



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

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**Bill Number:** H. 4280 Amended by House Education and Public Works on April 25, 2023  
**Author:** Erickson  
**Subject:** Educator Assistance Act  
**Requestor:** House Education and Public Works  
**RFA Analyst(s):** Bryant  
**Impact Date:** May 1, 2023

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### **Fiscal Impact Summary**

This amended bill enacts the Educator Assistance Act. The amended bill provides that a professional certificate issued by the State Board of Education is permanent unless revoked or suspended and is not subject to renewal, and no teacher may be required to renew a professional certificate issued by the board. The amended bill also authorizes the use of data already being collected under current procedures to report on postsecondary matters concerning graduates of state public schools. The amended bill further provides that a teacher who submits his contract acceptance before the statutory notification deadline may withdraw his acceptance by submitting a written notice to the school district within ten days after the publication of the employing district's salary schedule for the upcoming school year. Additionally, school districts may not report such withdrawals as a breach of contract. The amended bill also revises the penalty for breach of contract resulting from the unauthorized execution of an employment contract with another district, as well as the period for educator certificate suspension due to breach of contract, and makes such suspensions discretionary. Lastly, the amended bill repeals certain reporting requirements for state high schools, state Institutions of Higher Learning (IHLs), and the State Superintendent of Education.

The expenditure impact of the amended bill on the S.C. Department of Education (SCDE) and the local school districts is pending, contingent upon a response.

This amended bill is not expected to have an expenditure impact on the state agency schools. Based on responses from the Governor's School for the Arts and Humanities, the Governor's School for Agriculture at John de la Howe, and the Wil Lou Gray Opportunity School, the Revenue and Fiscal Affairs Office (RFA) anticipates that the state agency schools can manage the provisions of the bill within existing appropriations.

This amended bill will have no expenditure impact on the Education Oversight Committee (EOC), as the bill requires the department to perform activities that will be conducted in the normal course of agency business.

This amended bill is not expected to have an expenditure impact on IHLs. Based on responses from Coastal Carolina University and the University of South Carolina, RFA anticipates that repealing the reporting requirement will result in no expenditure savings for IHLs.

## **Explanation of Fiscal Impact**

### **Amended by House Education and Public Works on April 25, 2023**

#### **State Expenditure**

This amended bill provides that a professional certificate issued by the State Board of Education is permanent unless revoked or suspended and is not subject to renewal, and no teacher may be required to renew a professional certificate issued by the board. The amended bill also authorizes SCDE, in collaboration with the EOC, to use data already being collected under current procedures to report on the in-state and out-of-state college enrollment, college persistence, and postsecondary completion of the state's high school graduates. SCDE must work to streamline data collection timelines and processes to reduce the burden and increase the efficiency of such data collection and reporting.

The amended bill further provides that a teacher who submits his contract acceptance before the statutory notification deadline of May 11<sup>th</sup> may withdraw his acceptance by submitting a written notice to the school district within ten days after the publication of the employing district's salary schedule for the upcoming school year. Additionally, school districts may not report such withdrawals as a breach of contract.

The amended bill also revises the penalty for breach of contract resulting from the unauthorized execution of an employment contract with another district, as well as the period for educator certificate suspension due to breach of contract. A breach of contract makes void any subsequent contract with any other school district in the state, and upon a formal complaint of the school board, the State Board of Education may suspend or revoke the teacher's certificate. However, the State Board of Education shall not hear a complaint from a school board regarding a breach of contract unless it is received within thirty days of the breach. The amended bill further provides that the period for educator certificate suspension must begin on the date the contract is breached with the district and run for a period of time deemed appropriate by the State Board of Education, not to exceed six months from the date of breach, if the educator is not employed in a certified position by another public school district or public school. If the educator is employed in a certified position by another public school district or public school, the period of suspension may not exceed six months, effective the date of the Board's determination. SCDE must provide notification of the suspension to other state educator licensing authorities.

Lastly, the amended bill repeals certain reporting requirements for high schools, IHLs, and the State Superintendent of Education. State high schools are no longer required to submit to the State Superintendent of Education a report detailing the number of high school graduates that entered the freshman class of an IHL, either in or out of the state, or a breakdown showing all courses passed and failed by those students. IHLs are no longer required to submit such information to the state high schools, and the State Superintendent of Education is no longer required to tabulate such reports and include them in the annual report to the General Assembly.

**S.C. Department of Education.** The expenditure impact of this amended bill on SCDE is pending, contingent upon a response.

**State Agency Schools.** The Governor’s School for the Arts and Humanities and the Governor’s School for Agriculture at John de la Howe indicate that they can manage the provisions of the amended bill within existing appropriations. The amended bill will have no expenditure impact on the Wil Lou Gray Opportunity School since its teachers are state employees and are not required to sign yearly contracts. Based upon these responses, RFA anticipates that the amended bill will have no expenditure impact on the Governor’s School for Science and Mathematics and the School for the Deaf and Blind. We will update this impact statement if the agencies provide a different response.

**Education Oversight Committee.** This amended bill requires the EOC, in collaboration with SCDE, to use data already being collected to report on the in-state and out-of-state college enrollment, college persistence, and postsecondary completion of the state’s high school graduates. This amended bill will have no expenditure impact on the EOC, as the bill requires the department to perform activities that will be conducted in the normal course of agency business.

**State Institutions of Higher Learning.** This amended bill repeals the requirement that every IHL must submit to the state high school from which each freshman graduated a report on the first semester accomplishments of each freshman. Based on responses from Coastal Carolina University and the University of South Carolina, RFA anticipates that repealing this reporting requirement will result in no expenditure savings for IHLs.

#### **State Revenue**

N/A

#### **Local Expenditure**

This amended bill provides that a professional certificate issued by the State Board of Education is permanent unless revoked or suspended and is not subject to renewal, and no teacher may be required to renew a professional certificate issued by the board. The amended bill also authorizes the use of data already being collected under current procedures to report on postsecondary matters concerning graduates of state public schools. The amended bill further provides that a teacher who submits his contract acceptance before the statutory notification deadline may withdraw his acceptance by submitting a written notice to the school district within ten days after the publication of the employing district’s salary schedule for the upcoming school year. Additionally, school districts may not report such withdrawals as a breach of contract. The amended bill also revises the penalty for breach of contract resulting from the unauthorized execution of an employment contract with another district, as well as the period for educator certificate suspension due to breach of contract, and makes such suspensions discretionary. Lastly, the amended bill repeals certain reporting requirements for state high schools, IHLs, and the State Superintendent of Education.

The expenditure impact of this amended bill on the local school districts is pending, contingent upon a response.

### **Local Revenue**

N/A

### **Introduced on April 5, 2023**

#### **State Expenditure**

This bill provides that a professional certificate issued by the State Board of Education is permanent unless revoked or suspended and is not subject to renewal, and no teacher may be required to renew a professional certificate issued by the board. The bill also authorizes SCDE, in collaboration with the EOC, to use data already being collected under current procedures to report on the in-state and out-of-state college enrollment, college persistence, and postsecondary completion of the state's high school graduates. SCDE must work to streamline data collection timelines and processes to reduce the burden and increase the efficiency of such data collection and reporting.

The bill further provides that a teacher who submits his contract acceptance before the statutory notification deadline of May 11<sup>th</sup> may withdraw his acceptance by submitting a written notice to the school district within ten days after the publication of the employing district's salary schedule for the upcoming school year. Additionally, school districts may not report such withdrawals as a breach of contract. The bill also revises the penalty for breach of contract resulting from the unauthorized execution of an employment contract with another district, as well as the period for educator certificate suspension due to breach of contract. A breach of contract makes void any subsequent contract with any other school district in the state, and the period for educator certificate suspension must begin on the date the contract is breached with the district and run for a period of time deemed appropriate by the State Board of Education, not to exceed six months from the date of breach. The bill also makes the suspension or revocation of a teacher's certificate discretionary.

Lastly, the bill repeals certain reporting requirements for high schools, IHLs, and the State Superintendent of Education. State high schools are no longer required to submit to the State Superintendent of Education a report detailing the number of high school graduates that entered the freshman class of an IHL, either in or out of the state, or a breakdown showing all courses passed and failed by those students. IHLs are no longer required to submit such information to the state high schools, and the State Superintendent of Education is no longer required to tabulate such reports and include them in the annual report to the General Assembly.

**S.C. Department of Education.** The expenditure impact of this bill on SCDE is pending, contingent upon a response.

**State Agency Schools.** The Governor's School for the Arts and Humanities and the Governor's School for Agriculture at John de la Howe indicate that the bill will have no expenditure impact since any expenses can be managed within existing appropriations. The Wil Lou Gray Opportunity School indicates that the bill will have no expenditure impact on the school since its

teachers are state employees and are not required to sign yearly contracts. Based upon these responses, RFA anticipates that the bill will have no expenditure impact on the Governor's School for Science and Mathematics and the School for the Deaf and Blind. We will update this impact statement if the agencies provide a different response.

**Education Oversight Committee.** This bill requires the EOC, in collaboration with SCDE, to use data already being collected to report on the in-state and out-of-state college enrollment, college persistence, and postsecondary completion of the state's high school graduates. This bill will have no expenditure impact on the Education Oversight Committee (EOC), as the bill requires the department to perform activities that will be conducted in the normal course of agency business.

**State Institutions of Higher Learning.** This bill repeals the requirement that every IHL must submit to the state high school from which each freshman graduated a report on the first semester accomplishments of each freshman. Based on responses from Coastal Carolina University and the University of South Carolina, RFA anticipates that repealing this reporting requirement will result in no expenditure savings for IHLs.

#### **State Revenue**

N/A

#### **Local Expenditure**

This bill provides that a professional certificate issued by the State Board of Education is permanent unless revoked or suspended and is not subject to renewal, and no teacher may be required to renew a professional certificate issued by the board. The bill also authorizes the use of data already being collected under current procedures to report on postsecondary matters concerning graduates of state public schools. The bill further provides that a teacher who submits his contract acceptance before the statutory notification deadline may withdraw his acceptance by submitting a written notice to the school district within ten days after the publication of the employing district's salary schedule for the upcoming school year. Additionally, school districts may not report such withdrawals as a breach of contract. The bill also revises the penalty for breach of contract resulting from the unauthorized execution of an employment contract with another district, as well as the period for educator certificate suspension due to breach of contract, and makes such suspensions discretionary. Lastly, the bill repeals certain reporting requirements for state high schools, IHLs, and the State Superintendent of Education.

The expenditure impact of this bill on the local school districts is pending, contingent upon a response.

#### **Local Revenue**

N/A



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