**A** **JOINT RESOLUTION**

TO ENCOURAGE PUBLIC SCHOOL DISTRICTS TO DEVELOP AND IMPLEMENT EMERGENCY SICK LEAVE PLANS USING CERTAIN FEDERAL FUNDS INTENDED FOR COVID‑19 RELIEF, TO PROVIDE REQUIREMENTS FOR SUCH PLANS, TO PROVIDE RELATED SUPPORT REQUIREMENTS OF THE STATE DEPARTMENT OF EDUCATION, TO PROVIDE PROTECTIONS FOR SCHOOL DISTRICT EMPLOYEES WHO USE SUCH EMERGENCY SICK LEAVE, AND TO PROVIDE RELATED REPORTING REQUIREMENTS OF LOCAL SCHOOL DISTRICTS AND THE STATE DEPARTMENT OF EDUCATION.

Whereas, in response to the COVID‑19 pandemic, the United States Congress enacted the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act; and

Whereas, among other things, FFCRA required employers provide certain sick leave related to COVID‑19, and the CARES Act allocated funds to the Education Stabilization Fund for the Elementary and Secondary School Emergency Relief (ESSER) for the use of school districts in maintaining operations and continuity of services; and

Whereas, the Congress did not reauthorize FFCRA, which consequently expired on December 31, 2020, thereby ending the federally mandated paid sick leave requirements of the act; and

Whereas, while school districts are no longer federally required to provide sick leave related to COVID‑19 under the FFCRA, adequate ESSER funds remain to cover such leave for school district employees in 2021, if the districts so choose; and

Whereas, some school districts are not exercising the option to use these ESSER funds to provide COVID‑19‑related sick leave to replace the emergency sick leave previously provided by FFCRA; and

Whereas, the General Assembly finds that critical importance of the health and safety of public school employees, students, and their families dictates that each local school district should create an emergency sick leave plan using their available ESSER funds to ensure that school district employees who need to take paid leave for a COVID‑19‑related issue, as previously allowed under ESSER, may do so without repercussion. Now, therefore:

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

SECTION 1. (A) Each public school district in the State should develop an emergency sick leave plan using Elementary and Secondary School Emergency Relief (ESSER) funds within fifteen calendar days after the effective date of this joint resolution and indicate if it intends to use ESSER funds to implement the plan. Each such district program shall indicate how the district would provide paid sick leave or expanded family and medical leave to eligible employees for specific qualifying reasons related to COVID‑19. This plan should require that leave must be identical to the leave previously mandated by the Families First Coronavirus Response Act (FFCRA) in terms of employee qualifying reasons for leave, leave duration amounts, and methods for calculating leave pay as previously required under the FFCRA. In addition to the qualifying reasons for leave required under FFCRA, the plan should indicate that a teacher also must be considered to have a qualifying reason for leave if a health care provider determines that the teacher should not work in the school building because the teacher is at increased risk or might be at increased risk for severe illness from COVID‑19 due to having one or more certain underlying conditions as identified by the Centers for Disease Control and Prevention. For purposes of this joint resolution, “severe illness from COVID‑19” means hospitalization, admission to the ICU, intubation or mechanical ventilation, or death.

(B) The State Department of Education shall provide information needed for developing emergency sick leave plans, pursuant to the provisions of this joint resolution, to school districts.

(C) The State Board of Education and local school districts may take no retaliatory action against an employee who takes emergency sick leave under a sick leave plan developed pursuant to this joint resolution.

(D) Within twenty‑one days after the effective date of this joint resolution, districts shall notify the State Department of Education of whether or not they have developed a sick leave plan as recommended by this joint resolution, and shall provide a copy of their plan, if any. Within thirty days after the effective date of this joint resolution, the State Department of Education shall provide a report to the General Assembly indicating which districts did not develop sick leave plans pursuant to this joint resolution and which districts did develop such plans, along with copies of the plans.

SECTION 2. This joint resolution takes effect upon approval by the Governor and expires December 31, 2021.

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