce Scholarship and Grant Fund, established pursuant to Section 59-53-110 will provide eligible individuals with tuition and education-related expenses for eligible career training and certification programs. Grants awarded from this fund will not exceed the lesser of ten thousand dollars or the total cost of attendance.

SBTCE indicates this bill will increase recurring general fund expenditures by $3,518,000 in FY 2017-18 and each year thereafter. Of the recurring amount, $2,600,000 will pay the salary and employer contributions for two new positions at each of the 16 colleges, $240,500 for the salary and employer contributions for three new positions at the central office, and $677,500 for marketing, certification fees, and other administrative expenses. The two new positions at each of the 16 technical colleges will ensure the desired performance measures and outcomes of the initiative are met. The three positions in the central system office will ensure the coordination of the colleges and system as a whole. Non-recurring general fund expenditures will increase by $26,000,000. This amount consists of an average of $1,000,000 for equipment and $625,000 for up-fit and repurposing of labs and classrooms at each of the 16 colleges.

**Department of Education.** The department is required to develop and implement, in conjunction with the State Board for Technical and Comprehensive Education, the statewide Pathways to First Careers program. This program is to facilitate a seamless transition from education to employment in industries with critical workforce shortages.

The department is also required to coordinate with the State Board for Technical and Comprehensive Education, the Department of Commerce, and the Department of Employment and Workforce to develop and implement the Pathways to New Opportunities program to provide subsidized career training, certification, and job placement assistance to adults pursuing careers in high demand jobs in critical need industries.

The department indicates that additional general fund expenditures for these two programs would total $380,866 in FY 2017-18. The expenditures include the following:

$205,416 for two FTE positions to administer the development and implementation of the two programs. This expenditure includes salary of $69,289 plus $28,599 employer contributions for each position. Travel, supplies and technology costs for both positions would amount to $9,640.

$175,450 for travel, printing, and web expenditures for the new Career Cluster Guides to provide web and printed materials to increase the students’ ability to successfully complete a certification or degree regardless of where a student may eventually graduate.

The department also expects to allocate $13,210,000 to the school districts for the following items from a portion of the $13,798,983 recurring Education Improvement Act appropriation to modernize vocational equipment. The expected expenditures include the following:

$1,640,000 allocated to the school districts for the cost of industry certifications and exams for the Pathways to New Opportunities program.

$500,000 allocated to the school districts for adult education for the cost of industry certifications and exams.

$10,250,000 allocated to the school districts to purchase equipment for career development and workforce readiness programs. At least thirty percent of these funds are directed to school districts or multidistrict career centers.

$820,000 allocated to the school districts for instructional materials.

**Department of Commerce.** The department is responsible for assisting in the coordination of the Pathways to New Opportunities program that will provide subsidized career training and certification and job placement assistance to adults. The department indicates that this bill will increase general fund expenses by $150,000. This amount includes $60,000 for the salary and fringe of one new position for staffing the Coordinating Council for Workforce Development. The remaining amount will be used for other operating expenses.

**Department of Employment and Workforce.** The bill directs the department to coordinate with appropriate entities to identify and refer eligible individuals to the training programs and scholarship opportunities. In addition, the department is directed to develop and implement a plan to facilitate the job placement of eligible individuals. The department reports the potential impact of this bill cannot be reasonably estimated until the full scope of the agency’s specific responsibilities have been formulated and detailed by the Coordinating Council for Workforce Development.

**State Revenue**

This section would add Section 12-6-3760 to allow a taxpayer to claim a career pathways tax credit if the taxpayer creates an apprenticeship as defined in the National Apprenticeship Act. This act defines apprenticeship as a combination of on-the-job training and related instruction in which workers learn the practical and theoretical aspects of a highly skilled occupation. The nonrefundable tax credit may be claimed for five years. The apprentice must be employed for at least seven months to be eligible for the credit in year one. The amount of the career pathways tax credit is exactly one-half of the job tax credits amounts pursuant to Section 12-6-3360(B) and is as follows:

$4,000 for each new full-time apprenticeship created in “Tier IV” counties,

$2,125 for each new full-time apprenticeship created in “Tier III” counties,

$1,375 for each new full-time apprenticeship created in “Tier II” counties, and

$750 for each new full-time apprenticeship created in “Tier I” counties.

An apprenticeship created pursuant to this section is not considered a new job pursuant to Section 12-6-3360. There is no limitation on the number of employees that an eligible taxpayer may employ. Any unused career pathways tax credits may be carried forward for a period of fifteen years from the taxable year in which the credit is earned by the taxpayer. This section takes effect in tax years beginning after 2017, and applies to apprenticeships created after this date.

According to the U.S. Department of Labor, Employment and Training Administration, apprentices make up about 0.3 percent of the total labor force. Based on the latest labor force data from the Bureau of Labor Statistics, there are an estimated 2,282,714 individuals in the civilian labor force in South Carolina. Multiplying 2,282,714 by 0.3 percent yields an estimated 6,848 potential apprentices. Recognizing that some of these individuals are currently employed as apprentices through other various federal and state training programs, there may be an additional 5,000 individuals that may become eligible for workforce training. Because it is difficult to estimate with certainty in which county new apprentices may be found, an estimated average career pathways tax credit of $1,900 per eligible apprentice is used in the analysis. Multiplying 5,000 potential apprentices by an average career pathways tax credit of $1,900 yields a reduction of general fund income tax revenue of an estimated $9,500,000 in FY2018-19, and each fiscal year thereafter.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 29 TO CHAPTER 53, TITLE 59 SO AS TO DEVELOP AND IMPLEMENT A CAREER PATHWAYS INITIATIVE, TO ESTABLISH A PATHWAYS TO FIRST CAREERS PROGRAM, TO ESTABLISH A PATHWAYS TO NEW OPPORTUNITIES PROGRAM, AND TO ADMINISTER THE WORKFORCE SCHOLARSHIP AND GRANT FUND; BY ADDING SECTION 12‑6‑3760 SO AS TO PROVIDE A TAX CREDIT FOR TAXPAYERS WHO HIRE AN APPRENTICE; BY ADDING SECTION 59‑53‑110 SO AS TO CREATE A “WORKFORCE SCHOLARSHIP AND GRANT FUND”; AND BY ADDING SECTION 12‑6‑3765 SO AS TO PROVIDE A TAX CREDIT FOR TAXPAYERS WHO CONTRIBUTE TO THE WORKFORCE SCHOLARSHIP AND GRANT FUND.

Amend Title To Conform

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

SECTION 1. Section 13‑1‑2030 of the 1976 Code, as added by Act 252 of 2016, is amended to read:

“Section 13‑1‑2030. (A) There is established the ‘Coordinating Council for Workforce Development’ which is created to engage in discussions, collaboration, and information sharing concerning the State’s ability to prepare and train workers to meet current and future workforce needs. The coordinating council ~~shall be~~ is comprised of the following members:

(1) the Secretary of the Department of Commerce or his designee;

(2) the State Superintendent of Education or his designee;

(3) the Executive Director of the State Board for Technical and Comprehensive Education or his designee;

(4) the Executive Director of the Department of Employment and Workforce or his designee;

(5) the Executive Director of the Commission on Higher Education or his designee;

(6) the president or provost of a research university who ~~shall be~~ is selected by the presidents of the research universities;

(7) the president or provost of a four‑year college or university who ~~shall be~~ is selected by the presidents of the four‑year universities;

(8) the president of a technical college who ~~shall be~~ is appointed by the Chairman of the State Board for Technical and Comprehensive Education;

(9) ~~a person appointed by the Superintendent of Education who has particularized~~ the following members appointed by the State Superintendent of Education, who have expertise regarding Chapter 59, Title 59, the South Carolina Education and Economic Development Act:

(a) a school district superintendent;

(b) a school counselor;

(c) a career and technology education director; and

(10) a representative from the business community appointed by the President of the South Carolina Chamber of Commerce.

(B)(1) The coordinating council shall:

(a) develop and implement procedures for sharing information and coordinating efforts among stakeholders to prepare the State’s current and emerging workforce to meet the needs of the State’s economy~~. The primary workforce focus of the council shall be on persons over age twenty‑one~~;

(b) make recommendations to the General Assembly concerning matters related to workforce development that exceed the council members’ agencies’ scope of authority to implement and legislation is required;

(c) recommend, to the General Assembly, programs intended to increase student access to and incentivize workforce training within state training programs or through programs offered by businesses through scholarships, grants, loans, tax credits, or other programs documented to be effective in addressing current and future workforce needs;

(d) develop a method for identifying and addressing long‑term workforce needs;

(e) conduct an ongoing inventory of existing workforce programs to identify duplications among and within the programs and identify ineffective programs. The council may make recommendations concerning the appropriate actions necessary to eliminate duplication, improvements to ineffective programs so that the programs can achieve the desired result, or the elimination of programs that no longer meet workforce needs;

(f) advise appropriate agencies and governing boards to ensure the components of Chapter 59, Title 59, are implemented with fidelity to provide a better prepared workforce, student success in postsecondary education, and enhanced coordination between K‑12, higher education, and employers. The council shall review accountability and performance measures for implementation of this article and make recommendations for the promulgation of regulations to carry out its provisions including, but not limited to, enforcement procedures, which may include monitoring and auditing functions, and addressing consequences for noncompliance; and

(g) submit an annual progress report to the Governor and the General Assembly, by ~~July~~ September first of each fiscal year, concerning the actions taken by the council during the previous fiscal year, and any recommendations for legislation or agency action. The council may submit additional reports on an ongoing basis as deemed necessary by the council chairman.

(2) The coordinating council may create subcommittees or advisory groups comprised of community or state or local government stakeholders to assist the council in carrying out the council’s duties as contained in item (1).

(C) The Secretary of the Department of Commerce or his designee to the coordinating council ~~shall be~~ is the coordinating council’s chairman.

(D) The Department of Education, the Commission on Higher Education, the Department of Commerce, and the State Board for Technical and Comprehensive Education shall provide staff for the coordinating council.”

SECTION 2. Chapter 53, Title 59 of the 1976 Code is amended by adding:

“Article 29

Pathways Initiative

Section 59‑53‑2620. (A) The member agencies of the Coordinating Council for Workforce Development, as designated in this article, shall define, develop, and implement a statewide Pathways Initiative in alignment with Chapter 59, Title 59, the South Carolina Education and Economic Development Act, to improve employment outcomes and address critical workforce needs. The Pathways Initiative consists of a Career Pathways program to facilitate a student’s transition from education to employment and a Pathways to New Opportunities Initiative to provide career services, including education, training, and job search assistance to adults.

(B) The Coordinating Council for Workforce Development shall include an update on the Pathways Initiative in the progress report submitted annually by September fifteenth to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

Section 59‑53‑2630. The State Board for Technical and Comprehensive Education (SBTCE), in consultation with the Department of Education, shall develop, coordinate, and implement a statewide Career Pathways program to facilitate a seamless transition from secondary education and postsecondary technical education to employment in industry sectors with critical workforce needs.

Section 59‑53‑2640. (A) There is created a ‘Career Pathways Grant Fund’ administered by the SBTCE. The purpose of the fund is to award grants to eligible technical colleges in order to provide and support the infrastructure necessary to offer Pathways programs. Grants awarded to technical colleges must be used only for Pathways‑specific expenses, to include program administration, career and technical equipment, facilities, instructional materials, transportation, and tuition grants. The SBTCE or board‑appointed committee, in consultation with the Department of Education, shall develop and maintain eligibility criteria for these competitive grants.

(B) Funds available through these competitive grants are awarded to technical colleges that demonstrate the strongest ability to meet grant criteria. Funds may not be awarded to all colleges in a given year.

(C) Funds must be used to establish new pathways or enhance existing pathways that confer the necessary skills and training to prepare students for careers in high‑demand fields. Funds only support career and technical education programs and courses in industry sectors with critical workforce needs.

(D) To qualify for Career Pathways grant funding as established pursuant to this section, the technical college and school or school district must enter into Memorandums of Understanding that meet the grant requirements.

(E) The SBTCE or board‑appointed committee, in consultation with the State Department of Education, is responsible for determining if a pathway meets the established criteria and may promulgate regulations further enumerating the specifics of these criteria and the evaluation process.

(F) The SBTCE shall prepare an annual report on the Career Pathways program and grant awards by September first of each year. The report must be submitted to the Coordinating Council for Workforce Development for inclusion in its annual report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. The report must include, at minimum, an update of progress toward full statewide implementation of the Career Pathways program, and upon implementation, an analysis of program accountability measures and key performance indicators.

(G) As used in this section:

(1) ‘Industry sectors with critical workforce needs’ means the industry sectors as outlined by the member agencies of the Coordinating Council for Workforce Development and their business and industry partners.

(2) ‘Pathways’ means a partnership between a secondary education provider, a technical college, and a business or industry that incorporates the following elements:

(a) secondary and postsecondary education elements;

(b) coherent and rigorous content aligned with challenging academic standards and relevant career and technical content in a coordinated, nonduplicative progression of courses that align secondary education with postsecondary education to adequately prepare students to succeed in postsecondary education;

(c) opportunity for secondary education students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary education credits at no cost to the student; and

(d) student attainment of an industry‑recognized credential, or a postsecondary certificate, diploma, or associate degree, with multiple entrance and exit points.

Section 59‑53‑2650. (A) The Department of Employment and Workforce, in coordination with the SBTCE and the Department of Commerce, shall develop, coordinate, and implement a Pathways to New Opportunities Initiative, which must leverage existing services and new resources to provide subsidized career training and certification and job placement assistance to adults throughout the State pursuing careers in high‑demand occupations in industry sectors with critical workforce needs.

(B) The SBTCE shall administer the Workforce Opportunity Scholarship and Grant Fund, established pursuant to Section 59‑53‑110, to be used for tuition and education‑related expenses for eligible career training and certification programs for qualifying individuals. The SBTCE, in consultation with the Department of Education and the Commission on Higher Education, shall develop and maintain eligibility criteria for scholarships and grants. Funds may be used to provide opportunities through existing programs.

(C) The Department of Employment and Workforce shall coordinate with the SBTCE to identify and refer qualifying individuals to the training programs and scholarship opportunities established in this section. The Department of Employment and Workforce, in consultation with the Department of Commerce, also shall develop and implement a plan to facilitate the job placement of qualifying individuals who have completed the necessary training and certification, to ensure that they are matched with available employment opportunities in industry sectors with critical workforce needs throughout the State.”

SECTION 3. Article 1, Chapter 53, Title 59 of the 1976 Code is amended by adding:

“Section 59‑53‑110. (A) There is created a ‘Workforce Scholarship and Grant Fund’ administered by the State Board for Technical and Comprehensive Education (SBTCE). The purpose of the fund is to provide financial assistance to qualifying individuals pursuing career education or professional certification through eligible programs.

(B) As used in this section:

(1) ‘Qualifying individual’ means a person who is a South Carolina resident and who is eligible to be enrolled in a South Carolina technical college or professional certification program.

(2) ‘Cost of attendance’ means the total amount of money charged for the cost of a qualifying individual to attend an eligible program including, but not limited to, tuition, fees for attending the school, textbooks, and school related transportation, less all federal grants, need based grants, and lottery tuition assistance.

(3) ‘Eligible program’ means a program that:

(a) does not discriminate on the basis of race, color, or national origin;

(b) is located in this State;

(c) has school facilities that are subject to applicable federal, state, and local laws; and

(d) meets all eligibility guidelines promulgated by the SBTCE;

(C) Grants may be awarded from the fund in an amount not exceeding the total cost of attendance for a qualifying individual to attend the eligible program of his choice. The cumulative grant award for each qualifying individual may not exceed ten thousand dollars.

(D)(1) The SBTCE, in consultation with the Department of Education and the Commission on Higher Education, is responsible for determining if a program meets the criteria established by subsection (B)(3), and shall publish an approved list of qualifying programs. For the purpose of this subsection, the board may promulgate regulations further enumerating the specifics of these criteria.

(2) By the first day of August for the current fiscal year, the SBTCE, on its website available to the general public, shall provide a list of approved programs that accept grants for eligible students and that in the board’s determination are in compliance with the requirements of subsection (B)(3).

SECTION 4. This act takes effect upon approval by the Governor.

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