



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0945 Amended by Senate Education on March 30, 2022
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Subject: School Board Meetings
Requestor: Senate Education
RFA Analyst(s): Wren
Impact Date: April 4, 2022

Fiscal Impact Summary

This amended bill requires each public school governing body, including the governing bodies of charter schools and special schools, to make necessary efforts to ensure the entirety of meetings of its regularly scheduled or special called meetings of its full governing body are accessible to the public and also available by means of livestream transmission. The State Board of Education must adopt a model policy to comply with the provisions of the bill.

This amended bill will have no expenditure impact on the State Department of Education (SCDE), as any expenses associated with developing a model livestream meeting policy for school districts can be managed within existing appropriations.

The overall expenditure impact of this amended bill on the state agency schools is pending, contingent upon responses from the agencies regarding the potential expenditure impact to ensure that their livestream policy does not prevent in-person participation by the public at meetings. However, four of the five state agency schools indicate that the portion of the bill to ensure meetings are accessible to the public by means of livestream transmission will have no expenditure impact since the agencies either have the ability to livestream board meetings or have a plan in place to livestream the meetings. The remaining state agency school indicates that this portion of the bill will increase agency expenses by \$2,500 to upgrade its current audio equipment. Additionally, the expenditure impact could change once a model policy is adopted by the State Board of Education.

The overall expenditure impact of this amended bill on local districts is undetermined. However, SCDE previously surveyed the seventy-seven regular school districts and the two charter districts regarding any potential increase in expenditures to ensure meetings are accessible to the public by means of livestream transmission. The majority of the responding districts indicated that this portion of the bill would have no expenditure impact since they currently livestream board meetings, while some of the responding districts indicated expenses would increase by a range of \$900 to \$100,000 per district for equipment, onsite support, and overtime for staff for this portion of the bill. Due to the varying responses from the responding districts and the type of policy to be adopted by the State Board of Education being unknown, the expenditure impact of this portion of the amended bill on local school districts is undetermined. Further, the South Carolina School Boards Association indicates that the portion of the bill that prohibits school

boards from preventing in-person participation at school board meetings will have no expenditure impact on local school districts since all school boards currently offer in-person meetings for the public.

Penalties for violations or noncompliance with requirements of the bill may not exceed 1 percent of state funds. The revenue impact on local school districts and special school districts for violations of the livestream meeting policy is undetermined as it is unknown how many districts will not comply with the provisions of the amended bill. Based on data in the Revenue Per Pupil Report by District from the Revenue and Fiscal Affairs Office, 1 percent of projected state funds to districts ranges from approximately \$43,500 to \$5,080,400 for FY 2021-22.

Explanation of Fiscal Impact

Amended by Senate Education on March 30, 2022

State Expenditure

This amended bill requires each public school governing body, including the governing bodies of charter schools and special schools, to make necessary efforts to ensure the entirety of meetings of its regularly scheduled or special called meetings of its full governing body are accessible to the public and also available by means of livestream transmission. Lawful executive sessions are excluded from this provision. If a governing body cannot provide or restore livestream transmission during the meeting, it must make a clear audio and video recording of the meeting and place the recording on its website no more than two business days after the meeting.

The State Board of Education must adopt a model livestream meeting policy to comply with the provisions of the bill. The policy must include certain criteria, including penalties for policy violations or non-compliance. Penalties for policy violations or non-compliance may not exceed 1 percent of state funds to the district, charter school, or special school.

The governing body of each public school, charter school, and special school must adopt a local policy within three months after adoption of the policy by the State Board of Education. Local policies must include, at a minimum, the State Board of Education model policy. Any revisions to the State Board of Education's model policy or local policies must be adopted and incorporated in the same manner as the original requirements. A governing body may only adopt or revise its local policy or make changes at a regularly scheduled meeting, which must be successfully livestreamed. Further, a governing body may not adopt or follow a livestream policy that prevents in-person participation by the public, except as may be necessary for the orderly transaction of business. The provisions of the bill must be implemented before July 1, 2023.

State Department of Education. SCDE indicates that any expenses to adopt a model livestream meeting policy for school districts can be managed within existing appropriations. Therefore, the amended bill will have no expenditure impact on the agency.

State Agency Schools. The overall expenditure impact of this amended bill on the state agency schools is pending, contingent upon responses from the agencies regarding any potential increase

in expenditures to ensure that their livestream policy does not prevent in-person participation by the public at meetings.

However, the state agency schools provided the following regarding the expenditure impact to ensure their meetings are accessible to the public by means of livestream transmission:

- The Governor’s School for Agriculture at John de la Howe previously indicated that any expenses associated with livestreaming board meetings would be minimal and could be managed within existing appropriations.
- The School for the Deaf and Blind and the Governor’s School for Science and Mathematics previously indicated that the bill would have no expenditure impact since the agencies currently have the capability to livestream meetings.
- The Wil Lou Gray Opportunity School previously indicated that the bill would also have no expenditure impact since the agency has a plan in place to livestream meetings and to provide a video recording of meetings.
- The Governor’s School for the Arts and Humanities indicates that this portion of the bill will increase the agency’s expenses by \$2,500 to upgrade its current audio equipment.

Additionally, the expenditure impact of the bill could change depending upon the type of model policy adopted by the State Board of Education.

State Revenue

This amended bill requires each public school governing body, including the governing bodies of charter schools and special schools, to make necessary efforts to ensure its meetings are accessible to the public and also by means of livestream transmission. The State Board of Education must adopt a model livestream meeting policy to comply with the provisions of the bill. The policy must include certain criteria, including penalties for policy violations or non-compliance. Penalties for policy violations or non-compliance may not exceed 1 percent of state funds to the district, charter school, or special school with escalating tiers based on frequency, duration, and severity that the State Board of Education determines reasonable and necessary. Based on data in the Revenue Per Pupil Report by District from the Revenue and Fiscal Affairs Office, 1 percent of projected state funds to districts ranges from approximately \$43,500 to \$5,080,400 for FY 2021-22.

The revenue impact on the special school districts for violations or non-compliance of the livestream meeting policy is undetermined as it is unknown how many districts will not comply with the provisions of the bill. Additionally, the amount of state funds to be withheld will vary by district.

Local Expenditure

As noted above, this amended bill requires each public school governing body, including the governing bodies of charter schools and special schools, to make necessary efforts to ensure its meetings are accessible to the public and through livestream transmission.

The overall expenditure impact of this bill on local districts is undetermined. However, SCDE previously surveyed the seventy-seven regular school districts and the two charter districts

regarding any potential increase in expenditures to ensure meetings are accessible to the public by means of livestream transmission. SCDE received responses from forty-five districts. Of the responding districts, thirty indicated that this portion of the bill would have no expenditure impact since they currently livestream board meetings. Two districts indicated that this portion of the bill would increase expenses but could not quantify the cost. The remaining thirteen responding districts indicated expenses would increase by a range of \$900 to \$100,000 per district for equipment, onsite support, and overtime for staff for this portion of the bill. Due to the varying responses from the responding districts and the type of policy to be adopted by the State Board of Education being unknown, the expenditure impact of this portion of the amended bill on local school districts is undetermined.

Further, the South Carolina School Boards Association indicates that the portion of the bill that prohibits school boards from preventing in-person participation at school board meetings will have no expenditure impact on local school districts since all school boards currently offer in-person meetings for the public. The only time meetings have not been offered in-person was during the COVID-19 pandemic. At that time, meetings were available to the public through livestream or Zoom.

Local Revenue

The revenue impact on local school districts for violations or non-compliance of the livestream meeting policy is undetermined as it will depend on how many districts do not comply with the provisions of the bill. Additionally, the amount of state funds to be withheld will vary by district. Based on data in the Revenue Per Pupil Report by District from the Revenue and Fiscal Affairs Office, 1 percent of projected state funds to districts ranges from approximately \$43,500 to \$5,080,400 for FY 2021-22.

Introduced on January 11, 2022

State Expenditure

This bill requires each public school governing body, including the governing bodies of charter schools and special schools, to make necessary efforts to ensure its meetings are accessible to the public by means of livestream transmission. If a governing body cannot provide such livestream transmission, it must make a clear audio and video recording of the meeting and place the recording on its website no more than two business days after the meeting. The State Board of Education must adopt a model livestream meeting policy to comply with the provisions of the bill. The policy must include certain criteria, including penalties for policy violations or non-compliance. Penalties for policy violations or non-compliance may not exceed 1 percent of state funds to the district. The governing body of each public school, charter school, and special school must adopt a local policy within three months after adoption of the policy by the State Board of Education. Local policies must include, at a minimum, the State Board of Education model policy. Any revisions to the State Board of Education's model policy or local policies must be adopted and incorporated in the same manner as the original requirements. A governing body may only adopt its local policy or make changes at a regularly scheduled meeting. The provisions of the bill must be implemented before July 1, 2023.

State Department of Education. SCDE indicates that any expenses to adopt a model livestream meeting policy for school districts can be managed within existing appropriations. Therefore, the bill will have no expenditure impact on the agency.

State Agency Schools. This bill is not expected to have an expenditure impact on the state agency schools. The South Carolina Governor's School for Agriculture at John de la Howe indicates that any expenses associated with livestreaming board meetings will be minimal and can be managed within existing appropriations. The School for the Deaf and Blind indicates that the bill will have no expenditure impact since the agency currently has the capability to livestream meetings. The Wil Lou Gray Opportunity School also indicates that the bill will also have no expenditure impact since the agency has a plan in place to livestream meetings and to provide a video recording of meetings. Based upon these responses, we do not anticipate that the bill will have an expenditure impact on the Governor's School for the Arts and Humanities or the Governor's School for Science and Mathematics. However, the expenditure impact could change depending upon the type of model policy adopted by the State Board of Education. We will update this impact statement if the Governor's Schools' provide a response that alters this impact.

State Revenue

This bill requires each public school governing body, including the governing bodies of charter schools and special schools, to make necessary efforts to ensure its meetings are accessible to the public by means of livestream transmission. The State Board of Education must adopt a model livestream meeting policy to comply with the provisions of the bill. The policy must include certain criteria, including penalties for policy violations or non-compliance. Penalties for policy violations or non-compliance may not exceed 1 percent of state funds to the district with escalating tiers based on frequent, duration, and severity that the State Board of Education determines reasonable and necessary.

The revenue impact on the special school districts for violations or non-compliance of the livestream meeting policy is undetermined as it is unknown how many districts will not comply with the provisions of the bill. Additionally, the amount of state funds to be withheld will vary by district.

Local Expenditure

As noted above, this bill requires each public school governing body, including the governing bodies of charter schools and special schools, to make necessary efforts to ensure its meetings are accessible to the public through livestream transmission.

SCDE surveyed the seventy-seven regular school districts and the two charter districts and received responses from forty-five districts. Of the responding districts, thirty indicate that the bill will have no expenditure impact since they currently livestream board meetings. Two districts indicate that the bill would increase expenses but could not quantify the cost. The remaining thirteen responding districts indicate expenses would increase by a range of \$900 to \$100,000 per district for equipment, onsite support, and overtime for staff. Due to the varying responses from the responding districts and the type of policy to be adopted by the State Board

of Education being unknown, the expenditure impact of this bill on local school districts is undetermined.

Local Revenue

The revenue impact on local school districts for violations or non-compliance of the livestream meeting policy is undetermined as it will depend on how many districts do not comply with the provisions of the bill. Additionally, the amount of state funds to be withheld will vary by district.



Frank A. Rainwater, Executive Director