



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0134 Introduced on January 10, 2023
Author: Hembree
Subject: School Board Meeting
Requestor: Senate Education
RFA Analyst(s): Bryant
Impact Date: January 26, 2023

Fiscal Impact Summary

This bill requires each public school governing body, including the governing bodies of charter schools and special schools, to make reasonable and necessary efforts to ensure the entirety of meetings of its regularly scheduled or special called meetings of its full governing body are open and accessible to the public and also available by means of live electronic access, such as livestream transmission, except during a lawful executive session. The State Board of Education must adopt a model livestream meeting policy to comply with the provisions of the bill.

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

This bill will have no expenditure impact on the state agency schools. The state agency schools indicate that the bill 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. However, the expenditure impact could change once a model policy is adopted by the State Board of Education.

The overall expenditure impact of this bill on local school districts is undetermined due to the varying responses received from the districts. However, some of the local districts indicate that expenses could increase by a range of \$3,000 to \$100,000 per district for equipment, onsite maintenance, and staff overtime. Additionally, the model livestream policy to be adopted by the State Board of Education is unknown and may affect these costs.

Penalties for violations or non-compliance 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 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 (RFA), 1 percent of projected state funds to districts ranges from approximately \$69,600 to \$5,559,100 for FY 2022-23.

Explanation of Fiscal Impact

Introduced on January 10, 2023

State Expenditure

This bill requires each public school governing body, including the governing bodies of charter schools and special schools, to make reasonable and necessary efforts to ensure the entirety of meetings of its regularly scheduled or special called meetings of its full governing body are open and 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 must be adopted and incorporated into the local policy 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, which must be livestreamed. A governing body may not adopt or follow a livestream policy that prevents or impedes in-person participation by the public except as may be reasonable and necessary for the orderly transaction of its business. Within thirty days after adoption of a local policy or revision to the policy, a governing body shall submit a copy of the policy or revision to the State Superintendent of Education for State Board of Education approval. The provisions of the bill must be implemented before July 1, 2024.

S.C. 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 will have no expenditure impact on the state agency schools. The South Carolina Governor's School for Agriculture at John de la Howe, the Governor's School for the Arts and Humanities, the Governor's School for Science and Mathematics, the School for the Deaf and Blind, and the Wil Lou Gray Opportunity School indicate that the bill will have no expenditure impact, as the agencies either have the ability to livestream board meetings or have a plan in place to livestream the meetings. However, 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 bill requires each public school governing body, including the governing bodies of charter schools and special schools, to make reasonable and necessary efforts to ensure its meetings are open and accessible to the public and also available 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 frequency, duration, and severity. Based on data in the Revenue Per Pupil Report by District from RFA, 1 percent of projected state funds to districts ranges from approximately \$69,600 to \$5,559,100 for FY 2022-23.

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 reasonable and necessary efforts to ensure its meetings are open and accessible to the public and also available through livestream transmission.

The overall expenditure impact of this bill on local districts is undetermined. However, SCDE surveyed the seventy-three regular school districts and the three charter districts regarding any potential increase in expenditures to ensure meetings are open and accessible to the public and available by means of livestream transmission and received responses from forty-one districts. Of the responding districts, twenty-three indicate that the bill will have no expenditure impact since they currently livestream board meetings. One district indicates that the bill may require overtime from existing staff but cannot quantify the cost. The remaining seventeen responding districts indicate expenses will increase by a range of \$3,000 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 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 RFA, 1 percent of projected state funds to districts ranges from approximately \$69,600 to \$5,559,100 for FY 2022-23.



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