

PROVISO

SUBCOMMITTEE

RECOMMENDATIONS

~~~

**PUBLIC EDUCATION**

**AND**

**SPECIAL SCHOOLS**

**PROVISO SUBCOMMITTEE  
PUBLIC EDUCATION AND SPECIAL SCHOOLS  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

**SECTION 1 - H63-DEPARTMENT OF EDUCATION**

- 1.3 CONFORM TO FUNDING / AMEND** (EFA Formula/Base Student Cost Inflation Factor) States the General Assembly's intent to fully implement the EFA including an inflation factor to match the inflation wages of public school employees in the southeast; states that for FY 12-13, the base student cost has been determined to be \$2,012; that the per pupil count is projected to be 693,431 and projects the average per pupil funding. Provides for the distribution of funds to the SC Public Charter School District. Requires the B&C Board, Office of Research and Statistics to post each school district's projections, including per pupil state, federal, and local revenues, excluding local bond issues in a prominent place on their website and as soon as the exact pupil count and ADM is available for each school district to also post those numbers. Requires the department and the EOC provide links to this information on their websites.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING / AMEND proviso to update the projections for FY 13-14 as follows: total pupil count, 698,924, average per pupil funding, \$5,147 state, \$1,185 federal, and \$4,855 local for an average total funding level of \$11,187, excluding local bond issues. Change "Office of Research and Statistics" to "Research and Statistics Division."

**1.3.** (SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for one hundred percent of full implementation of the Education Finance Act to include an inflation factor projected by the Division of Budget and Analyses to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be \$2,012. In Fiscal Year ~~2012-13~~ 2013-14, the total pupil count is projected to be ~~693,431~~ 698,924. The average per pupil funding is projected to be ~~\$4,981~~ \$5,147 state, ~~\$1,278~~ \$1,185 federal, and ~~\$5,511~~ \$4,855 local. This is an average total funding level of ~~\$11,770~~ 11,187 excluding revenues of local bond issues. For Fiscal Year ~~2012-13~~ 2013-14 the South Carolina Public Charter School District shall receive and distribute state EFA funds to the charter school as determined by one hundred percent of the current year's base student cost, as funded by the General Assembly multiplied by the weighted students pupils enrolled in the charter school, which must be subject to adjustment for student attendance.

The Budget and Control Board, ~~Office of Research and Statistics~~ Division, must post in a prominent place on their website for each school district projections, including the per pupil state, federal and local revenues, excluding revenues of local bond issues, for the current fiscal year. Also, as soon as practicable, upon determining the exact numbers regarding pupil count and funding, the Budget and Control Board, ~~Office of Research and Statistics~~ Division, shall also post on their website the 135-day average daily membership for each school district and per pupil state, federal and local revenues, excluding revenues of local bond issues, based on the most recent audited financial statement as reported annually pursuant to Section 59-17-100. The Department of Education and the Education Oversight Committee shall provide in a prominent place on their internet websites a link to the information posted by the Budget and Control Board, ~~Office of Research and Statistics~~ Division, including the projected numbers and the exact numbers.

- 1.50 DELETE** (Charter School Funding Schedule) Establishes a funding schedule for the distribution of funds to public charter schools.
- PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Codified in 59-40-140(A).* Requested by Department of Education.

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~~1.50. (SDE: Charter School Funding Schedule) Of the funds appropriated, districts with charter schools will receive funds after verification of student attendance on the fifth day of school at the beginning of each school year for those charter schools with approved incremental growth and due to expansion as provided in their charter application for new charter schools opening in the current fiscal year. The Department of Education will release funds to districts on behalf of their charter schools no later than fifteen days after receipt of verified enrollment. Districts must provide this funding to eligible charters no later than thirty days after receipt from the Department of Education. Funding will be adjusted at the forty-five day school count as is currently the case with the Education Finance Act.~~

- 1.60**     **AMEND** (Governor's Schools Capacity) Directs the Governor's Schools for the Arts and Humanities and for Science and Mathematics to use their FY 12-13 funds to bring the schools up to full capacity, to the extent possible and to report by December 1<sup>st</sup> on how the funds have been used and how many additional students have been served.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14."

**1.60.** (SDE: Governor's Schools Capacity) For Fiscal Year ~~2012-13~~ 2013-14, funds appropriated to the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics must be used to bring the schools up to full capacity, to the extent possible. Each school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December first how the funds have been utilized and how many additional students have been served.

- 1.62**     **AMEND** (One Year Suspension of Programs) Suspends the SAT/ACT Improvement program for Fiscal Year 2012-13 and directs that the funds be allocated to districts based on weighted pupil units.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14." Requested by Department of Education.

**1.62.** (SDE: One Year Suspension of Programs) The following program will be temporarily suspended for Fiscal Year ~~2012-13~~ 2013-14: SAT/ACT Improvement. Funds appropriated to this program must be allocated to districts based on the number of weighted pupil units.

- 1.64**     **AMEND** (Impute Index Value) Provides for the Index of Taxpaying Ability to be used in the calculation of EFA disbursements to school districts.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14." Requested by Department of Education.

**1.64.** (SDE: Impute Index Value) For Fiscal Year ~~2012-13~~ 2013-14 and for the purposes of calculating the index of taxpaying ability the Department of Revenue shall impute an index value for owner-occupied residential property qualifying for the special four percent assessment ratio by adding the second preceding taxable year total school district reimbursements for Tier 1, 2, and Tier 3(A) and not to include the supplement distribution. The Department of Revenue shall not include sales ratio data in its calculation of the index of taxpaying ability. The methodology for the calculations for the remaining classes of property shall remain as required pursuant to the EFA and other applicable provisions of law.

- 1.70**     **CONFORM TO FUNDING / AMEND** (EFA-IDEA Contingency Reserve) Provides for the expenditure of up to \$36,202,909 of EFA-IDEA Contingency Reserve funds to supplement a

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loss of federal funding from the Individuals with Disabilities Education Act (IDEA) expected on October 1, 2012. Directs that if any of these funds are not needed for this purpose, they shall be distributed to school districts and special schools based on the EFA formula which would result in a maximum BSC increase of approximately \$58 or a total maximum BSC of \$2,070.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING / AMEND proviso to update calendar year reference to "2013" and delete reference to maximum base student cost. Requested by Department of Education.

**1.70.** (SDE: EFA-IDEA Contingency Reserve) Of the funds appropriated to the department for EFA-IDEA Contingency Reserve, up to \$36,202,909 shall be directed to supplement a loss of federal funding from the Individuals with Disabilities Education Act (IDEA) expected on October 1, ~~2012~~ 2013. No funds shall be expended until the U.S. Department of Education initiates a reduction in funds, and only in an amount equal to the amount of federal funds withheld. These funds shall be distributed using the same methodology as federal IDEA funds. The Department of Education shall notify within one business day the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee any actions taken by the U.S. Department of Education to reduce IDEA funds. In the event that any amount appropriated for the EFA-IDEA Contingency Reserve is not needed to offset the loss of federal IDEA funds in the current fiscal year, these monies shall be distributed to school districts and special schools based on the EFA formula. ~~This would result in a maximum base student cost increase of approximately \$58 or a total maximum base student cost of \$2,070.~~

- 1.71** **DELETE** (Lee County Bus Shop) Requires the department fund the Lee County and Kershaw County School District Bus Shops at the same level of funding as they were provided in the prior fiscal year.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *SDE states the return on investment to maintain the Lee County facility is non-existent and the buses should be transferred to other facilities.* Fiscal Impact: OSB states the agency indicates a general fund recurring savings of \$29,048 with additional savings yielded if the property was sold. Requested by Department of Education.

**1.71.** (SDE: Lee County Bus Shop) ~~From the funds appropriated in program XB, Bus Shops, in the current fiscal year, the department must fund the Lee County School District Bus Shop and the Kershaw County School District Bus Shop at the same level as they were funded in the previous fiscal year.~~

- 1.72** **AMEND** (School Enrollment Policy) Requires school districts with an open enrollment policy that had previously accepted students to an academic magnet school to continue to accept these students and their siblings for enrollment under the same terms and conditions.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14."

**1.72.** (SDE: School Enrollment Policy) For Fiscal Year ~~2012-13~~ 2013-14, any school district with an open enrollment policy for all schools or certain schools which had previously accepted certain students residing outside of the district to an academic magnet school in the district must continue to accept these students and their siblings for enrollment at the academic magnet school under the same terms and conditions these students were previously permitted to attend the school.

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**SECTION 1A - H63-DEPARTMENT OF EDUCATION-EIA**

- 1A.2 AMEND** (Services for Students with Disabilities) Directs the expenditure of funds appropriated for Services for Students with Disabilities.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change "trainable pupils with intellectual disabilities and pupils with profound intellectual disabilities" to "pupils with moderate to severe intellectual disabilities." *Conform reference to current federal and state laws, statutes and regs.* Requested by Department of Education.

**1A.2.** (SDE-EIA: XII.A.1 Services for Students with Disabilities) The money appropriated in Part IA, Section 1, XII.A.1. for Services for Students with Disabilities shall be used only for educational services for ~~trainable pupils with intellectual disabilities and pupils with profound~~ *pupils with moderate to severe* intellectual disabilities.

- 1A.8 CONFORM TO FUNDING / DELETE** (Evaluation/EIA Programs) Provides for the use of EIA Implementation, Other Operating Expenses: 50% to be used by the department to support contracted program evaluations; no less than 25% to be used to support continuation of program and policy evaluations and studies to support the Middle Grades Project; and 25% provided to the SC Educational Policy Center for collaborative projects with the department and EOC.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING / DELETE proviso. Requested by Education Oversight Committee.

**1A.8.** (SDE-EIA: XII.E.2.-Evaluation/EIA Programs) ~~Of the funds appropriated in Part IA, Section 1, XII.E.2. for EIA Implementation, Other Operating Expenses, fifty percent may only be used by the State Department of Education to support its contracted program evaluations. Of the remaining funds appropriated in Part IA, Section 1, XII.E.2. for EIA Implementation, Other Operating Expenses shall be used to support the continuation of program and policy evaluations and studies and to support the state's participation in the Middle Grades Project, at no less than twenty five percent. Provided further, for the current fiscal year, twenty five percent shall be provided to the South Carolina Educational Policy Center for collaborative projects with the Department of Education and the Education Oversight Committee to provide research based information and consultation services on technical issues related to establishing a more thorough accountability system for public schools, school districts, and the K-12 education system. These entities shall pursue grants and contracts to supplement state appropriations.~~

- 1A.9 AMEND** (CHE/Teacher Recruitment) Provides for the distribution of Teacher Recruitment Program funds.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to specify that "at least" 75% of the 92% distributed to CERRA-SC must be used for the Teaching Fellows Program to provide scholarships for future teachers. Delete the directive that the current year administrative base reduction may be applied proportionately between CERRA and SC State but not to Teaching Fellows Scholarships. Direct CERRA to establish, appoint, and maintain the South Carolina Teacher Loan Advisory Committee which shall be composed of 9 members from various agencies, entities, school districts, and higher education institutions. Require members that represent higher education institutions serve a 2-year term and rotate among the institutions. Require initial committee appointments be made by July 1, 2013, with the CERRA member of the committee calling the first meeting for election of a chairperson and vice-chairperson. Require CERRA to staff the committee which must meet at least twice a year.

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Limit the committee's responsibilities to (1) establishing goals for the Teacher Loan Program; (2) facilitating communication among the cooperating agencies; (3) advocating for program participants; and (4) recommending policies and procedures necessary to promote and maintain the program. Fiscal Impact: CERRA will manage the committee with existing resources. Requested by Education Oversight Committee.

**1A.9. (SDE-EIA: XII.F.2-CHE/Teacher Recruitment)** Of the funds appropriated in Part IA, Section 1, XII.F.2. for the Teacher Recruitment Program, the South Carolina Commission on Higher Education shall distribute a total of ninety-two percent to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which at least seventy-eight percent must be used for the Teaching Fellows Program specifically to provide scholarships for future teachers, and of which twenty-two percent must be used for other aspects of the state teacher recruitment program, including the Teacher Cadet Program and \$166,302 which must be used for specific programs to recruit minority teachers; and shall distribute eight percent to South Carolina State University to be used only for the operation of a minority teacher recruitment program and therefore shall not be used for the operation of their established general education programs. ~~The current year administrative base reduction may be applied proportionately between CERRA and SC State University while none of the reduction may be applied to Teaching Fellows Scholarships.~~ Working with districts with an absolute rating of At-Risk or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA will report annually by October first to the Education Oversight Committee and the Department of Education on the success of the recruitment and retention efforts in these schools. The South Carolina Commission on Higher Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The South Carolina State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees, the State Board of Education and the Education Oversight Committee by October 1 annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.

With the funds appropriated CERRA shall also establish, appoint, and maintain the South Carolina Teacher Loan Advisory Committee. The Committee shall be composed of one member representing each of the following: (1) Commission on Higher Education; (2) State Board of Education; (3) Education Oversight Committee; (4) Center for Educator Recruitment, Retention, and Advancement; (5) South Carolina Student Loan Corporation; (6) South Carolina Association of Student Financial Aid Administrators; (7) a local school district human resources officer; (8) a public higher education institution with an approved teacher education program; and (9) a private higher education institution with an approved teacher education program. The members of the committee representing the public and private higher education institutions shall rotate among those institutions and shall serve a two-year term on the committee. Initial appointments must be made by July 1, 2013, at which time the member presenting CERRA shall call the first meeting. At the initial meeting, a chairperson and vice-chairperson must be elected by a majority vote of the committee. The committee must be staffed by CERRA, and shall meet at least twice annually. The committee's responsibilities are limited to: (1) establishing goals for the Teacher Loan Program; (2) facilitating communication among the cooperating agencies; (3) advocating for program participants; and (4) recommending policies and procedures necessary to promote and maintain the program.

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- 1A.14 CONFORM TO FUNDING / AMEND** (EOC) Authorizes the EOC to collect and retain fees provided by certain services and activities and provides carry forward for this revenue. Permits EOC to utilize funding for programs promoting the teaching of economic education in SC.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING / AMEND proviso to delete the authorization for EOC to use funds for programs that promote teaching economic education. *Funding will be placed on a special EIA line item.* Requested by Education Oversight Committee.

**1A.14.** (SDE-EIA: EOC) The Education Oversight Committee may collect, retain and expend revenue from conference registration and fees; charges for materials supplied to local school districts or other entities not otherwise mandated to be provided by state law; and from other activities or functions sponsored by the committee including public awareness campaign activities. Any unexpended revenue from these sources may be carried forward into the current fiscal year and expended for the same purposes. ~~The Education Oversight Committee is permitted to utilize the funds appropriated to it to fund programs promoting the teaching of economic education in South Carolina.~~

- 1A.27 AMEND** (Artistically and Academically High-Achieving Students) Provides for the allocation to districts of EIA funds appropriated for high achieving students.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to also allow funds to be used for "certification" activities. Specify that "Districts" shall set-aside 12% of the funds for serving grades 3-12. Delete the suspension on teacher certification endorsement criteria. *Originally suspended because the department did not offer professional development opportunities for these teachers, however it does now. Also conforms to State Board Regulation 43-258.* Requested by Department of Education.

**1A.27.** (SDE-EIA: Artistically and Academically High-Achieving Students) EIA funds appropriated for high achieving students must be allocated to districts based on three factors: (1) the number of students served in academic gifted and talented programs based on the prior year's one hundred thirty-five day count of average daily membership adjusted for the current year's forty-five day count and the number of students identified as artistically gifted and talented; (2) the number of students taking Advanced Placement or International Baccalaureate (IB) exams in the prior year; and (3) a per pupil allocation for charter schools serving state-identified artistically and academically high-achieving students in core academic classes with an accelerated curriculum that has been verified by the Department of Education to meet the requirements of State Board of Education Regulation 43-220 and if they are serving state-identified artistically and academically high-achieving students in core academic courses which are included on the prior year's Commission on Higher Education's list of transferable courses. The Department of Education shall report to the Senate Education Committee and the House Education and Public Works Committee regarding the allocation and distribution of the funds by June first. At least eighty-five percent of the funds appropriated for each student classified herein must be spent for instruction and instructional support for students who generated the funds. Up to \$500,000 of the funds may be retained by the Department of Education for teacher endorsement and certification activities. ~~Twelve Districts shall set-aside twelve percent of the funds shall be set aside~~ Twelve Districts shall set-aside twelve percent of the funds shall be set aside for serving artistically gifted and talented students in grades three through twelve.

The board of trustees of a school district electing to charge a fee to the parent or legal guardian of a student taking the Advanced Placement or International Baccalaureate exam is required to develop a policy for such a fee which accounts for the student's ability to pay and at an amount not to exceed the actual test cost. A test fee may not be charged to students eligible

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for free lunch and must be pro rata for students eligible for reduced price lunch if the parent or legal guardian requests.

~~Endorsement criteria established by the State Board of Education for teachers assigned to teach gifted and talented and advanced placement classes shall be suspended for the current school year.~~

- 1A.30 AMEND** (Assessments-Gifted & Talented, Advanced Placement, & International Baccalaureate Exams) Directs \$2,455,000 of assessment appropriations be used for eligibility determination assessments and for the costs of AP and IB exams.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change "\$2,455,000" to "\$4,600,000." *Increased authorization is needed due to the increased cost of exams.* Fiscal Impact: No additional funds are requested. Agency indicates this increases an authorization level related to an existing appropriation line item. Requested by Department of Education and Education Oversight Committee.

**1A.30.** (SDE-EIA: Assessments-Gifted & Talented, Advanced Placement, & International Baccalaureate Exams) Of the funds appropriated and/or authorized for assessment, up to ~~\$2,455,000~~ \$4,600,000 shall be used for assessments to determine eligibility of students for gifted and talented programs and for the cost of Advanced Placement and International Baccalaureate exams.

- 1A.33 AMEND** (Incentive for National Board Certification After 6/30/10) Provides for the National Board Certification Incentive for teachers certified by the National Board or who completed the application process on or after July 1, 2010.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to suspend the salary supplement for new applicants for FY 13-14 and require the department submit a report on the long term costs of the program to the Senate Finance and House Ways and Means Committees by November 1, 2013. Direct that school districts are not prohibited from offering National Board certified teachers a local salary supplement nor are teachers or teacher specialists prohibited from seeking National Board certification. Requested by Department of Education.

**1A.33.** (SDE-EIA: Incentive for National Board Certification After 6/30/10) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who complete the application process on or after July 1, 2010 shall be paid a \$5,000 salary supplement in the year of achieving certification. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$5,000 salary supplement shall be added to the annual pay of the teacher, not to exceed ten years of the national certificate. However, the \$5,000 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer whereby teachers who are United States citizens or permanent resident aliens apply to the National Board for Professional Teaching Standards for certification on or after July 1, 2010. Should the program not be suspended, up to nine hundred applications shall be processed annually. Of the funds appropriated in Part IA, Section 1, XII.C.2. for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement

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(CERRA-South Carolina) the funds necessary for the administration of teachers applying to the National Board for Professional Teaching Standards for certification.

*New applications for the salary supplement prescribed in this proviso are suspended for Fiscal Year 2013-14. The Department of Education shall submit a report on the long-term costs of the program to the Senate Finance Committee and the House Ways and Means Committee by November 1, 2013. This proviso does not prohibit school districts from offering a local salary supplement for National Board certified teachers nor does it prohibit a teacher or teacher specialist from seeking National Board certification.*

- 1A.36 AMEND** (Carry Forward) Requires that EIA funds carried forward from the prior fiscal year and FY 12-13 that are not otherwise dedicated, be used to provide \$200,000 to each school designated as a Palmetto Priority School in the prior year which did not receive EIA technical assistance funds. Directs that the funds are to be used to improve teacher recruitment and retention, to reduce the dropout rate, to improve reading literacy, or to train teachers to teach children of poverty. Directs that if there are not enough funds to provide \$200,000 to each school, the funds must be reduced on a pro-rata basis. Directs any remaining balance be directed to school bus fuel costs.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14." Require \$1,000,000 be provided to the EOC by July 31, 2013, for an innovative reading partnership with Clemson University. Direct that any remaining balance also be spent for Instructional Materials. Delete extra reference to carry forward authority.

**1A.36.** (SDE-EIA: Carry Forward) EIA carry forward from the prior fiscal year and Fiscal Year ~~2012-13~~ 2013-14 and not otherwise appropriated or authorized must be carried forward and expended first, by July 31, 2013 to provide \$1,000,000 to the Education Oversight Committee for an innovative reading partnership with Clemson University, to provide \$200,000 to each school that was designated by the department as a Palmetto Priority School in the prior year but did not receive an allocation of EIA technical assistance funds in the prior fiscal year to improve teacher recruitment and retention, to reduce the district's dropout rate, to improve student achievement in reading/literacy, or to train teachers in how to teach children of poverty as stipulated in the school's renewal plan. If funds are not sufficient to provide \$200,000 to each qualifying ~~district school,~~ the \$200,000 shall be reduced on a pro-rata basis. Any balance remaining must be expended for school bus fuel costs and Instructional Materials. ~~Any unexpended funds must be carried forward and expended for the same purpose.~~

- 1A.38 AMEND** (IDEA Maintenance of Effort) Directs that up to \$30,494,337 of Aid to Districts funds be used to meet the estimated maintenance of effort for IDEA. Directs that funds provided for IDEA's maintenance of effort may not be transferred for any other purpose and are not subject to flexibility. Requires the department submit an estimate of the IDEA MOE requirement to the General Assembly and the Governor by December, 2012. Directs the department to transfer \$350,000 to the S.C. Autism Society for the Autism Parent-School Partnership Program.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14" and calendar year reference to "2013."

**1A.38.** (SDE-EIA: IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section XII.A.1 Aid to Districts according to Proviso 1A.35 for Fiscal Year ~~2012-13~~ 2013-14, the department shall direct up to \$30,494,337 of the funds appropriated in Section XII.A.1 Aid To Districts to school districts and special schools for supplemental support of programs and services for students with disabilities, to meet the estimated maintenance of effort for IDEA. Funds provided for the maintenance of effort for IDEA may

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not be transferred to any other purpose and therefore are not subject to flexibility. The department shall distribute these funds using the current fiscal year one hundred thirty-five day Average Daily Membership. For continued compliance with the federal maintenance of efforts requirements of the IDEA, funding for children with disabilities must, to the extent practicable, be held harmless to budget cuts or reductions to the extent those funds are required to meet federal maintenance of effort requirements under the IDEA. In the event cuts to funds that are needed to maintain fiscal effort are necessary, when administering such cuts, the department must not reduce funding to support children with disabilities who qualify for services under the IDEA in a manner that is disproportionate to the level of overall reduction to state programs in general. By December 1, ~~2012~~ 2013, the department must submit an estimate of the IDEA MOE requirement to the General Assembly and the Governor. The department is directed to transfer \$350,000 to the South Carolina Autism Society for the Autism Parent-School Partnership Program.

- 1A.43** **AMEND** (Teacher Salaries/SE Average) States the projected Southeastern average teacher salary and increases the FY 2008-09 statewide salary schedule by 2%. Requires a local district board of trustees to provide a step increase for all eligible certified teachers, but provides for a waiver if providing the increase would result in the school district incurring a deficit.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change the projected SE average teacher salary from “\$49,319” to “\$48,858.” Delete the directive to increase the 2008-09 statewide salary schedule by 2% and instead direct the department to continue to use the FY 2012-13 schedule in FY 13-14. Delete the requirement that a local school district board of trustees must provide a 2% salary increase. Delete the authority for the State Board of Education to grant a waiver to a local school district from having to provide the required additional step increase. Requested by Department of Education.

**1A.43.** (SDE-EIA: ~~XI~~ XII.C.2.-Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers’ salaries of the southeastern states as projected by the Division of Budget and Analyses. For the current school year the Southeastern average teacher salary is projected to be ~~\$49,319~~ \$48,858. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

~~For Fiscal Year 2012-13, the Department of Education is directed to increase the 2008-2009 statewide salary schedule by two percent. The statewide minimum teacher salary schedule used in Fiscal Year 2012-13 will continue to be used in Fiscal Year 2013-14. A local school district board of trustees must provide all certified teachers paid on the teacher salary schedule a two percent salary increase. Districts are to provide this increase using the district salary schedule utilized the prior fiscal year as its base. School districts shall utilize the additional funds made available from the Teacher Salary Support State Share appropriation to provide the required two percent increase. Each school district shall receive funds under the Teacher Salary Support State Share line item in the same manner as Teacher Salaries Supplement funds are distributed.~~

Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all eligible certified teachers employed by the district by no less than one year of experience credit using the district salary schedule utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible certified teachers. ~~If a school district believes it will be unable to provide the required additional step without incurring a deficit, it may apply to the State Board of Education for a waiver from this requirement. Upon approval of the waiver requirement by the Board, the district shall be exempt from providing this step increase for Fiscal Year 2012-~~

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~~2013. Certified teachers employed in districts that are granted a waiver shall not have their experience credit negatively impacted as a result of the district being granted a waiver. A local school district shall continue to pay teachers for changes in their education level. A school district shall not be granted a waiver from providing a step if the incurred deficit is a result of granting salary increases to employees beyond those paid on the teacher salary schedule. The State Board of Education shall report to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee by September 1, 2012, regarding those districts which requested a waiver and the subsequent action taken by the Board.~~

Funds appropriated in Part IA, Section 1, ~~XI~~ XII.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50 (b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state.

For purposes of this provision teachers shall be defined by the Department of Education using the Professional Certified Staff (PCS) System.

**1A.50 AMEND** (National Board Certification Incentive) Provides guidelines for the National Board Certification Incentive for public school classroom teachers.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to suspend the salary supplement for new applicants for FY 13-14 and require the department submit a report on the long term costs of the program to the Senate Finance and House Ways and Means Committees by November 1, 2013. Direct that school districts are not prohibited from offering National Board certified teachers a local salary supplement nor are teachers or teacher specialists prohibited from seeking National Board certification. Requested by Department of Education.

**1A.50.** (SDE-EIA: XII.C.2-National Board Certification Incentive) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010, may receive a loan equal to the amount of the application fee. Teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010 shall have one-half of the loan principal amount and interest forgiven when the required portfolio is submitted to the national board. Teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010 who attain certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the

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previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward by the department. The department may retain up to ten percent of the funds collected to offset the administrative costs of loan collection. All other funds shall be retained by the department and used for National Board loan purposes. Of the funds appropriated in Part IA, Section 1, XII.C.2 for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program for teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010. In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification. Teacher specialists remain eligible for state supplement for National Board certification.

*New applications for the salary supplement prescribed in this proviso are suspended for Fiscal Year 2013-14. The Department of Education shall submit a report on the long-term costs of the program to the Senate Finance Committee and the House Ways and Means Committee by November 1, 2013. This proviso does not prohibit school districts from offering a local salary supplement for National Board certified teachers nor does it prohibit a teacher or teacher specialist from seeking National Board certification.*

- 1A.ep ADD (Educational Partnerships) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that funds provided to the Center for Educational Partnerships at USC's College of Education be used to create a consortium of educational initiatives and services to schools and communities. Direct that the initiatives include, but not be limited to, professional development in writing, geography and other content areas; training; research; advocacy; and practical consultancy. Direct the Center to establish collaborative educational enterprises with schools, school districts, parents, communities, and businesses while fulfilling School Improvement Council Assistance responsibilities. Requested by Education Oversight Committee.

*1A.ep. (SDE-EIA: XII.F.2. Educational Partnerships) The funds provided to the Center for Educational Partnerships at the College of Education at the University of South Carolina will be used to create a consortium of educational initiatives and services to schools and communities. These initiatives will include, but are not limited to, professional development in writing, geography and other content areas; training; research; advocacy; and practical consultancy. The Center will establish collaborative educational enterprises with schools, school districts, parents, communities, and businesses while fulfilling the responsibilities of the School Improvement Council Assistance. The Center will focus on connecting the educational needs and goals of communities to improve efficiency and effectiveness.*

- 1A.stem ADD (STEM Centers SC) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that all EIA funded entities that provide professional development and science programming to teachers and students should be included in the state's science,

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technology, engineering and mathematics education strategic plan. *Effectiveness could be maximized through greater coordination of resources and accountability.* Requested by Education Oversight Committee.

*1A.stem. (SDE-EIA: XII.F.2. STEM Centers SC) All EIA-funded entities that provide professional development and science programming to teachers and students should be included in the state's science, technology, engineering and mathematics education strategic plan.*

- 1A.pe ADD (Pilot Evaluation) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct QWK2LRN to work with up to 3 school districts during school year 2013-14 to document the effectiveness of their Reading and Math solution to determine the degree in which 1-2-1 classroom technology can improve reading and math test scores in historically underachieving schools. Direct that the program costs be paid for with Entitlement funds allocated to school districts that are participating in the pilot and that e-Rate shall fund the required infrastructure upgrades. Direct that results be provided to the department by November 2014 and include the impact on student achievement on PASS. Requested by Education Oversight Committee.

*1A.pe. (SDE-EIA: Pilot Evaluation) To determine the degree to which 1-2-1 classroom technology can improve reading and mathematics test scores in historically underachieving schools, QWK2LRN will work with up to three school districts during school year 2013-14 to document the effectiveness of their Reading and Math solution. The cost of the program will be paid for with Entitlement funds allocated to the school districts participating in the pilot and the required infrastructure upgrades will be funded by e-Rate. The results of the pilot will be provided to the Department of Education by November of 2014 and must include impact of the program on student achievement on PASS.*

- 1A.tap ADD (Technology Academy Pilot) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the department to use available assessment funds to enter into an agreement with Microsoft to pilot the Microsoft Technology Academy and to report to specific committees of the General Assembly by February 1, 2014 on the number of high schools that participated in the pilot along with the number of students who earned the Microsoft Office Specialists certification. Fiscal Impact: OSB states that the department indicates the cost to fund this pilot program is \$330,000, with funding coming from available EIA Assessment/Testing funding.

*1A.tap. (SDE-EIA: Technology Academy Pilot) For Fiscal Year 2013-14 the Department of Education is directed to enter into an agreement with Microsoft to pilot the Microsoft Technology Academy utilizing available assessment funds. The department must report by February 1, 2014 to the House Ways and Means Committee, the House Education and Public Works Committee, the Senate Finance Committee, and the Senate Education Committee on the number of high schools that participated in the pilot and the number of students earning the Microsoft Office Specialists certification.*

- 1A.pif ADD (EOC Partnerships for Innovation) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the EOC to participate in public-private partnerships to promote innovative ways to transform assessing public education that supports increased student achievement in reading and college and career readiness. Authorize the EOC to provide financial support to districts and public-private partnerships for planning and support to implement, sustain, and evaluate the innovation and to develop a matrix and measurements of

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success based on evidence-based models. Direct the committee to work to expand the engagement of stakeholders and report to the General Assembly annual on measurement results.

*1A.pif. (SDE-EIA: EOC Partnerships for Innovation) Of the funds appropriated or carried forward from the prior fiscal year, the Education Oversight Committee is directed to participate in public-private partnerships to promote innovative ways to transform the assessment of public education in South Carolina that support increased student achievement in reading and college and career readiness. The Education Oversight Committee may provide financial support to districts and to public-private partnerships for planning and support to implement, sustain and evaluate the innovation and to develop a matrix and measurements of student academic success based on evidence-based models. The committee will work to expand the engagement of stakeholders including state agencies and boards like the Educational Television Commission, businesses, and higher education institutions. The committee shall annually report to the General Assembly on the measurement results.*

**SECTION 5 - H71-WIL LOU GRAY OPPORTUNITY SCHOOL**

**5.9** **AMEND** (Capacity) Directs that FY 12-13 funds be used to bring the school up to full capacity, to the extent possible and to report by December 1<sup>st</sup> on how the funds have been used and how many additional students have been served.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14."

**5.9.** (WLG: Capacity) For Fiscal Year ~~2012-13~~ 2013-14, funds appropriated to Wil Lou Gray Opportunity School must be used to bring the school up to full capacity, to the extent possible, and the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December first, on how the funds have been utilized and how many additional students have been served.

**SECTION 6 - H75-SCHOOL FOR THE DEAF AND THE BLIND**

**6.13** **AMEND** (Capacity) Directs that FY 12-13 funds be used to bring the school up to full capacity, to the extent possible and to report by December 1<sup>st</sup> on how the funds have been used and how many additional students have been served.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14."

**6.13.** (SDB: Capacity) For Fiscal Year ~~2012-13~~ 2013-14, funds appropriated to the School for the Deaf and the Blind must be used to bring the school up to full capacity, to the extent possible, and the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December first, on how the funds have been utilized and how many additional students have been served.

**SECTION 7 - L12-JOHN DE LA HOWE SCHOOL**

**7.4** **AMEND** (Capacity) Directs that FY 12-13 funds be used to bring the school up to full capacity, to the extent possible. Prohibits new employees from being hired until required by a projected increase in students. Requires staff increases be reported to the Chairmen of the House Ways and Means and Senate Finance Committees 30 days before they are hired.

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Requires a report be submitted by December 1<sup>st</sup> on how the funds have been used and how many additional students have been served.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14."

**7.4.** (JDLHS: Capacity) For Fiscal Year ~~2012-13~~ *2013-14*, funds appropriated to John de la Howe School must be used to complete deferred maintenance on the residential cottages and to bring the school up to full capacity, to the extent possible. The school must not utilize the funds to hire new employees until the school has completed deferred maintenance on a cottage and requires the new employee due to a projected increase in students. Any increases in staff must be reported to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee thirty days prior to the hire. Further, the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December first, on how the funds have been utilized and how many additional students have been served.

**SECTION 91 - A99-LEGISLATIVE DEPARTMENT**

**91.25 DELETE** (Teacher Salary Study Committee) Creates the Joint Teacher Salary Study Committee to examine the current teacher salary schedule, its relationship to the EFA, the EIA, and to a district's ability to hire and retain quality teachers, and to examine potential changes to the salary schedule that may include a pay for performance model, step increases, frozen salary schedules, National Board Certification Incentive, or anything else related to teacher salaries. Requires a report and recommendations be submitted by December 1, 2012.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso.

**91.25.** (LEG: Teacher Salary Study Committee) ~~There is created the Joint Teacher Salary Study Committee. The committee shall examine the current teacher salary schedule; its relationship to the Education Finance Act, the Education Improvement Act and its relationship to a district's ability to hire and retain quality teachers. The committee will examine potential changes to the salary schedule that may include a pay for performance model, step increases, frozen salary schedules, National Board Certification Incentive, or anything else related to teacher salaries.~~

~~The committee shall be composed of eight members, which shall be appointed as follows:~~

~~The committee shall consist of eight members as follows: one member of the Senate appointed by the Chairman of the Senate Finance Committee; one member of the Senate appointed by the Chairman of the Senate Education Committee; one member of the House of Representatives appointed by the Chairman of the House Ways and Means Committee; one member of the House of Representatives appointed by the Chairman of the House Education and Public Works Committee; two members of the Senate to be appointed by the President Pro Tempore of the Senate and two members of the House of Representatives to be appointed by the Speaker of the House. The members shall elect a chairman at the first meeting of the committee.~~

~~No later than December 1, 2012, the committee shall prepare and deliver a report and recommendation to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of House Education and Public Works Committee.~~

~~Staff will be provided by the House Ways and Means Committee and Senate Finance Committee. Members of the study committee shall serve without compensation for per diem, mileage, and subsistence.~~

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- 91.26 DELETE** (EOC Efficiency Review) Directs the funds appropriated to the EOC for the School District Efficiency Review Pilot Program be used to review three school districts' central operations with a focus on non-instructional expenditures to identify ways to improve school district operating efficiencies and ways to reduce costs. Directs that the review be completed by June 30, 2013 and that the findings, along with the amount of estimated savings, how the savings could be achieved, and the districts' plan for implementing the recommendations be submitted to designated legislative committees and the Governor. Authorizes unexpended funds to be carried forward and used for the same purpose.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *SDE states that funds were not available to conduct the efficiency studies due to a decline in non-recurring revenue.* Requested by Department of Education.

~~**91.26. (LEG: EOC Efficiency Review) Funds appropriated to the Education Oversight Committee for the School District Efficiency Review Pilot Program shall be used to review certain school districts' central operations with a focus on non-instructional expenditures so as to identify opportunities to improve operational efficiencies and reduce costs for the district. The Education Oversight Committee shall make the school districts aware of the pilot program, and accept applications to participate in the program. In the current fiscal year, the Education Oversight Committee shall select at least three applicant school districts to participate. The Education Oversight Committee may contract with an independent entity to perform the review. The review shall include, but not be limited to, examinations of (i) overhead, (ii) human resources, (iii) procurement, (iv) facilities use and management, (v) financial management, (vi) transportation, (vii) technology planning, and (viii) energy management. The review shall not address the effectiveness of the educational services being delivered by the district. The review shall be completed no later than June 30, 2013. Upon completion, the Education Oversight Committee shall submit a report to the Chairman of the Senate Finance Committee, Chairman of the Senate Education Committee, Chairman of the House Ways and Means Committee, Chairman of the House Education and Public Works Committee, and the Governor detailing the findings of the review including the estimated savings that could be achieved, the manner in which the savings could be achieved, and the districts' plan for implementation of the recommendations. Unexpended funds appropriated for this purpose may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purpose.**~~

**SECTION 101 - F03-BUDGET AND CONTROL BOARD**

- 101.24 AMEND** (Sale of Surplus Real Property) Provides guidelines for the retention and use of revenue derived from the sale of surplus real properties.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to authorize ETV to use the net proceeds from the sale of the Key Road property for renovation of the ETV Telecommunications Center "and other maintenance and operating expenses."

**101.24. (BCB: Sale of Surplus Real Property)** Up to fifty percent of the proceeds, net of selling expenses, from the sale of surplus real properties shall be retained by the Budget and Control Board and used for the deferred maintenance of state-owned buildings. The remaining fifty percent of the net proceeds shall be returned to the agency that the property is owned by, under the control of, or assigned to and shall be used by that agency for non-recurring purposes. This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority; the Ports Authority; the MUSC Hospital Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation; the

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Columbia State Farmers Market; the Department of Agriculture's Columbia Metrology Lab building and property; the Charleston Naval Complex Redevelopment Authority; the Department of Commerce's Division of Public Railways; the Midlands Technical College Enterprise Campus Authority; the Trident Technical College Enterprise Campus Authority; the Commissioners residence at the Department of Corrections and the Educational Television Commission's Key Road property.

The Educational Television Commission shall be authorized to retain the net proceeds from the sale of its property on Key Road, and such proceeds ~~shall only~~ may be used for the renovation of the ETV Telecommunications Center and other maintenance and operating expenses. If it is determined that sufficient net proceeds are not to be derived from the sale of its property on Key Road to cover the cost of all renovations of the Telecommunications Center, the property on Key Road shall not be sold. Any proposed sale hereunder shall, prior to said sale, be submitted to the Budget and Control Board for approval as being in compliance with the requirements of this subsection.

The Department of Corrections shall be authorized to retain the net proceeds from the sale of the residence provided for the Commissioner of the Department of Corrections and use such proceeds for deferred maintenance needs at the Department of Corrections.

The Forestry Commission shall be authorized to retain the net proceeds from the sale of surplus land for use in firefighting operations and replacement of firefighting equipment.

The Department of Mental Health shall be authorized to retain the net proceeds it receives for sale of the property sold in accordance with, and identified in Exhibit A of the Sale and Purchase Agreement dated December 16, 2010 between the Department of Mental Health and Hughes Development Corporation for the sale of 165.79± acres on the Bull Street Campus, as approved by the Budget and Control Board on June 14, 2011.

The Department of Natural Resources shall be authorized to retain the net proceeds from the sale of existing offices originally purchased with a federal grant or with restricted revenue from hunting and fishing license sales for the improvement, consolidation, and/or establishment of regional offices and related facilities.

The Department of Agriculture, the Educational Television Commission, the Department of Corrections, the Department of Natural Resources, the Department of Mental Health and the Forestry Commission shall annually submit a report, within sixty days after the close of the fiscal year, to the Senate Finance Committee and the House Ways and Means Committee on the status of the sale of the identified property and a detailed accounting on the expenditure of funds resulting from such sale.

This provision is comprehensive and supersedes any conflicting provisions concerning disposition of state owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

Any unused portion of these funds may be carried forward into succeeding fiscal years and used for the same purposes.

**SECTION 117 - X90-GENERAL PROVISIONS**

- 117.87 AMEND** (Broadband Spectrum Lease) Requires the General Assembly to approve the exercise of any Middle Band Segment Channel recapture provision contained in the Educational Broadband Service Spectrum Lease Agreements if there would be a decrease in payments received by the state. Requires broadband spectrum lease revenue be transferred monthly during FY 2012-13 to ETV. Directs that upon agreement of the lessee, ETV shall assume management and administration of the lease and receive the lease payments directly. Authorizes ETV to retain and carry forward unexpended funds.

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**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete the monthly transfer of funds from the B&C Board to ETV and direct that ETV assumes management and administration of the lease and receives lease payments directly. Authorize ETV, if the current lease holder defaults, to use contingent funds up until a new lease can be negotiated.

**117.87.** (GP: Broadband Spectrum Lease) The General Assembly must approve any exercise of the Middle Band Segment Channel recapture provisions contained in the Educational Broadband Service Spectrum Lease Agreements if the exercise of the recapture provisions would result in a decrease in payments received by the State. ~~For Fiscal Year 2012-13, revenue received from the broadband spectrum lease shall be transferred from the Budget and Control Board to the Educational Television Commission on a monthly schedule, according to the current broadband lease agreement. Upon agreement of the lessee, the~~ *The Educational Television Commission shall assume* assumes management and administration of the lease and ~~receive~~ *receives* lease payments directly. The Educational Television Commission shall retain and expend funds received pursuant to the lease for agency operations. The commission shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year. In the event of a default by the current lease holder, the Educational Television Commission is authorized to use contingent funds up until such time as a new lease can be negotiated by the State and the Educational Television Commission.

**117.97** **AMEND** (Funds Transfer to ETV) ) Requires certain funds appropriated to the B&C Board for Legislative & Public Affairs Coverage and to the Law Enforcement Training Council for training and emergency systems to be transferred to ETV during July of 2012 for them to continue to provide services as they were provided in the prior fiscal year.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to add "Emergency Communications Backbone" to appropriated funds identified within the B&C Board and delete the same reference within the Law Enforcement Training Council. Update calendar year reference to "2013." Requested by Budget and Control Board and Educational Television Commission.

**117.97.** (GP: Funds Transfer to ETV) In the current fiscal year funds appropriated in Part IA to the Budget and Control Board in Section 101 for Legislative & Public Affairs Coverage and Emergency Communications Backbone and to the Law Enforcement Training Council in Section 64 for State & Local Training of Law Enforcement, City and County municipal training services ~~and Emergency Communications and Backbone for the State and other related emergency systems~~ must be transferred to the Educational Television Commission (ETV) during July, ~~2012~~ 2013 for the continuation of services as provided in the prior fiscal year.

**117.108** **AMEND** (First Steps - BabyNet) Requires the First Steps Board of Trustees to ensure compliance with Part C of the Individuals with Disabilities Act and to fully implement the LAC's BabyNet Program recommendations 2 through 23. Requires First Steps to develop a schedule by September 15, 2012, to implement each of the recommendations and directs that First Steps is responsible for such implementation. Requires certain quarterly and monthly reports be submitted and direct First Steps to collaborate with DDSN, DHHS, DMH, and DSS to develop a common reporting format.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete the references to implementing recommendations "2 through 23" and instead direct that recommendations contained in the "2011" audit report be implemented. Delete requirement that a schedule be developed for recommendations. Direct First Steps to submit necessary

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statutory changes to appropriate Senate and House Education Committees and to submit budget recommendations to the Governor in their agency's budget request.

**117.108.** (GP: First Steps - BabyNet) In addition to the statutory duties assigned to South Carolina First Steps to School Readiness Board of Trustees; the board shall ensure the state's compliance with the Individuals with Disabilities Act, Part C and the First Steps' full implementation of recommendations 2 through 23 as contained in the 2011 audit report of the LAC regarding the BabyNet Program. ~~First Steps shall develop a schedule for each of the recommendations by September 15, 2012 for the implementation of recommendations. First Steps shall be responsible for the implementation of the recommendations. First Steps shall submit any necessary statutory changes to the Chairman of the House Education and Public Works Committee and the Chairman of the Senate Education Committee and any budget recommendations in the agency's budget request as submitted to the Governor. Quarterly Until completion,~~ First Steps shall post on its' website a quarterly report on the timelines of its progress in implementing the recommendations of the LAC. The Board of Trustees will be kept informed monthly of all activities related to this requirement and those progress reports must be recorded in the minutes for each meeting of the Board of Trustees. When First Steps has implemented all of the recommendations enumerated above, a final report shall be submitted to the Board of Trustees for its' adoption. Upon approval by the Board of Trustees, the final report shall be published on First Steps' homepage. First Steps to School Readiness, the School for the Deaf and Blind, the Department of Disabilities and Special Needs, the Department of Health and Human Services, the Department of Mental Health and the Department of Social Services shall each provide on a common template developed by the agencies, a quarterly report to the Chairman of the House Ways and Means Committee and the Chairman of Senate Finance outlining all programs provided by them for BabyNet; all federal funds received and expended on BabyNet and all state funds expended on BabyNet. Each entity and agency shall report on its share of the state's ongoing maintenance of effort as defined by the US Department of Education under IDEA Part C. ~~First Steps to School Readiness shall develop, in collaboration with the Department of Disabilities and Special Needs, the Department of Health and Human Services, the Department of Mental Health, and the Department of Social Services, a common reporting format to be used no later than September 1, 2012. Both the report submitted by First Steps and the reports submitted by the state agency partners may be used by the General Assembly in its' consideration of the LAC recommendation that "The General Assembly should appropriate all BabyNet funding directly to First Steps to increase accountability for the lead agency with regard to partner agencies and providers."~~

**117.112 DELETE** (School Transportation Decentralization Study Committee) Creates a committee to study decentralizing school bus transportation services and requires a report be submitted to the General Assembly and the Governor by January 1, 2013, after which time the committee is abolished.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso.

**117.112.** (GP: School Transportation Decentralization Study Committee) ~~There is hereby created a committee to study the decentralization of the provision of school transportation services in this State either by the public sector, private sector, or combination of both. The study shall include, but is not limited to, the most cost effective, efficient, and safe way to provide school transportation services to students in grades K-12 utilizing to the best extent possible, available state and local resources and funding. The committee shall consist of eleven members as follows: four members appointed by the President Pro Tempore of the Senate, one of whom must be a school finance officer and one of whom must be a minority party member~~

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~~of the Senate, four members appointed by the Speaker of the House of Representatives, one of whom must be a school finance officer and one of whom must be a minority party member of the House, and three members appointed by the Governor. Vacancies on the committee shall be filled in the manner of original appointment. The members, at their first meeting, shall elect a chairman, vice chairman, and such other officers as they deem necessary. The committee shall meet upon the call of the chairman or a majority of its members.~~

~~Members of the committee shall receive such mileage, subsistence, and per diem in the performance of their duties as is provided by law to members of state boards, commissions, and committees to be paid from the approved accounts of the member's appointing authority. The staff of the Senate, the House of Representatives, and the Governor's Office shall supply such assistance as may be needed by the committee in the performance of its duties. The committee shall submit its report to each house of the General Assembly and to the Governor no later than January 1, 2013, at which time the committee shall be abolished.~~

**117.fsr ADD (First Steps Reauthorization) PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to reauthorize First Steps for Fiscal Year 2013-14.

*117.fsr. (First Steps Reauthorization) Act 99 of 1999, the South Carolina First Steps to School Readiness Act, is reauthorized for the duration of Fiscal Year 2013-14.*