**NO. 29**

**JOURNAL**

**OF THE**

**SENATE**

**OF THE**

**STATE OF SOUTH CAROLINA**

****

**REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2020**

**\_\_\_\_\_\_\_\_\_**

**TUESDAY, MARCH 3, 2020**

**Tuesday, March 3, 2020**

**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 91:15-16

“When they call to me, I will answer them; I will be with them in trouble, I will rescue them and honor them. With long life I will satisfy them, and show them my salvation.”

Let us pray. Almighty and Eternal God, You are our refuge and our strength in times of distress. Our nation and indeed our international community are facing an unknown health emergency.

We pray fervently to You, Lord, that the coronavirus may do no more harm both here and abroad, that Your people all over the world infected with this virus will experience full recovery and that You will sustain and protect the healthcare personnel who are fighting this destructive virus. Inspire those who are working to control this virus and guide and direct all nations to work in unity to stop its spread. For it is times such as this that we humbly acknowledge that we are indeed not the masters of our own destiny -- our hope and our trust is ultimately in Your sovereign care. This we pray in Your holy name. Amen

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**Call of the Senate**

Senator SCOTT moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Allen Bennett

Campbell Cash Climer

Cromer Davis Fanning

Gambrell Goldfinch Gregory

Hembree Hutto Johnson

Kimpson Leatherman Loftis

Malloy Martin Massey

McElveen Peeler Rice

Sabb Scott Senn

Setzler Shealy Sheheen

Talley Turner Verdin

Williams Young

A quorum being present, the Senate resumed.

**Recorded Presence**

Senator GROOMS recorded his presence subsequent to the Call of the Senate.

**MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

**Local Appointment**

Reappointment, Bamberg County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Richard Craig Threatt, 79 Meadow Lane, Bamberg, SC 29003-2423 *VICE* Richard Craig Threatt (retired)

**REGULATION RECEIVED**

The following was received and referred to the appropriate committee for consideration:

Document No. 4952

Agency: Public Service Commission

Chapter: 103

Statutory Authority: 1976 Code Sections 58-3-140, 58-37-60, and 58-41-20

SUBJECT: Procedure to Employ, through Contract or Otherwise, Qualified, Independent Third-Party Consultants or Experts

Received by Lieutenant Governor February 28, 2020

Referred to Committee on Judiciary

**REGULATION WITHDRAWN**

The following was received:

Document No. 4884

Agency: Commission on Indigent Defense

Chapter: 70

Statutory Authority: 1976 Code Sections 17-3-10, 17-3-20, 17-3-45, and 17-3-310

SUBJECT: Indigent Screening Process

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Judiciary

Legislative Review Expiration: Permanently Withdrawn

Permanently Withdrawn February 20, 2020

**Doctor of the Day**

Senator MARTIN introduced Dr. Jennifer Root of West Columbia, S.C., Doctor of the Day.

**Leave of Absence**

At 2:36 P.M., Senator CORBIN requested a leave of absence for Senator LOFTIS until 3:30 P.M.

**Leave of Absence**

At 4:40 P.M., Senator McLEOD requested a leave of absence for Senator M.B. MATTHEWS for the balance of the day.

**Expression of Personal Interest**

Senator McELVEEN rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

S. 389 Sen. Corbin

S. 511 Sen. Fanning

S. 1018 Sen. McLeod

S. 1088 Sen. Young

**RECALLED**

S. 1133 -- Senator Senn: A SENATE RESOLUTION TO RECOGNIZE THE MONTH OF APRIL 2020 AS “ZERO TOLERANCE FOR LITTER MONTH” IN SOUTH CAROLINA AND TO URGE THE STATE’S LAW ENFORCEMENT OFFICERS TO WORK TOGETHER THIS MONTH AND THROUGHOUT THE YEAR FOR A CLEANER COMMUNITY, THUS PRESERVING THE NATURAL BEAUTY OF OUR COMMUNITY, OUR STATE, AND OUR COUNTRY.

Senator SENN asked unanimous consent to make a motion to recall the Senate Resolution from the Committee on Judiciary.

The Senate Resolution was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1137 -- Senator Cash: A BILL TO AMEND CHAPTER 89, TITLE 44 OF THE 1976 CODE, RELATING TO THE BIRTHING CENTER LICENSURE ACT, BY ADDING ARTICLE 3, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PROMULGATE REGULATIONS TO INTEGRATE BIRTHING CENTERS AND LICENSED MIDWIVES INTO PERINATAL CARE SERVICES, AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the Committee on Medical Affairs.

S. 1138 -- Senator Campbell: A BILL TO AMEND TITLE 55 OF THE 1976 CODE, RELATING TO AERONAUTICS, BY ADDING CHAPTER 10, TO REGULATE THE OPERATION OF AIRCRAFT ENGAGED IN INTERSTATE AIR COMMERCE, INTERSTATE AIR TRANSPORTATION, AND INTRASTATE AIR TRANSPORTATION, TO REQUIRE AN AIRMAN TO MAINTAIN IN HIS POSSESSION CERTAIN DOCUMENTATION REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION, TO REQUIRE THAT CERTAIN DOCUMENTATION REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION IS MAINTAINED IN THE AIRCRAFT, TO PROVIDE FOR ENFORCEMENT, AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the Committee on Transportation.

S. 1139 -- Senator Campbell: A BILL TO AMEND TITLE 55 OF THE 1976 CODE, RELATING TO AERONAUTICS, BY ADDING CHAPTER 12, TO REGULATE THE USE OF UNMANNED AIRCRAFT SYSTEMS, TO PROHIBIT THE OPERATION OF UNMANNED AIRCRAFT SYSTEMS IN CLOSE PROXIMITY TO CRITICAL INFRASTRUCTURE, INCLUDING POLITICAL SUBDIVISIONS, TO PROHIBIT THE OPERATION OF UNMANNED AIRCRAFT SYSTEMS IN A MANNER THAT ENDANGERS ANOTHER'S LIFE OR PROPERTY, TO PROHIBIT THE OPERATION OF UNMANNED AIRCRAFT SYSTEMS WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, TO PROVIDE THAT THE OPERATION OF AN UNMANNED AIRCRAFT SYSTEM MAY, UNDER CERTAIN CIRCUMSTANCES, VIOLATE A COURT-ISSUED RETRAINING ORDER, AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the Committee on Transportation.

S. 1140 -- Senators Campbell and Grooms: A BILL TO AMEND SECTION 16-11-760(B) OF THE 1976 CODE, RELATING TO VEHICLES PARKED ON PRIVATE PROPERTY WITHOUT PERMISSION, TO PROVIDE THAT ONLY CERTAIN STORAGE COSTS MAY BE CHARGED TO THE OWNER AND LIENHOLDER OF A VEHICLE PARKED ON PRIVATE PROPERTY WITHOUT PERMISSION; TO AMEND SECTION 29-15-10(A), (B), AND (E) OF THE 1976 CODE, RELATING TO LIENS FOR REPAIRS OR STORAGE, TO PROHIBIT THE COLLECTION OF STORAGE COSTS BY A TOWING COMPANY, STORAGE FACILITY, GARAGE, OR REPAIR SHOP PRIOR TO SENDING NOTICE TO THE OWNER AND LIENHOLDER; TO AMEND SECTION 56-5-5630(A) AND (C) OF THE 1976 CODE, RELATING TO PAYMENTS FOR THE RELEASE OF ABANDONED VEHICLES AND RELATED PROVISIONS, TO PROVIDE THAT A TOWING COMPANY AND STORAGE FACILITY MAY NOT CHARGE ANY STORAGE COSTS BEFORE NOTICE IS SENT TO THE OWNER AND LIENHOLDER; TO AMEND SECTION 56-5-5635 OF THE 1976 CODE, RELATING TO LAW ENFORCEMENT TOWING AND STORAGE PROCEDURES AND RELATED PROVISIONS, TO PROVIDE THAT A TOWING COMPANY, STORAGE FACILITY, GARAGE, OR REPAIR SHOP MAY NOT CHARGE ANY STORAGE COSTS BEFORE NOTICE IS SENT TO THE OWNER AND LIENHOLDER; AND TO AMEND SECTION 56-5-5640 OF THE 1976 CODE, RELATING TO THE SALE OF UNCLAIMED VEHICLES, TO MAKE CONFORMING CHANGES.

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Read the first time and referred to the Committee on Transportation.

S. 1141 -- Senator Shealy: A CONCURRENT RESOLUTION TO RECOGNIZE WEDNESDAY, APRIL 1, 2020, AS "CHILDREN'S ADVOCACY CENTER DAY" IN SOUTH CAROLINA IN ORDER TO HIGHLIGHT THE SIGNIFICANT PROBLEM OF CHILD ABUSE AND NEGLECT AND THE IMPORTANT WORK BEING DONE TO COMBAT THIS PROBLEM.

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The Concurrent Resolution was introduced and referred to the Committee on Family and Veterans' Services.

S. 1142 -- Senator Fanning: A SENATE RESOLUTION TO HONOR THE REVEREND JAMES D. LEE, PASTOR OF MOUNT MORIAH BAPTIST CHURCH OF JENKINSVILLE, FOR HIS MANY YEARS OF GOSPEL MINISTRY THROUGHOUT FAIRFIELD COUNTY, TO CONGRATULATE HIM ON THE OCCASION OF HIS RETIREMENT, AND TO WISH HIM GOD'S RICHEST BLESSINGS AS HE CONTINUES TO SERVE THE LORD.

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The Senate Resolution was adopted.

S. 1143 -- Senators Shealy, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Sheheen, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND HONOR LANDIS D. PRICE, A MAN WITH TRUE CHRISTIAN CHARACTER AND EXEMPLARY COMMUNITY CONTRIBUTIONS AND ACHIEVEMENTS, AND TO CONGRATULATE HIM UPON BEING NAMED THE 2020 POULTRY FESTIVAL DISTINGUISHED CITIZEN.

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The Senate Resolution was adopted.

H. 5302 -- Reps. Allison, Alexander, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND EXPRESS DEEP APPRECIATION TO THE SOUTH CAROLINA TECHNICAL COLLEGE SYSTEM FOR ITS OUTSTANDING CONTRIBUTIONS IN EDUCATING AND TRAINING SOUTH CAROLINA'S WORKFORCE FOR COMPETITIVE, HIGH-DEMAND JOBS IN OUR STATE AND TO DECLARE MARCH 25, 2020, AS "SOUTH CAROLINA TECHNICAL COLLEGE SYSTEM DAY."

The Concurrent Resolution was introduced and referred to the Committee on Education.

H. 5333 -- Reps. Wooten, Huggins, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR CAROLINAS ASSOCIATED GENERAL CONTRACTORS ON THE OCCASION OF THE ORGANIZATION'S CENTENNIAL ANNIVERSARY AND TO EXTEND BEST WISHES FOR MUCH CONTINUED SUCCESS IN THE YEARS TO COME.

The Concurrent Resolution was adopted, ordered returned to the House.

**REPORT OF STANDING COMMITTEE**

Senator HEMBREE from the Committee on Education submitted a favorable report on:

S. 954 -- Senators Scott and Setzler: A BILL TO AMEND ACT 189 OF 2018, RELATING TO THE DISPOSAL OF SURPLUS PROPERTY BY THE MIDLANDS TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, SO AS TO PERMANENTLY AUTHORIZE THE ACT AND TO REPEAL THE SUNSET PROVISION.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., March 3, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

S. 16 -- Senators Rankin and Cash: A BILL TO AMEND SECTION 40-43-86(P) OF THE 1976 CODE, RELATING TO EMERGENCY REFILLS OF PRESCRIPTIONS BY PHARMACISTS, TO INCREASE THE AMOUNT OF A PRESCRIPTION THAT MAY BE REFILLED WHEN AUTHORIZATION FROM THE PRESCRIBER IS NOT OBTAINABLE FROM A TEN-DAY SUPPLY TO A THIRTY-DAY SUPPLY, AND TO PROVIDE CONDITIONS.

Very respectfully,

Speaker of the House

Received as information.

**S. 16** **--REPORT OF COMMITTEE OF CONFERENCE**

**ENROLLED FOR RATIFICATION**

S. 16 -- Senators Rankin and Cash: A BILL TO AMEND SECTION 40-43-86(P) OF THE 1976 CODE, RELATING TO EMERGENCY REFILLS OF PRESCRIPTIONS BY PHARMACISTS, TO INCREASE THE AMOUNT OF A PRESCRIPTION THAT MAY BE REFILLED WHEN AUTHORIZATION FROM THE PRESCRIBER IS NOT OBTAINABLE FROM A TEN-DAY SUPPLY TO A THIRTY-DAY SUPPLY, AND TO PROVIDE CONDITIONS.

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., March 3, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 4944 -- Reps. Tallon, Allison, Chumley, Forrester, Henderson‑Myers, Hyde, Long and Magnuson: A BILL TO AMEND SECTION 7‑7‑490, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO ADD THE BROOME HIGH SCHOOL PRECINCT, TO ELIMINATE THE CLIFDALE ELEMENTARY PRECINCT, AND TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**AMENDED, INTERRUPTED DEBATE**

S. 419 -- Senators Hembree, Malloy, Turner, Setzler, Sheheen and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO ASTO ENACT THE “SOUTH CAROLINA CAREER OPPORTUNITY AND ACCESS FOR ALL ACT”, TO PROVIDE FOR A STATEWIDE COLLEGE AND CAREER READINESS GOAL, STUDENT EMPOWERMENT, THE CREATION OF THE ZERO TO TWENTY COMMITTEE, ENHANCEMENTS TO WORKFORCE PREPARATION, EDUCATOR DEVELOPMENT AND SATISFACTION, HELP FOR STUDENTS IN UNDERPERFORMING SCHOOLS, LOCAL SCHOOL BOARD ACCOUNTABILITY, AND MISCELLANEOUS PROVISIONS. (Abbr. Title)

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

**Motion Adopted**

On motion of Senator FANNING, with unanimous consent, Amendment No. 154 was withdrawn.

**Motion Adopted**

On motion of Senator MASSEY, with unanimous consent, Amendment No. 156 was withdrawn.

**Motion Adopted**

Senator MASSEY asked unanimous consent to proceeded to Amendment No. 284.

There was no objection.

**Amendment No. 284**

Senators FANNING and MARTIN proposed the following amendment(WAB\419C248.AGM.WAB20), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered penultimate SECTION to read:

/ SECTION \_\_\_. Section 59‑6‑10 of the 1976 Code is amended to read:

“Section 59‑6‑10. (A) ~~In order to assist in, recommend, and supervise implementation of programs and expenditure of funds for the Education Accountability Act and the Education Improvement Act of 1984, the Education Oversight Committee is to serve as the oversight committee for these acts. The Education Oversight Committee shall:~~

~~(1) review and monitor the implementation and evaluation of the Education Accountability Act and Education Improvement Act programs and funding;~~

~~(2) make programmatic and funding recommendations to the General Assembly;~~

~~(3) report annually to the General Assembly, State Board of Education, and the public on the progress of the programs;~~

~~(4) recommend Education Accountability Act and EIA program changes to state agencies and other entities as it considers necessary.~~

~~Each state agency and entity responsible for implementing the Education Accountability Act and the Education Improvement Act funded programs shall submit to the Education Oversight Committee programs and expenditure reports and budget requests as needed and in a manner prescribed by the Education Oversight Committee.~~

~~The committee consists of the following persons:~~

~~(1) Speaker of the House of Representatives or his designee;~~

~~(2) President Pro Tempore of the Senate or his designee;~~

~~(3) Chairman of the Education and Public Works Committee of the House of Representatives or his designee;~~

~~(4) Chairman of the Education Committee of the Senate or his designee;~~

~~(5) Governor or his designee;~~

~~(6) Chairman of the Ways and Means Committee of the House of Representatives or his designee;~~

~~(7) Chairman of the Finance Committee of the Senate or his designee;~~

~~(8) State Superintendent of Education or the superintendent’s designee who shall be an ex officio nonvoting member;~~

~~(9) five members representing business and industry who must have experience in business, management, or policy to be appointed as follows: one by the Governor, one by the President Pro Tempore of the Senate, one by the Speaker of the House, one by the Chairman of the Senate Education Committee, and one by the Chairman of the House Education and Public Works Committee; and~~

~~(10) five members representing public education teachers and principals to be appointed as follows: one by the Governor, one by the President Pro Tempore of the Senate, one by the Speaker of the House, one by the Chairman of the Senate Education Committee, and one by the Chairman of the House Education and Public Works Committee.~~

~~Initial appointment must be made by July 31, 1998, at which time the Governor or his designee shall call the first meeting. At the initial meeting, a chairman elected from the members representing the business and industry appointees and a vice chairman representing the education members shall be elected by a majority vote of the committee. The members appointed pursuant to items (1) through (8) may serve notwithstanding the provisions of Section 8‑13‑770. Their terms of office on the committee must be coterminous with their terms of office as Governor, Superintendent of Education, or members of the General Assembly.~~

~~(B) The terms of office of the members of the Education Oversight Committee, except for the legislative members, Governor, and State Superintendent of Education, are four years and until their successors are appointed and qualify except of those first appointed the terms must be staggered as follows:~~

~~(1) initial terms of two years shall be served by the two members of the business and industry community appointed by the chairmen of the Education Committees;~~

~~(2) initial terms of three years shall be served by the members of the education community appointed by the President Pro Tempore of the Senate and the Speaker of the House; and~~

~~(3) all other voting members shall serve initial four‑year terms. The terms of chairman and vice chairman shall be two years. At the end of each two‑year term, an election must be held for the chairmanship and vice chairmanship by majority vote of the members attending with quorum present. No member shall serve more than four consecutive years as chairman or vice chairman.~~

~~Members of the committee shall meet no less than once a quarter and annually shall submit their findings and recommendations to the General Assembly before March first of each fiscal year. The staff positions of the Education Oversight Committee and the people presently in those positions initially shall be transferred to the Education Oversight Committee as administrative staff to carry out its functions~~ Effective July 1, 2021, the Education Oversight Committee is abolished and its functions, powers, duties, responsibilities, and authority are devolved upon the State Department of Education.

(B)(1) A joint committee must be appointed to review and make recommendations as to which of the functions, powers, duties, responsibilities, and authority of the Education Oversight Committee are to be devolved upon the State Department of Education and which functions, powers, duties, responsibilities, and authority of the Education Oversight Committee are to be devolved upon the State Board of Education.

(2) The joint committee shall consist of five members appointed by the Chairman of the House Education and Public Works Committee and five members appointed by the Chairman of the Senate Education Committee. The committee must be co‑chaired by one member of the House and one member of the Senate.

(3) A report must be provided to the Speaker of the House and President of the Senate within ninety days after the first meeting of the joint committee, for the purpose of developing legislation to implement the requirements of subsection (A).” /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE spoke against the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 25; Nays 19**

**AYES**

Allen Bennett Davis

Fanning Harpootlian Hutto

Jackson Kimpson Malloy

Martin *Matthews, Margie* McElveen

McLeod Nicholson Reese

Sabb Scott Senn

Setzler Shealy Sheheen

Talley Turner Williams

Young

**Total--25**

**NAYS**

Alexander Campbell Campsen

Cash Climer Corbin

Cromer Gambrell Goldfinch

Gregory Grooms Hembree

Johnson Leatherman *Matthews, John*

Peeler Rankin Rice

Verdin

**Total--19**

The amendment was adopted.

**Amendment No. 157**

Senator FANNING proposed the following amendment (WAB\  
419C134.AGM.WAB20), which was withdrawn:

Amend the bill, as and if amended, Section 59‑59‑60(3), as contained in SECTION 25.A., by deleting the item and inserting:

/ (3) review the pathways selected by the district every four years and determine if a different pathway is more appropriate for local workforce needs. Each district shall report the process it used in determining whether to keep or replace a pathway to the State Board of Education. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

On motion of Senator FANNING, the amendment was withdrawn.

**Amendment No. 158**

Senator FANNING proposed the following amendment (WAB\  
419C309.SM.WAB20), which was adopted:

Amend the bill, as and if amended, SECTION 28, page 49, by deleting Section 59‑53‑30(A) and inserting:

/ “Section 59‑53‑30. (A) Institutions of the South Carolina Technical Education System ~~shall maintain open admissions policies unless determined to be economically unfeasible by the State Fiscal Accountability Authority and~~ are allowed to have differing admissions policies if necessary to meet local workforce needs and may establish and maintain low tuition and fees in order to provide access to post‑secondary education and insure that such educational opportunities shall not be denied to anyone. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The amendment was adopted.

**Amendment No. 172**

Senator FANNING proposed the following amendment (WAB\  
419C093.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, Section 59‑155‑160(A), as contained in SECTION 17, by deleting the subsection and inserting:

/ “Section 59‑155‑160. (A) Beginning with the 2017‑2018 School Year, a student must be retained in the third grade if the student fails to demonstrate reading proficiency at the end of the third grade as indicated by scoring at the lowest achievement level on the state summative reading assessment that equates to Not Met 1 on the Palmetto Assessment of State Standards (PASS). A student may be exempt for good cause from the mandatory retention but shall continue to receive instructional support and services and reading intervention appropriate for their age and reading level. Good cause exemptions include students:

(1) with limited English proficiency and less than two years of instruction in English as a Second Language program;

(2) with disabilities whose individual education plan indicates the use of alternative assessments or alternative reading interventions and students with disabilities whose Individual Education Plan or Section 504 Plan reflects that the student has received intensive remediation in reading for more than two years but still does not substantially demonstrate reading proficiency;

(3) who demonstrate third‑grade reading proficiency on the spring or summer administration of an alternative assessment approved by department ~~the board and which teachers may administer following the administration of the state assessment of reading~~;

(4) who have received two years of reading intervention and were previously retained;

(5) ~~who through a reading portfolio document, the student’s mastery of the state standards in reading equal to at least a level above the lowest achievement level on the state reading assessment. Such evidence must be an organized collection of the student’s mastery of the state English/language arts standards that are assessed by the grade three state reading assessment. The Read to Succeed Office shall develop the assessment tool for the student portfolio; however, the student portfolio must meet the following minimum criteria:~~

~~(a) be selected by the student’s English/language arts teacher or summer reading camp instructor;~~

~~(b) be an accurate picture of the student’s ability and only include student work that has been independently produced in the classroom;~~

~~(c) include evidence that the benchmarks assessed by the grade three state reading assessment have been met. Evidence is to include multiple choice items and passages that are approximately sixty percent literary text and forty percent information text, and that are between one hundred and seven hundred words with an average of five hundred words. Such evidence could include chapter or unit tests from the district or school’s adopted core reading curriculum that are aligned with the state English/language arts standards or teacher‑prepared assessments;~~

~~(d) be an organized collection of evidence of the student’s mastery of the English/language arts state standards that are assessed by the grade three state reading assessment. For each benchmark there must be at least three examples of mastery as demonstrated by a grade of seventy percent or above; and~~

~~(e) be signed by the teacher and the principal as an accurate assessment of the required reading skills~~ who, through a reading portfolio, are documented to be reading on grade level and have mastered the third‑grade English/language arts standards. A student portfolio for promotion to the fourth grade must:

(a) consist only of grade‑level work selected by the student’s teacher from portfolio requirements;

(b) be an accurate representation of the student’s reading ability and only include student work that has been independently produced in the classroom;

(c) include clear evidence that the standards assessed by the third‑grade English/language arts assessment have been met. This clear evidence:

(i) must include multiple choice items and passages that are approximately fifty percent literary text and fifty percent informational text and that are at least an average of five hundred words; and

(ii) could include chapter or unit tests from the district or school’s adopted core reading curriculum that are aligned with the state English/language arts standards or district or teacher‑prepared assessments that meet standards developed and reviewed by the department;

(d) be an organized collection of evidence of the student’s mastery of the state English/language arts standards that are assessed by the third‑grade statewide English language arts assessment. For each standard, there must be at least five work samples of mastery in which the student attained a grade of seventy or higher. Demonstrating mastery of each standard is required; and

(e) be signed by the student’s teacher and the principal of the school, both attesting that the portfolio is an accurate assessment of the reading achievement level of the student and that the student possesses the required reading skills to be promoted to the fourth grade; and

(6) who successfully participate in a summer reading camp at the conclusion of the third grade year and demonstrate through either a reading portfolio or through a norm‑referenced, alternative assessment, selected from a list of norm‑referenced, alternative assessments approved by the Read to Succeed Office for use in the summer reading camps, that the student’s mastery of the state standards in reading is equal to at least a level above the lowest level on the state ~~reading~~ assessment in English/language arts.

(B) The superintendent of the local school district must determine whether a student in the district may be exempt from the mandatory retention by taking all of the following steps:

(1) The teacher of a student eligible for exemption must submit to the principal documentation on the proposed exemption and evidence that promotion of the student is appropriate based on the student’s academic record. This evidence must be limited to the student’s individual education program, alternative assessments, or student reading portfolio. The Read to Succeed Office must provide districts with a standardized form to use in the process.

(2) The principal must review the documentation and determine whether the student should be promoted. If the principal determines the student should be promoted, the principal must submit a written recommendation for promotion to the district superintendent for final determination.

(3) The district superintendent’s acceptance or rejection of the recommendation must be in writing and a copy must be provided to the parent or guardian of the child.

(4) A parent or legal guardian may appeal the decision to retain a student to the district superintendent if there is a compelling reason why the student should not be retained. A parent or legal guardian must appeal, in writing, within two weeks after the notification of retention. The letter must be addressed to the district superintendent and specify the reasons why the student should not be retained. The district superintendent shall render a decision and provide copies to the parent or legal guardian and the principal.

(5) Each school district superintendent shall annually submit a report including the following information at the school and the district level, for the academic year just completed, to its district board and to the department:

(a) the total number of retention exemptions granted pursuant to this section;

(b) the number of appeals made and the number of appeals granted pursuant to this section;

(c) the academic outcome of students pursuant to subitems (a) and (b), including, but not limited to, state English/language arts summative assessment results in grades four through eight; and

(d) the information in subitems (a) through (c) for the current academic year and the two immediately preceding academic years.

(C)(1) Students eligible for retention under the provisions in Section 59‑155‑160(A) may enroll in a summer reading camp provided by their school district or a summer reading camp consortium to which their district belongs prior to being retained the following school year. Summer reading camps must be at least six weeks in duration with a minimum of four days of instruction per week and four hours of instruction per day, or the equivalent minimum hours of instruction in the summer. The camps must be taught by compensated teachers who have at least an add‑on literacy endorsement or who have documented and demonstrated substantial success in helping students comprehend grade level texts. The Read to Succeed Office shall assist districts that cannot find qualified teachers to work in the summer camps. Districts also may choose to contract for the services of qualified instructors or collaborate with one or more districts to provide a summer reading camp. Schools and school districts are encouraged to partner with county or school libraries, institutions of higher learning, community organizations, faith‑based institutions, businesses, pediatric and family practice medical personnel, and other groups to provide volunteers, mentors, tutors, space, or other support to assist with the provision of the summer reading camps. A parent or guardian of a student who does not substantially demonstrate proficiency in comprehending texts appropriate for his grade level must make the final decision regarding the student’s participation in the summer reading camp.

(2) A district may include in the summer reading camps students who are not exhibiting reading proficiency at any grade and do not meet the good cause exemption. Districts may charge fees for these students to attend the summer reading camps based on a sliding scale pursuant to Section 59‑19‑90, except where a child is found to be reading below grade level in the first, second, or third grade and does not meet the good cause exemption.

(D) Retained students must be provided intensive instructional services and support, including a minimum of ninety minutes of daily reading and writing instruction, supplemental text‑based instruction, and other strategies prescribed by the school district. These strategies may include, but are not limited to, instruction directly focused on improving the student’s individual reading proficiency skills through small group instruction, reduced teacher‑student ratios, more frequent student progress monitoring, tutoring or mentoring, transition classes containing students in multiple grade spans, and extended school day, week, or year reading support. The intensity and duration of the intervention must be appropriate to meet the specific needs of each student to ensure the student is on track to be reading at or above grade level by the end of the school year. The school must report to the Read to Succeed Office through the online portal, on the progress of students in the class at the end of the school year and at other times as required by the office based on the reading progression monitoring requirements of these students.

(E) If the student is not demonstrating third‑grade reading proficiency by the end of the second grading period of the third grade, then:

(1)(a) his parent or guardian timely must be notified, in writing, that the student is being considered for retention and a conference with the parent or guardian must be held prior to a determination regarding retention is made, and conferences must be documented;

(b) within two weeks following the parent/teacher conference, copies of the conference form must be provided to the principal, parent or guardian, teacher and other school personnel who are working with the child on literacy, and summary statements must be sent to parents or legal guardians who do not attend the conference;

(c) following the parent/teacher retention conference, the principal, classroom teacher, and other school personnel who are working with the child on literacy must review the recommendation for retention and provide suggestions for supplemental instruction; and

(d) recommendations and observations of the principal, teacher, parent or legal guardian, and other school personnel who are working with the child on literacy must be considered when determining whether to retain the student.

(2) The parent or guardian may designate another person as an education advocate also to act on their behalf to receive notification and to assume the responsibility of promoting the reading success of the child. The parent or guardian of a retained student must be offered supplemental tutoring for the retained student in evidenced‑based services outside the instructional day.

(F) For students in grades four and above who are substantially not demonstrating reading proficiency, interventions shall be provided by reading interventionists in the classroom and supplementally by teachers with a literacy teacher add‑on endorsement or reading/literacy coaches. This supplemental support will be provided during the school day and, as appropriate, before or after school as documented in the district reading plan, and may include book clubs or summer reading camps, or any combination of these strategies.” /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE spoke against the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 13; Nays 32**

**AYES**

Allen Climer Fanning

Harpootlian Hutto Johnson

Kimpson Malloy *Matthews, John*

*Matthews, Margie* McLeod Reese

Sabb

**Total--13**

**NAYS**

Alexander Bennett Campbell

Campsen Cash Corbin

Cromer Davis Gambrell

Goldfinch Gregory Grooms

Hembree Jackson Leatherman

Martin Massey McElveen

Nicholson Peeler Rankin

Rice Scott Senn

Setzler Shealy Sheheen

Talley Turner Verdin

Williams Young

**Total--32**

Having failed to receive the necessary votes, the adoption of the amendment failed.

**Amendment No. 179**

Senator FANNING proposed the following amendment (WAB\  
419C034.AGM.WAB20), which was not adopted:

Amend the bill, as and if amended, by adding an appropriately numbered penultimate SECTION to read:

/ SECTION \_\_\_. Chapter 40, Title 59 of the 1976 Code is amended by adding:

“Section 59‑40‑237. (A) If a charter school fails to meet any of the provisions of this chapter, the State Superintendent of Education may direct the authorizer of that charter school to withhold not less than ten percent but not more than fifty percent of state funding from that school, depending on the severity of the violation. The determination of exactly what amount to withhold is within the sole discretion of the State Superintendent of Education.

(B) The State Department of Education shall withhold all future revenues from an authorizer that fails to timely comply with a directive by the State Superintendent of Education to withhold funds from a charter school made pursuant to subsection (A). If an authorizer whose funds have been suspended by the department subsequently fully complies with the directive, the department may resume the provision of funding to the authorizer.

(C) The provisions of this section apply notwithstanding another provision of law.” /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 19; Nays 26**

**AYES**

Allen Fanning Harpootlian

Hutto Jackson Johnson

Kimpson Malloy *Matthews, John*

*Matthews, Margie* McElveen McLeod

Nicholson Reese Sabb

Scott Setzler Sheheen

Williams

**Total--19**

**NAYS**

Alexander Bennett Campbell

Campsen Cash Climer

Corbin Cromer Davis

Gambrell Goldfinch Gregory

Grooms Hembree Leatherman

Martin Massey Peeler

Rankin Rice Senn

Shealy Talley Turner

Verdin Young

**Total--26**

Having failed to receive the necessary votes, the adoption of the amendment failed.

**Amendment No. 180**

Senator FANNING proposed the following amendment (WAB\  
419C040.AGM.WAB20), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered penultimate SECTION to read:

/ SECTION \_\_\_.A. Section 9‑1‑1790(A)(2) of the 1976 Code is amended to read:

“(2) The earnings limitation imposed pursuant to this item does not apply if the member meets at least one of the following qualifications:

(a) the member retired before January 2, 2013;

(b) the member has attained the age of sixty‑two years at retirement; ~~or~~

(c) compensation received by the retired member from the covered employer is for service in a public office filled by the appointment of the Governor and with confirmation by the Senate, by appointment or election by the General Assembly, or by election of the qualified electors of the applicable jurisdiction; or

(d) the retired member is a certified educator.”

B. Section 9‑11‑90(4)(a) of the 1976 Code is amended to read:

“(a)~~(i)~~ Notwithstanding the provisions of subsections (1) and (2) of this section, a retired member of the system who has been retired for at least ~~thirty~~ fifteen consecutive calendar days may be hired and return to employment covered by this system or any system provided in this title ~~and may earn up to ten thousand dollars~~ without affecting the monthly retirement allowance the member is receiving from this system. ~~If the retired member continues in service after having earned ten thousand dollars in a calendar year, the member’s retirement allowance must be discontinued during the member’s period of service in the remainder of the calendar year.~~ If the employment continues for at least forty‑eight consecutive months, the provisions of Section 9‑11‑90(3) apply. If a retired member of the system returns to employment covered by the South Carolina Police Officers Retirement System or any other system provided in this title sooner than ~~thirty~~ fifteen consecutive calendar days after retirement, the member’s retirement allowance is suspended while the member remains employed by a participating employer of any of these systems. If an employer fails to notify the system of the engagement of a retired member to perform services, the employer shall reimburse the system for all benefits wrongly paid to the retired member.

~~(ii)~~ ~~The earnings limitation imposed pursuant to this item does not apply if the member meets at least one of the following qualifications:~~

~~(A)~~ ~~the member retired before January 2, 2013;~~

~~(B)~~ ~~the member has attained the age of fifty‑seven years at retirement; or~~

~~(C)~~ ~~compensation received by the retired member from the covered employer is for service in a public office filled by the appointment of the Governor and with confirmation by the Senate, by appointment or election by the General Assembly, or by election of the qualified electors of the applicable jurisdiction.~~” /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

**Point of Order**

Senator ALEXANDER raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. 227**

Senator FANNING proposed the following amendment (WAB\  
419C174.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, PART VII, concerning “Local School Boards,” by deleting PART VII and SECTION 40, SECTION 41, SECTION 42, SECTION 43, SECTION 44, SECTION 45, SECTION 46, AND SECTION 47 contained in PART VII.

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE spoke against the amendment.

The question then was the adoption of the amendment.

Having failed to receive the necessary votes, the adoption of the amendment failed.

**Amendment No. 238**

Senator FANNING proposed the following amendment (WAB\  
419C037.AGM.WAB20), which was not adopted:

Amend the bill, as and if amended, by adding an appropriately numbered penultimate SECTION to read:

/ SECTION \_\_\_.A. It is proposed that Section 3, Article XI of the Constitution of this State be amended to read:

“Section 3. The General Assembly shall provide for the maintenance and support of a system of free public schools open to all children in the State so as to provide a high‑quality education allowing each student to reach his highest potential, and shall establish, organize and support such other public institutions of learning~~,~~ as may be desirable.”

B. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 3, Article XI of the Constitution of this State be amended by adding a provision that the General Assembly shall provide for a high‑quality education for all children of the State?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.” /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

**Point of Order**

Senator HEMBREE raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator FANNING spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator FANNING continued speaking on the amendment.

Senator KIMPSON spoke on the amendment.

Senator DAVIS spoke against the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 19; Nays 27**

**AYES**

Allen Fanning Harpootlian

Hutto Jackson Johnson

Kimpson Malloy *Matthews, John*

*Matthews, Margie* McElveen McLeod

Nicholson Reese Sabb

Scott Setzler Sheheen

Williams

**Total--19**

**NAYS**

Alexander Bennett Campbell

Campsen Cash Climer

Corbin Cromer Davis

Gambrell Goldfinch Gregory

Grooms Hembree Leatherman

Loftis Martin Massey

Peeler Rankin Rice

Senn Shealy Talley

Turner Verdin Young

**Total--27**

Having failed to receive the necessary votes, the adoption of the amendment failed.

**Amendment No. 245**

Senator FANNING proposed the following amendment (SA\  
419C002.RT.SA20), which was not adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION at the end to read:

/ SECTION \_\_\_. No provision of the South Carolina Career Opportunity and Access for All Act may be required or implemented until school districts receive full base student cost funding as required by the Education Finance Act of 1977. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator MARTIN spoke against the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 9; Nays 35**

**AYES**

Allen Corbin Fanning

Harpootlian Jackson Malloy

Martin McLeod Reese

**Total--9**

**NAYS**

Alexander Bennett Campbell

Campsen Cash Climer

Cromer Davis Gambrell

Goldfinch Gregory Grooms

Hembree Hutto Johnson

Kimpson Leatherman Loftis

Massey McElveen Nicholson

Peeler Rankin Rice

Sabb Scott Senn

Setzler Shealy Sheheen

Talley Turner Verdin

Williams Young

**Total--35**

Having failed to receive the necessary votes, the adoption of the amendment failed.

**Amendment No. 289**

Senator FANNING proposed the following amendment (WAB\  
419C266.SM.WAB20), which was not adopted:

Amend the bill, as and if amended, SECTION 17. A., Section 59‑155‑160(A), page 21, line 43, by deleting / third grade / and inserting / five‑year old kindergarten /

Amend the bill further, SECTION 17. A., Section 59‑155‑160(A), page 22, line 1, by deleting / third grade / and inserting / five‑year old kindergarten /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

The question then was the adoption of the amendment.

Having failed to receive the necessary votes, the adoption of the amendment failed.

**Amendment No. 326**

Senator MALLOY proposed the following amendment (419R032.KD.), which was withdrawn:

Amend the bill, as and if amended, PART IX, page 72, line 24, by adding appropriately numbered new SECTIONS to read:

/SECTION \_. Section 59-117-10 of the 1976 Code is amended to read:

“Section 59-117-10. The board of trustees of the University of South Carolina shall be composed of ~~the Governor of the State (or his designee), the State Superintendent of Education, and the President of the Greater University of South Carolina Alumni Association, which three shall be members ex officio of the board; and seventeen other members including~~ one member from each of the sixteen judicial circuits to be elected by ~~the~~ a general vote of the General Assembly ~~as hereinafter provided~~, pursuant to Section 59-117-20(A), and one at‑large member appointed by the Governor. The Governor shall make the appointment based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.”

SECTION \_. Section 59-117-20 of the 1976 Code is amended to read:

“Section 59-117-20. (A)(1) The regular term of office of each trustee elected by the General Assembly is four years; however, the trustee shall continue to function as a trustee after his term has expired until his successor is elected and qualifies. ~~Trustees from the first, third, fifth, seventh, ninth, eleventh, twelfth, and thirteenth judicial circuits whose terms expire March 31, 1982, must next be elected for terms commencing on April 1, 1982, and those terms expire on June 30, 1986. Trustees from the second, fourth, sixth, eighth, tenth, fourteenth, fifteenth, and sixteenth judicial circuits elected for terms to commence April 1, 1984, shall have their terms extended to June 30, 1988, and must next be elected for terms commencing on July 1, 1988. Thereafter, the~~

(2) The General Assembly shall hold elections every two years for the purpose of selecting successors of those trustees who are members from each of the sixteen judicial circuits whose terms are then expiring. The term of office of an elective trustee commences on the first day of July of the year in which the trustee ~~under this plan~~ is scheduled to be elected and the term continues until the thirtieth day of June of the year in which the term is scheduled to expire. ~~After its 1984 session, the~~ The General Assembly shall elect successors to those elective trustees whose terms are expiring not earlier than the first day of April of the year the term expires.

(3) In electing members of the board, the General Assembly shall elect members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.

(B) The term of office of the at‑large trustee appointed by the Governor is effective upon certification to the Secretary of State and is four years. ~~If the Governor, chooses to designate a member to serve in his stead as permitted by Section 59‑117‑10, the appointment is effective upon certification to the Secretary of State and shall continue, at the pleasure of the Governor making the appointment, so long as he continues to hold the specified office~~.

~~The term of the President of the Greater University of South Carolina Alumni Association is for the active term of office as president~~.”

SECTION \_. Section 59-117-50 of the 1976 Code is amended to read:

“Section 59-117-50. (A) The board of trustees shall meet not less frequently than quarterly, the time and place of each such regular meeting to be fixed by the chairman of the board or otherwise as the board of trustees shall provide. ~~If the Governor chooses to serve as an ex officio member of the board, he shall preside at all regular and special meetings of the board of trustees in which he is in attendance. At those meetings at which the Governor is not in attendance the chairman of the board of trustees shall preside and in his absence such member shall preside as the board may select. The Governor of the State (if serving as an ex officio member of the board), the~~ The chairman of the board of trustees~~, and the president of the University shall each have~~ has the power to call a special meeting of the board ~~of trustees~~ and to fix the time and place ~~thereof~~ of the meeting. Any five members of the board ~~shall~~ likewise ~~have~~ has this power. A majority of the members of the board ~~of trustees~~ shall constitute a quorum for the transaction of all business of the board but not less than a majority vote of the whole board ~~shall be~~ is required for the election or removal of a president. It ~~shall be~~ is the duty of the president and other officers, as well as members of the faculty, to attend meetings of the board at the request of the board ~~of trustees when requested to so~~.

(B) ~~Notice~~ The secretary or his assistant shall mail notice of the time and place of all meetings, both regular and special meetings, of the board ~~of trustees of the University of South Carolina shall be mailed by the secretary or his assistant~~ to each trustee not less than five days before each meeting ~~thereof~~.” /

Renumber sections to conform.

Amend title to conform.

On motion of Senator MALLOY, with unanimous consent, the Amendment was withdrawn.

**Amendment No. 328**

Senator MALLOY proposed the following amendment (419R101.SP.GM), which was withdrawn:

Amend the bill, as and if amended, by striking PART VII, Local School Boards, and inserting:

/PART VII

Local School Board Accountability

SECTION 47. Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Article 5

Local School Governance

Section 59‑19‑710. The purpose of this article is to enhance local school governance by promoting the highest standards of ethical behavior and to provide an automatic procedure for addressing instances of deficient local school governance impacting the success of a school district.

Section 59‑19‑720. For purposes of this article:

(1) Administrator’ means an officer, other than a board member, or employee of a local school district who holds a position which:

(a) requires a certificate that authorizes the holder to serve as school administrator, principal, or school business administrator;

(b) does not require that the person hold any type of certificate but is responsible for making recommendations regarding hiring or the purchase or acquisition of property or services by the local school district; or

(c) requires a certificate that authorizes the holder to serve as supervisor and be responsible for making recommendations regarding hiring or the purchase or acquisition of property or services by the local school district.

(2) ‘Anything of value’ or ‘a thing of value’ has the same meaning as in Section 8‑13‑100(1).

‘Board member’ means a person holding membership, whether by election or appointment, on a board of education other than the State Board of Education.

(3) ‘Board member’ means a person holding membership, whether by election or appointment, on a board of education other than the State Board of Education.

(4) ‘Business’ means a corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, political organization, or other legal entity but does not include a local school district or another public entity.

(5) ‘Economic interest’ has the same meaning as in Section 8‑13‑100(11).

(6) ‘Family member’ has the same meaning as in Section 8‑13‑100(15).

(7) ‘Interest’ means the ownership or control of more than ten percent of the profits, assets, or stock of a business but does not include the control of assets in a labor union.

(8) ‘Local school district’ means any school district in the State, including the South Carolina Public Charter School District, but does not include special school districts.

(9) ‘Nepotism’ means the employment, appointment, promotion, transfer, or advancement of a family member to a position in the school district that a school board member manages or supervises. A school board member may not participate in an action relating to the discipline of a family member.

(10) ‘Public official’ has the same meaning as in Section 8‑13‑100(27).

(11) ‘School official’ includes the superintendent, assistant superintendent, chief finance official or employee, and chief purchasing official or employee of a school district.

(12) ‘Spouse’ means the person to whom a school official is legally married.

Section 59‑19‑730. (A) The State Board of Education shall adopt a model code of ethics for local school board members before July 1, 2020. This model code of ethics also shall include appropriate consequences for violations of provisions of the model code. The state board periodically may adopt revisions to the model code as it considers necessary.

(B)(1) A local school board shall adopt a local code of ethics applicable to that board within three months after adoption of the model code by the state board. A local code must include, at a minimum, the model code of ethics.

(2) If the state board adopts a revision to the model code, a local school board shall adopt and incorporate the revision into its local code within three months of the adoption of the revision by the state board.

(3) A local school board only may adopt its local code of ethics or any changes to that local code at a regularly scheduled meeting.

(4) A local school board may not adopt or follow a code of ethics that prevents its members from discussing freely the policies and actions of the board outside of a board meeting, excluding matters discussed in executive session or that are exempt from disclosure under the Freedom of Information Act.

(5) A local school board shall submit a copy of its local code of ethics and subsequent revisions to the State Department of Education within thirty days of adoption.

Section 59‑19‑740. (A) A local school board shall adopt policies regarding nepotism which, at a minimum, must include the provisions of this section.

(B) After June 30, 2020, a person who has a family member serving on a local school board, as the district school superintendent, as a principal or assistant principal of a school in the district, or as a member of the district administrative staff is not eligible to serve as a member of the board if the family member’s employment with the district begins after December 31, 2020. This provision does not affect the employment of a person employed by the district before June 30, 2020, or who is employed by the district when his family member becomes a member of that local school board.

(C)(1) For a district with a full‑time enrollment of fewer than three thousand students in the initial fall enrollment of 2019, the State Board of Education may waive the provisions of subsection (B) at the request of the local school board or an individual attempting to qualify to run for a seat on that board, provided the local school board shall, before submitting a waiver request, provide thirty days’ notice of the individual’s intent to run for the office and conduct a public hearing for the purpose of providing an opportunity for full discussion and public input on the issue of potential nepotism problems and other concerns regarding the waiver. The public hearing may be conducted in conjunction with a regular or called meeting of the local school board.

(2) A local school board that seeks a waiver pursuant to this subsection shall submit a written waiver request to the State Board of Education that:

(a) identifies the specific laws, rules, regulations, policies, procedures, or provisions that are requested for the waiver;

(b) describes the laws, rules, policies, and procedures that the board will substitute for the waived laws, rules, regulations, policies, procedures, or provisions;

(c) describes any familial relationship that is the subject of the waiver request and the policy for recusal;

(d) describes how the waiver will improve student performance;

(e) describes the students who will be affected by the proposed waiver, including their estimated number, current performance, grade level, and any common demographic traits;

(f) lists by name the schools that will be affected by the proposed waiver, and a description of each school, including current performance, grade levels, and demographic traits of the students of each school;

(g) describes the methods for collecting data, and for measuring and evaluating any change in student performance resulting from the proposed waiver;

(h) provides the period of time for which the proposed waiver is requested and the proposed starting date;

(i) provides a resolution adopted by the local school board to approve or disapprove the waiver request, and outlining the reasons for its approval or disapproval; and

(j) describes any public comment received at the public hearing held pursuant to item (1).

(3) The State Board of Education may grant or deny a waiver request, or grant a waiver request subject to specific modifications in the waiver request.

(4) The State Board of Education shall grant or deny a waiver request no later than forty‑five days after receipt of the request, taking into consideration whether the benefit to the public would justify approval of the waiver.

(D) After June 30, 2020, a person who has a family member serving on a local school board, hired or promoted as a principal or assistant principal of a school in the district, or hired as a member of the district administrative staff is not eligible to serve as the superintendent of the district if the family member’s employment with the district begins after December 31, 2020. This provision does not affect the employment of a person employed by the district before June 30, 2020, or who is employed by the district when his family member becomes a member of that local school board.

Section 59‑19‑750. (A) To avoid a conflict of interest, a local school board member or school official may not:

(1) use or attempt to use his official position to secure unwarranted privileges, advantages, or employment for himself, his family members, or any others;

(2) act in his official capacity in any matter where he, his family member, or a business organization in which he or his family member has an economic interest that reasonably could be expected to impair his objectivity or independence of judgment;

(3) solicit or accept, or knowingly allow his family member or a business organization in which he or his family member has an economic interest to solicit or accept a gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, political contribution, service, promise of future employment, or other thing of value was given or offered for the purpose of influencing the board member in the discharge of his official duties; provided this item does not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office if the board member has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the board member in the discharge of his official duties;

(4) use, or knowingly be allowed to use, his official position or any information not generally available to the general public which he receives or acquires in the course of and by reason of his official position for the purpose of securing financial gain for himself, his family member, or a business organization with which he is associated;

(5) represent, either in his individual capacity or through a business organization in which he has an interest, a person or party, other than the local school district or its board, with any cause, proceeding, application, or other matter pending before the district in which he serves or in a proceeding involving the district he represents;

(6) be prohibited from making an inquiry for information on behalf of a constituent if no fee, reward, or other thing of value is promised to, given to, or accepted by the board member or his family member in return;

(7) disclose or discuss any information which is subject to attorney‑client privilege belonging to the local school board to any person except for other board members, an attorney representing the board, the district superintendent, or any other person designated by the district superintendent for receipt of such disclosures unless the privilege has been waived by a two‑thirds vote of the membership of the board then serving;

(8) serve also as an officer of any organization that sells goods or services to the district, excluding not‑for‑profit organizations;

(9) be considered in conflict with the provisions of this subsection if, by reason of his participation in a matter required to be voted upon, no material or monetary gain accrues to him as a member of a profession, occupation, or group to any greater extent than reasonably could be expected to accrue to another member of that profession, occupation, or group; and

(10) to enable local school superintendents and administrators to effectively perform their duties related to daily operations without undue interference from school board members, a school board member shall:

(a) recognize that the authority of the board only rests with the board as a whole and not with individual board members, and act accordingly;

(b) support the delegation of authority for day‑to‑day administration of the school system to the local superintendent, and act accordingly;

(c) honor the chain of command and refer problems or complaints consistent with the chain of command;

(d) recognize that the local superintendent shall serve as secretary, ex officio to the board, and should be present at all meetings of the board except when his contract, salary, or performance is under consideration;

(e) not undermine the authority of the local school superintendent or intrude into responsibilities that properly belong to the local superintendent or school administration, including such functions as hiring, transferring, or dismissing employees; and

(f) use reasonable efforts to keep the local superintendent informed of concerns or specific recommendations that any member of the board may bring to the board.

(B) School board members may create or modify the salary, travel stipend, or other component of the compensation provided to school board members, but such creation or change may not become effective until the commencement date of the terms of two or more members elected at the next general election following the adoption of the modification, at which time the creation or change becomes effective for all members.

(C) Upon a motion supported by a two‑thirds vote of the members present, a local school board shall request that the State Ethics Commission conduct a hearing concerning the violation by a board member of a conflict of interest provision in subsection (A).

Section 59‑19‑760. (A) The State Department of Education or another public school accrediting agency shall notify the State Board of Education upon placing any district or school on the level of accreditation that immediately precedes the loss of accreditation for school governance reasons. This notice shall include the reason or reasons for the decision of the accrediting agency.

(B) Notwithstanding another provision of law, if a school district or school is placed on the level of accreditation that immediately precedes the loss of accreditation for school governance by an accrediting agency, the local board shall notify the State Board of Education, in writing, within three business days of the placement. This notice shall include the reason or reasons for the decision of the accrediting agency.

(C) The State Board of Education shall conduct a hearing no less than ten days before, but no more than ninety days after, it receives or gives the notice provided in subsections (A) and (B), and shall recommend to the Governor whether he should suspend all eligible members of the local board without pay. A majority of the members of a local board of education may petition the State Board of Education to continue any hearing scheduled under this subsection. Upon a showing of good cause, the state board may in its sound discretion continue any such hearing. Notwithstanding another provision of law, deliberations held by the State Board of Education pursuant to this subsection to formulate its recommendation to the Governor may not be open to the public and are not subject to the Freedom of Information Act; provided, however, that testimony must be taken in an open meeting and a vote on the recommendation must be taken in an open meeting following the hearing or at the next regularly scheduled meeting. If the State Board of Education makes a recommendation to suspend, the Governor may, in his discretion, suspend all eligible members, but not selective individual members, of the local board of education with pay and, in consultation with the State Board of Education, appoint temporary replacement members who are otherwise qualified to serve as members of the board. A temporary replacement member appointed pursuant to this subsection must serve until the completion of the suspension or until the seat becomes vacant, whichever occurs first.

(D) All hearings pursuant to subsection (B) must be conducted by the State Board of Education, a committee of the state board, or a hearing officer appointed by the state board. In conducting a hearing:

(1) the presiding officer shall notify the parties of the time and place of the hearing;

(2) all witnesses shall testify under oath and are subject to cross‑examination;

(3) the presiding officer shall require the testimony and other evidence to be transcribed by a court reporter or recorded by other appropriate means;

(4) the strict rules of evidence prevailing in courts of law are not applicable; and

(5) at the conclusion of the hearing, or within fifteen days thereafter, the State Board of Education shall notify the Governor and the parties of its decision in writing.

(E) The provisions of this section apply only to a local school district or school which is placed on the level of accreditation immediately preceding loss of accreditation after July 1, 2020. This section applies only to local board of education members who were serving on the local board at the time the accrediting agency placed the local school system or school on the level of accreditation immediately preceding loss of accreditation.”

SECTION 48. Section 59‑18‑920 of the 1976 Code is amended to read:

“Section 59‑18‑920. “Section 58‑19‑920. A charter school established pursuant to Chapter 40, Title 59 shall report the data requested by the Department of Education necessary to generate a report card and a rating. The performance of students attending charter schools sponsored by the South Carolina Public Charter School District or registered institution of higher learning must be included in the overall performance ratings of each school ~~in the South Carolina Public Charter School District~~. The performance of students attending a charter school authorized by a local school district must be reflected on a separate line on the school district’s report card. An alternative school is included in the requirements of this chapter; however, the purpose of an alternative school must be taken into consideration in determining its performance rating. The Education Oversight Committee, working with the State Board of Education and the School to Work Advisory Council, shall develop a report card for career and technology schools.”

SECTION 49. Article 1, Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59‑19‑55. Trustees and school officials shall comply with the provisions of Articles 1, 7, 11, and 13, Chapter 11, Title 8. For purposes of this section, ‘school official’ has the same meaning as in Section 59‑19‑720(5).”

SECTION 50. Article 7, Chapter 13, Title 18 of the 1976 Code is amended by adding:

“Section 8‑13‑810. (A) By July first of each year, the State Board of Education shall notify the State Ethics Commission of any local school board member who has not complied with the provisions of Section 59‑19‑45. Local school board members who fail to successfully complete the training program must be considered to be in violation of the State Ethics Act and must be assessed a civil penalty as follows:

(1)(a) a fine of one hundred dollars if the training is not completed as provided by law in this chapter; and

(b) after notice has been given by the State Board of Education by certified or registered mail that the training has not been completed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the training is not completed, not exceeding five thousand dollars; and

(2) after the maximum civil penalty has been levied and the required statement or report has not been filed, the person is:

(a) for a first offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days;

(b) for a second offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars or imprisoned not less than a mandatory minimum of thirty days; and

(c) for a third or subsequent offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both.

(B) In addition to existing remedies for breach of the ethical standards of this chapter or regulations promulgated hereunder, the State Ethics Commission may impose an oral or written warning or reprimand.

(C) Before a trustee’s position with a local school district board may be terminated for a violation of the provisions of this chapter, notice and an opportunity for a hearing must be provided to the trustee.”

SECTION 51. Section 1‑3‑240(A) of the 1976 Code is amended to read:

“(A) Any officer of the county or State, or a local school board member or trustee, except:

(1) an officer whose removal is provided for in Section 3 of Article XV of the State Constitution;

(2) an officer guilty of the offense named in Section 8 of Article VI of the State Constitution; or

(3) pursuant to subsection (B) of this section, an officer of the State appointed by the Governor, either with or without the advice and consent of the Senate; who is guilty of malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity must be subject to removal by the Governor upon any of the foregoing causes being made to appear to the satisfaction of the Governor. Before removing any such officer, the Governor shall inform him in writing of the specific charges brought against him and give him an opportunity on reasonable notice to be heard.”

SECTION 52. Section 59‑19‑45 of the 1976 Code is amended to read:

“Section 59‑19‑45. (A) Within one year of taking office, all persons elected, reelected, or appointed as members of a school district board of trustees ~~after July 1, 1997~~, regardless of the date of their election, reelection, or appointment, shall complete successfully ~~an orientation~~ a training program in the powers, duties, and responsibilities of a board member including, but not limited to, topics on policy development, personnel, superintendent and board relations, instructional programs, district finance, school law, ethics, nepotism, conflict of interest, and community relations. This program must be offered by a district and completed by a board member within one year after his election, reelection, or appointment. This program also must be offered by a district and completed by a member serving on the effective date of this act within one year after the effective date of this act.

(B)(1) ~~The orientation shall be approved by the State Board of Education and conducted by public or private entities approved by the State Board of Education such as the South Carolina School Boards Association.~~ By December 31, 2019, the State Board of Education shall adopt a model training program for training local school board members on the provisions of this article and local polices adopted pursuant to it. The program must include initial and continuing training. The State Board of Education periodically may adopt revisions to the training program as it considers necessary.

(2)(a) A local school board shall adopt a local training program applicable to that board within three months after adoption of the model training program by the State Board of Education. A training program must include, at a minimum, the model training program.

(b) If the State Board of Education adopts a revision to the training program, a local school board shall adopt and incorporate the revision into its local training program within three months of the adoption of the revision by the State Board of Education.

(c) A local school board only may adopt its local training program or any changes to that local training program at a regularly scheduled meeting.

(d) A local school board shall submit a copy of its local code of ethics and subsequent revisions to the State Department of Education within thirty days of adoption.

(C) ~~The provisions of this section also apply to members of county boards of education appointed or elected after July 1, 1997, in the same manner the provisions of this section apply to members of school district boards of trustees.~~

~~(D)~~ ~~The provisions of this section do not apply to a school board trustee or county board of education member who was serving in such office on July 1, 1997, and who is continuously reelected or reappointed to office thereafter.~~ In addition to meeting other requirements provided by law, a person serving on a school board shall:

(1) sign a statement asserting that he understands the applicable local code of ethics and policy on nepotism; and

(2) annually disclose compliance with the State Board of Education policy on training for local school boards, the applicable local code of ethics, the nepotism policy, and the conflict of interest provisions applicable to local school boards.

(~~E~~D) The State Department of Education shall reimburse a school district or county board of education conducting ~~an orientation~~ training for a new board member as required by this section at the rate of eighty dollars for a member, provided that the total reimbursements by the department in one fiscal year must not exceed ten thousand dollars. If the total projected cost of these reimbursements for a year as determined by the department exceeds ten thousand dollars, the eighty‑dollar reimbursement for each new member must be reduced proportionately. If funds are not available for these reimbursements, the board member ~~orientation~~ training is not required but may be conducted at the option of a school district or county board of education. The State Board of Education shall establish guidelines and procedures for these reimbursements.

(~~F~~E) The State Department of Education must keep a record of the school board trustees who complete the ~~orientation~~ training program for a period of at least five years.”

SECTION 53. Section 59‑19‑60 of the 1976 Code is amended to read:

“Section 59‑19‑60. (A) School district trustees ~~shall be~~ are subject to removal from office ~~for cause by the county boards of education, upon notice and after being given an opportunity to be heard by the county board of education. Any such order of removal shall state the grounds thereof, the manner of notice and the hearing accorded the trustee, and any such trustee shall have the right to appeal to the court of common pleas, as provided in Section 59‑19‑560~~ pursuant to the provisions of Chapter 3, Title 1. Vacancies occurring in the membership of any board of trustees for any cause ~~shall~~ must be filled for the unexpired term by the ~~county board of education~~ local legislative delegation in the same manner as provided for full‑term appointments.

(B) In addition to the bases for removal from office by the Governor provided in Chapter 3, Title 1, the Governor may remove a member of a school district board of trustees in a case involving:

(1) fraud;

(2) misappropriation of funds;

(3) nepotism;

(4) violation of election or procurement laws; or

(5) any combination of items (1) through (5).

(C) If the entire membership of a board of trustees is removed, five vacancies automatically are created, regardless of the prior number of seats held by the board of trustees. The Governor shall appoint members to fill three of the vacancies, the State Superintendent of Education shall appoint a member to fill one of the vacancies, and the local legislative delegation shall appoint a member to fill one of the vacancies within ninety days.

(D) If one or more members, but not the entire membership, of a board of trustees is removed, the Governor must fill the vacancies within ninety days.

(E) A person appointed pursuant to subsection (C) or (D) to fill a vacant seat on a board of trustees shall serve until the next general election is held for the seat and may run in that general election for the seat to which he was appointed.

(F) If only two members remain serving on a board of trustees, the members may take no action that requires a vote until a third member is appointed.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY spoke on the amendment.

Senator HEMBREE spoke against the amendment.

Senator MALLOY spoke for the amendment.

On motion of Senator MALLOY, with unanimous consent, the Amendment was withdrawn.

**Amendment No. 329**

Senator SETZLER proposed the following amendment (419NGS3), which was withdrawn:

Amend the bill, as and if amended, page 68, by striking Section 59-1-425(A) as contained in SECTION 53 and inserting the following:

/ “Section 59‑1‑425. (A) A local school district board of trustees of the State has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ninety days annually and must consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. However, ~~beginning with the 2007‑2008 school year,~~ the opening date for students must not be before ~~the third Monday in~~ August twelfth, except for schools operating on a year‑round modified school calendar. Three days must be used for collegial professional development based upon the educational standards as required by Section 59‑18‑300. The professional development must address, at a minimum, academic achievement standards including strengthening teachers' knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools and the remaining five days may be used for teacher planning, academic plans, and parent conferences. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the district. A local school district board of trustees must modify the first semester calendar for the purpose of administering exams prior to the beginning of any scheduled December break.”

Renumber sections to conform.

Amend title to conform.

Senator SETZLER spoke on the amendment.

On motion of Senator SETZLER, with unanimous consent, the Amendment was withdrawn.

**Amendment No. 333**

Senator HEMBREE proposed the following amendment (419R092.SP.GH):

Amend the bill, as and if amended, PART IV, Scholarships and Tuition Assistance, by adding an appropriately numbered new SECTION to read:

/SECTION \_\_. A. Chapter 150, Title 59 of the 1976 Code is amended by adding:

“Section 59‑150‑365. (A)(1) A student who is attending a two‑year public technical college, who is majoring in a critical workforce area program as defined and recommended by the State Board for Technical and Comprehensive Education (SBTCE) and ratified by the South Carolina Coordinating Council for Workforce Development, and who is receiving a Lottery Tuition Assistance Program Scholarship (LTAP) for the current school year shall receive an additional South Carolina Workforce Industry Needs Scholarship (SCWINS). A student who is attending a two‑year public technical college, who meets the income eligibility guidelines for free and reduced‑priced meals as established by the United States Department of Agriculture (USDA), and who is receiving an LTAP scholarship for the current year shall receive an SCWINS scholarship regardless of the student’s major. Subject to the funds appropriated, the SCWINS scholarship is equal to the cost of tuition and mandatory fees after applying all other scholarships or grants, not to exceed two thousand five hundred dollars each year for no more than three years of instruction, including the student’s freshman year, if the student is enrolled in an associate degree program, or no more than two years of instruction, including the student’s freshman year, if enrolled in a diploma or certificate program.

(2) During a student’s freshman year, the student must be enrolled in at least six credit hours of instruction each semester, including at least three credit hours of instruction in one of the critical workforce areas defined by the SBTCE. A student who meets the income guidelines for free and reduced-priced meals as established by the USDA must be enrolled in at least six credit hours of instruction each semester for the purpose of meeting the required minimum level of instruction in the student’s major courses during the student’s freshman year. To receive the additional SCWINS scholarship each school year, the student must receive the underlying LTAP scholarship for that school year and must be making acceptable progress each school year toward receiving a degree pursuant to this section. Dual enrollment courses taken in high school in these critical workforce area programs count toward the fulfillment of the minimum requirement.

(3) As a condition of participation in the scholarship program provided herein, a student must receive career counseling from the institution in which he will enroll, and that institution shall verify participation to the SBTCE prior to any award.

(B) The SBTCE shall promulgate regulations to define what constitutes a critical workforce program area. Nothing herein prevents a student from changing majors within the acceptable disciplines. Additionally, the SBTCE shall annually communicate with high school guidance counselors regarding the list of qualifying majors. The critical workforce program list must be reviewed at least every five years and adjusted based on workforce trends and industry needs. Critical workforce program additions or deletions must be ratified by the South Carolina Coordinating Council for Workforce Development.

(C) If the additional SCWINS scholarship is lost, then it may be regained in the same manner that the underlying LTAP scholarship is regained.

(D) In order for a student to be eligible after attempting twenty‑four academic credit hours, the student must have earned a grade point average of 2.0 or better on a 4.0 grading scale.

(E) A student may not be eligible to receive the SCWINS scholarship for more than one certificate, diploma, or degree within any five‑year period unless the additional certificate, diploma, or degree constitutes progress in the same field of study.

(F) A dual‑enrollment student in high school who is majoring in one of the critical workforce areas and receives an LTAP scholarship at a technical college qualifies for the SCWINS scholarship. A dual enrollment student in high school who receives an LTAP scholarship at a technical college and qualifies for free and reduced‑priced meals also qualifies for the SCWINS scholarship regardless of the student’s major.

(G) Additionally, an up to three‑hundred‑dollar book allowance each school year is applied to the account of an SCWINS recipient who is majoring in one of the critical workforce areas, for expenses toward the cost of textbooks.

(H) If a critical workforce area program is placed on suspension during the SBTCE’s annual program evaluation process, then that program no longer qualifies for SCWINS funds at that specific college. Students must be advised on how to complete their program by transferring to another technical college or serving as a transient student at another technical college to complete specified courses.

(I) The SBTCE shall develop career counseling standards to be implemented by all colleges in the SBTCE system.”

B. This SECTION takes effect on July 1, 2020 and first applies to the 2020-2021 school year. /

Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 19.A., relating to Section 59-104-20, by striking Section 59-104-20(G)(1)(a)(ii) and inserting:

/ ~~(b)~~(ii) a cumulative ~~3.5~~ 3.49 or better grade point ratio on the Uniform Grading Scale at the end of the junior or senior year; and /

Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 19.A., relating to Section 59-104-20, by striking Section 59-104-20(G)(1)(b)(ii) and inserting:

/ ~~(b)~~(ii) a cumulative ~~4.0~~ 3.99 or better grade point ratio on the Uniform Grading Scale at the end of the junior or senior year. /

Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 19.A., relating to Section 59-104-20, by striking Section 59-104-20(F)(1)(a) and inserting:

/ (a) ~~South Carolina public institution defined in Section 59‑103‑5, excluding a public two‑year or technical institution, and an independent institution as defined in Section 59‑113‑50, excluding an eleemosynary junior or independent two‑year institution~~ any state‑supported, post‑secondary educational institution. ‘Public or independent institution’ does not include a two-year or technical institution or an eleemosynary junior or independent two-year institution; or /

Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 19.A., relating to Section 59-104-20, by striking Section 59-104-20(H) and inserting:

/ (H) Notwithstanding another provision of law, a student who met the initial eligibility requirements to receive a Palmetto Fellows Scholarship Award as a senior in high school and has met the continuing eligibility requirements shall receive the award. A student who received a Palmetto Fellows Scholarship Award as a senior in high school but declined the award or who accepted the LIFE Scholarship for attendance at a public two-year or technical institution is eligible to reapply for the annual scholarship, providing he meets all of the initial and continuing academic eligibility requirements of the Palmetto Fellows program, if he transfers to a qualifying South Carolina institution of higher learning. The number of semesters or academic years a student attended an out‑of‑state institution are to be deducted from the number of semesters or academic years a student is eligible for the scholarship. All funding provided for Palmetto Fellows Scholarships regardless of its source or allocation must be used to implement the provisions of this subsection. /

Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 20.A., relating to Section 59-149-50, by striking Section 59-149-50(A)(1) on page 39 at line 8 and inserting:

/graduated from high school with a ~~minimum of a 3.0~~ 2.99 or better cumulative /

Amend the bill further, as and if amended, PART IV, Scholarships and Tuition Assistance, SECTION 20.B., relating to Section 59‑150‑370(C), by striking Section 59-150-370(C) and inserting:

/ “(C) A student ~~is eligible to receive a SC HOPE Scholarship if he meets the criteria for receiving and maintaining the Legislative Incentives for Future Excellence (LIFE) Scholarship except that a~~ must have graduated from high school with a minimum of a 3.0 cumulative grade point average to be eligible to receive an SC HOPE Scholarship. A minimum Scholastic Aptitude Test (SAT) or ACT score and requisite class rank are not required for eligibility for the SC HOPE Scholarship. These SC HOPE Scholarships must be granted and awarded as provided in this section.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE spoke on the amendment.

Senator MASSEY spoke against the amendment.

Debate was interrupted by adjournment.

**Motion Adopted**

On motion of Senator MASSEY, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 12:15 P.M. tomorrow for the purpose of attending the Joint Assembly, and will reconvene immediately following the conclusion of the Joint Assembly.

**LOCAL APPOINTMENT**

**Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Reappointment, Bamberg County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Richard Craig Threatt, 79 Meadow Lane, Bamberg, SC 29003-2423 *VICE* Richard Craig Threatt (retired)

**Motion Adopted**

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

**MOTION ADOPTED**

On motion of Senator HEMBREE, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. James Blakeney Jackson of North Myrtle Beach, S.C. James graduated from The Citadel and joined the U.S. Army where he was the recipient of the Army Commendation Medal. James was active in the community on the city council, charter member of the local Jaycees Chapter and a managing partner of the Myrtle Beach RV Park. James was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator CROMER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Bobby Merle Bowers of Lexington, S.C. Bobby served as the Director of the South Carolina Office of Research and Statistics and was honored for his distinguished service to our State in 2015 upon his retirement. He was a member of Lexington United Methodist Church, served on the Lexington District One School Board, as president of the S.C. School Board Association, Lander University Board of Trustees and was past president of the Lions Club of Lexington. Bobby was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 5:34 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 12:15 P.M.

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