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Legislative Update: Budget Provisos
July 15th, 2023

Members Matter Budget Proviso Edition

This is the end of the first regular session of the 125th General Assembly. Since we are at the end of the first year of a two-year session, bills that have not passed this year retain their same status into next year.

Budget Provisos

Although the regularly scheduled legislative session ended on May 12, 2023, lawmakers met in the following weeks to take up select outstanding bills and to pass a budget. After months of debate, the House and Senate finally agreed on a budget, which was sent to Governor McMaster for approval.

The Governor does have line-item veto power, which he used to veto specific proposal without vetoing the entire budget.

We have included the Governor's vetoes below, along with a recap of noteworthy education-related budget provisos.

Minimum Salary Schedule Increase

Budget Proviso 1.3 includes a \$2,500 increase to the minimum salary schedule, bringing the starting salary up to \$42,500. Districts that pay above the minimum salary schedule are not required to give raises but are encouraged to use State Aid to Classrooms to fund proportional raises for their educators.

State Aid to classrooms was also increased from \$4,895 per pupil to \$5,377 per pupil. This brings the average state funding per pupil to \$8,214.

View the full statewide minimum salary schedule [here](#).

Censorship

Many of the core elements of censorship bill [H.3728](#) are in budget proviso 1.82. This proviso prevents state money from being used to “provide instruction in, teach, instruct, or train” any school employee or student on the following concepts:

- “An individual, by virtue of race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.”
- “An individual should be discriminated against or receive adverse treatment solely or partly because of their race or sex.”
- “An individual, by virtue of race or sex, bears responsibility for actions committed in the past by other members of their same race or sex.”
- “An individual should feel...psychological distress on account of their race or sex.”
- “Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race.”

While there is a provision that clarifies that this does not extend to educator professional development to address unconscious bias, measures such as this one tend to create a chilling effect on any kind of discussion of race or gender.

This has already played out in South Carolina: a [Midlands AP English teacher](#) had one of her lessons pulled after two students complained that the material made them uncomfortable and that it was “too heavy to discuss in school.”

The SCEA will continue to monitor this proviso and its implementation across the state. In the meantime, we encourage members to check out our website for [resources](#) on your rights in the classroom and in advocacy.

Regarding [H.3728](#), the Senate refused to accept the House version, so it will go

to conference committee. The conferees have been appointed: House conferees are [Rep. Shannon Erickson](#), [Rep. Adam Morgan](#), and [Rep. Terry Alexander](#); Senate conferees are [Sen. Greg Hembree](#), [Sen. Shane Massey](#), and [Sen. Darrell Jackson](#).

We will continue to provide updates as we learn more about the conference committee.

Read to Succeed Endorsement

Budget proviso 1.101 suspends the requirement to obtain the Read to Succeed endorsement during recertification for sixth through twelfth grade teachers who are not teaching English Language Arts or Special Education. Additionally, middle and high school administrators are still required to obtain the Read to Succeed endorsement as part of their recertification.

Educators who work outside of a school setting are exempt from the Read to Succeed requirement.

[S.418](#), which is a bill that addresses Read to Succeed endorsements as part of the recertification process, has not seen any movement since it was sent back to the Senate Education Committee with significant changes from the House. We will continue to monitor this bill and provide updates as it moves through the legislature.

[Read the full budget and all provisos here.](#)

Budget Vetoes

The Governor released his budget vetoes shortly after the legislature sent the budget to his desk. Fortunately, The SCEA's budget priorities were not impacted.

Some of Governor McMaster's vetoes include:

- \$300,000 for South Carolina Academic Tutorial Services;
- \$400,000 for a K-12 concussion protocol;
- Proviso 11.20, Creating a Doctoral/Professional University Classification within the Commission on Higher Education.

Governor McMaster vetoed the Tutorial Services and the K-12 Concussion Protocol because he felt that they circumvented the state procurement process. He stated that these programs should go through the formal procurement

channels instead of the budget.

The Governor vetoed Proviso 11.20 because the legislature passed a bill that established this category of institutions within the Commission on Higher Education, making this proviso unnecessary.

[Read the Governor's full letter and list of vetoes here.](#)

Legislative Cheers

Paid Family Leave

Governor McMaster signed [H.3908](#) into law in May and it officially went into effect on June 26th. This same policy was passed in 2022 for state employees, but that measure included a carve-out for educators by classifying them as “district employees.” This law provides school employees with the same benefits as other state employees.

Specifically, the law provides:

- Six weeks of paid leave to an employee that gives birth or is “primarily responsible for furnishing the care and nature” of an adopted child.
- Two weeks of paid leave for a parent that did not give birth.
- Two weeks paid leave at the start of a foster placement.

There is no funding in the current state budget for this measure, so districts will need to fund this policy. The SCEA will continue to push the legislature to fully fund paid leave in the budget to ensure that every teacher in South Carolina receives this benefit.

Center for School Safety and Targeted Violence

[H.3360](#) "Center for School Safety and Targeted Violence" establishes a center within the South Carolina Law Enforcement Division (SLED) to provide extensive training, education, and expertise in school safety and targeted violence. This bill comes as a response to the increase in threats directed at schools and school employees.

The bill passed the legislature in May and was signed into law by the Governor on June 19th.

Sister Senators

The SCEA would like to uplift and thank the five women in the South Carolina Senate who fought very hard to protect women's healthcare and abortion access. These legislators spent countless hours fighting to protect women's rights and we are grateful for their work on behalf of South Carolina women.

The "Sister Senators" are [Senator Mia McLeod](#), [Senator Margie Bright Matthews](#), [Senator Sandy Senn](#), [Senator Penry Gustafson](#), and [Senator Katrina Shealy](#).

You can learn more about their efforts here: [Sister Senators: SC women must defend their freedom and right to choose abortion | Commentary](#).

Unencumbered Time

Although this measure became law last session, it takes effect this year. Starting July 1st, 2023, elementary school educators will be guaranteed 30 minutes of unencumbered time during the school day.

We have compiled a list of Frequently Asked Questions about this law and how we expect it to impact K-5 educators. You can read that list [here](#).

Legislative Jeers 🖐️

Vouchers

As they have done session after session, the legislature introduced multiple voucher measures this session. There were two prominent voucher schemes that we tracked this session: S.285 and S.39.

[S.285](#) is a voucher bill that would strengthen an existing program by providing a tax credit to companies or institutions that donate to private-school scholarship funds. Donors to these funds would receive up to \$10,000 in tax credits. As with the other voucher measure, we feel that our state constitution is clear that public funds should not go to private schools. If South Carolina has money to send to private schools, then they have money to invest in public education.

This bill has passed the Senate but remains in committee in the House. We do not expect movement until next year, if it moves at all.

[S.39](#) was signed into law by Governor McMaster in May. Starting with the 2024-

2025 school year, eligible families will receive up to \$6,000 to send their child to a private school. The money can go towards tuition and/or textbooks and other “eligible expenses.”

During the first phase, only 5,000 vouchers will be offered to eligible families. An eligible student must be a resident of the state, attend a public school, and have a household income that does not exceed 200% of the federal poverty level.

In year two, 10,000 vouchers will be offered to eligible students in households making 300% or less of the poverty line. In year three, student eligibility will extend to any student living in a household making 400% or less of the poverty line (an amount equal to roughly \$120,000 for a family of four).

This voucher bill provides private schools with public tax dollars, which could be in violation of the state's constitution.

Learn more about how these types of vouchers harm public education [here](#).

Pending Legislation

Educator Assistance Act

[H.4280](#), the Educator Assistance Act, would make educator certifications permanent unless revoked or suspended. Currently, educators must earn 120 hours of continuing education credits every five years to renew their teaching certificate and stay in the classroom. This bill would also allow teachers to get out of their contracts for up to ten days following the posting of the district salary schedule.

Furthermore, this bill changes the way school districts and the state board deal with “breach of contracts.” Moreover, it streamlines the burden of data collection that is placed upon school districts.

The SCEA is in favor of this bill.

The [House Education and Public Works Committee](#) confirmed that their intention with this legislation is to take some of the burden from educators by eliminating the recertification requirement.

We expect that the Senate will resume discussion on this measure when the legislature reconvenes in January.

Task Force Report

The Teacher Recruitment and Retention Task Force [released their recommendations report](#) in May.

The Task Force recommendations include increasing starting salaries to \$50,000 by 2026, along with increasing each cell of the minimum salary schedule. The report also recommends establishing a competitive salary schedule for support staff such as school nurses and counselors, providing unencumbered time to all K-12 educators, and eliminating the Praxis Core as an educator requirement.

Many of these proposed solutions have been longstanding priorities of The SCEA's legislative advocacy.

We are hopeful that these recommendations will finally result in concrete, fully funded action steps to significantly reduce the teacher shortage incentivize current teachers to remain in public education.

[Read the full report here.](#)



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2999 Sunset Blvd, Suite 200, West Columbia, South Carolina 29169