**South Carolina General Assembly**

118th Session, 2009-2010

**A86, R14, H3352**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Cooper, Owens, Stewart, Whitmire, Funderburk, Rice, Wylie, Allison, E.H. Pitts, R.L. Brown, White, Stavrinakis, Miller, Anderson, Battle, Hayes, Gilliard, Sottile, Mack, Harvin, Whipper, Hutto, G.R. Smith, Knight, Willis, Neilson, T.R. Young, Cobb‑Hunter, J.H. Neal, Clyburn, G.M. Smith, Kennedy, Herbkersman, Merrill, Bingham, Ott, J.R. Smith, A.D. Young, Kirsh, Lucas, Littlejohn, Edge, Limehouse, M.A. Pitts, Loftis, D.C. Smith, Pinson, Barfield, Bannister, Dillard, Stringer, Allen, Nanney, Govan, Parker, Frye, Hardwick, Hearn, J.E. Smith, Clemmons, Agnew, Bedingfield, Williams, Vick, Horne, Bales and Umphlett

Document Path: l:\council\bills\nbd\11152bh09.docx

Companion/Similar bill(s): 379

Introduced in the House on January 27, 2009

Introduced in the Senate on February 24, 2009

Last Amended on March 26, 2009

Passed by the General Assembly on April 1, 2009

Governor's Action: April 7, 2009, Signed

Summary: School districts

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/27/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-27-09.docx)‑19

1/27/2009 House Referred to Committee on **Ways and Means** [HJ](file:///h:\HJ%20Archive\2009\01-27-09.docx)‑19

1/28/2009 House Member(s) request name added as sponsor: Funderburk, Rice

1/29/2009 House Member(s) request name added as sponsor: Wylie, Allison, E.H.Pitts, R.L.Brown

2/3/2009 House Member(s) request name added as sponsor: White, Stavrinakis, Miller, Anderson, Battle, Hayes, Gilliard, Sottile, Mack, Harvin, Whipper

2/4/2009 House Member(s) request name added as sponsor: Hutto, G.R.Smith, Knight

2/5/2009 House Member(s) request name added as sponsor: Willis, Neilson

2/10/2009 House Member(s) request name added as sponsor: T.R.Young

2/11/2009 House Member(s) request name added as sponsor: Cobb‑Hunter, J.H.Neal, Clyburn, G.M.Smith, Kennedy, Herbkersman, Merrill, Bingham, Ott, J.R.Smith, A.D.Young, Kirsh, Lucas, Littlejohn, Edge, Limehouse, M.A.Pitts, Loftis, D.C.Smith, Pinson

2/11/2009 House Committee report: Favorable with amendment **Ways and Means** [HJ](file:///h:\HJ%20Archive\2009\02-11-09.docx)‑2

2/12/2009 House Member(s) request name added as sponsor: Bannister, Dillard, Stringer, Allen, Nanney, Govan, Parker, Frye, Hardwick, Hearn

2/12/2009 Scrivener's error corrected

2/17/2009 House Member(s) request name added as sponsor: J.E.Smith, Clemmons, Agnew, Bedingfield, Williams, Vick, Horne

2/17/2009 House Requests for debate‑Rep(s). Crawford [HJ](file:///h:\HJ%20Archive\2009\02-17-09.docx)‑15

2/17/2009 House Amended [HJ](file:///h:\HJ%20Archive\2009\02-17-09.docx)‑15

2/17/2009 House Debate interrupted [HJ](file:///h:\HJ%20Archive\2009\02-17-09.docx)‑28

2/18/2009 House Member(s) request name added as sponsor: Bales, Umphlett

2/18/2009 House Amended [HJ](file:///h:\HJ%20Archive\2009\02-18-09.docx)‑16

2/18/2009 House Debate interrupted [HJ](file:///h:\HJ%20Archive\2009\02-18-09.docx)‑22

2/18/2009 House Read second time [HJ](file:///h:\HJ%20Archive\2009\02-18-09.docx)‑24

2/19/2009 House Read third time and sent to Senate [HJ](file:///h:\HJ%20Archive\2009\02-19-09.docx)‑18

2/19/2009 Scrivener's error corrected

2/24/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\02-24-09.docx)‑10

2/24/2009 Senate Referred to Committee on **Finance** [SJ](file:///h:\SJ%20Archive\2009\02-24-09.docx)‑10

3/19/2009 Senate Committee report: Favorable with amendment **Finance** [SJ](file:///h:\SJ%20Archive\2009\03-19-09.docx)‑3

3/24/2009 Scrivener's error corrected

3/25/2009 Senate Committee Amendment Amended and Adopted [SJ](file:///h:\SJ%20Archive\2009\03-25-09.docx)‑81

3/25/2009 Senate Special order, set for March 25, 2009 [SJ](file:///h:\SJ%20Archive\2009\03-25-09.docx)‑96

3/26/2009 Scrivener's error corrected

3/26/2009 Senate Amended [SJ](file:///h:\SJ%20Archive\2009\03-26-09.docx)‑27

3/26/2009 Senate Read second time [SJ](file:///h:\SJ%20Archive\2009\03-26-09.docx)‑27

3/27/2009 Scrivener's error corrected

3/31/2009 Senate Read third time and returned to House with amendments [SJ](file:///h:\SJ%20Archive\2009\03-31-09.docx)‑36

4/1/2009 House Concurred in Senate amendment and enrolled [HJ](file:///h:\HJ%20Archive\2009\04-01-09.docx)‑27

4/2/2009 Ratified R 14

4/7/2009 Signed By Governor

4/9/2009 Effective date 04/07/09

7/21/2009 Act No. 86

**VERSIONS OF THIS BILL**

[1/27/2009](file:///p:\pprever\2009-10\3352_20090127.docx)

[2/11/2009](file:///p:\pprever\2009-10\3352_20090211.docx)

[2/12/2009](file:///p:\pprever\2009-10\3352_20090212.docx)

[2/17/2009](file:///p:\pprever\2009-10\3352_20090217.docx)

[2/18/2009](file:///p:\pprever\2009-10\3352_20090218.docx)

[2/19/2009](file:///p:\pprever\2009-10\3352_20090219.docx)

[3/19/2009](file:///p:\pprever\2009-10\3352_20090319.docx)

[3/24/2009](file:///p:\pprever\2009-10\3352_20090324.docx)

[3/25/2009](file:///p:\pprever\2009-10\3352_20090325.docx)

[3/26/2009](file:///p:\pprever\2009-10\3352_20090326.docx)

[3/26/2009-A](file:///p:\pprever\2009-10\3352_20090326A.docx)

[3/27/2009](file:///p:\pprever\2009-10\3352_20090327.docx)

(A86, R14, H3352)

**A JOINT RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER CERTAIN FUNDS AMONG APPROPRIATED REVENUES, EDUCATION IMPROVEMENT ACT FUNDS, EDUCATION LOTTERY ACT FUNDS, AND FUNDS RECEIVED FROM THE CHILDREN’S EDUCATION ENDOWMENT FUND IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING THE 2008‑2009 AND 2009‑2010 FISCAL YEARS, AND TO PROVIDE THAT A SCHOOL DISTRICT MAY NOT TRANSFER FUNDS REQUIRED FOR DEBT SERVICE OR BONDED INDEBTEDNESS; TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEARS 2008‑2009 AND 2009‑2010 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS AND EXPENDITURE REGULATIONS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, TO NEGOTIATE SALARIES FOR CERTAIN RETIRED TEACHERS BELOW THE SCHOOL DISTRICT SALARY SCHEDULE, AND TO FURLOUGH TEACHERS FOR UP TO FIVE NONINSTRUCTIONAL DAYS, PROVIDED THAT DISTRICT ADMINISTRATORS ARE FURLOUGHED FOR TWICE THE NUMBER OF DAYS; TO PROVIDE FURTHER MEASURES SCHOOL DISTRICTS AND EDUCATION‑RELATED ENTITIES ARE ENCOURAGED TO TAKE TO MAXIMIZE RESOURCES; TO PROVIDE DISTRICT REPORTING REQUIREMENTS FOR COST‑SAVING MEASURES UNDERTAKEN BY THE DISTRICT; TO REQUIRE SCHOOL DISTRICTS TO PROVIDE TO PUBLIC CHARTER SCHOOLS PUPIL ALLOCATION FOR EACH CATEGORICAL PROGRAM BEFORE IMPLEMENTING THESE FLEXIBILITY PROVISIONS; TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS, TO ALLOW SCHOOL DISTRICTS TO SUSPEND TEXTBOOK ADOPTIONS, AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR THE 2008‑2009 AND 2009‑2010 FISCAL YEARS; TO REQUIRE SCHOOL DISTRICTS FOR THE 2009‑2010 FISCAL YEAR TO UTILIZE AT LEAST SIXTY‑FIVE PERCENT OF ITS PER PUPIL EXPENDITURES WITHIN PROVIDED CATEGORIES OF INSTRUCTION WITH CERTAIN CONDITIONS, AND TO PROVIDE REPORTING REQUIREMENTS; TO REQUIRE SCHOOL DISTRICTS FOR THE 2009‑2010 FISCAL YEAR TO MAINTAIN A TRANSACTION REGISTER THAT RECORDS CERTAIN EXPENDED FUNDS, TO PROVIDE WHAT THE REGISTER MUST INCLUDE, TO REQUIRE SCHOOL DISTRICTS TO PUBLISH THEIR CREDIT CARD STATEMENTS ON THEIR WEBSITES, AND TO REQUIRE THE COMPTROLLER GENERAL TO PUBLISH ON ITS WEBSITE CREDIT CARD INFORMATION OF SCHOOL DISTRICTS THAT DO NOT MAINTAIN THEIR OWN WEBSITES; AND TO SUSPEND SECTION 59‑21‑1030 OF THE 1976 CODE FOR THE 2008‑2009 AND 2009‑2010 FISCAL YEARS.**

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

**School districts transfer of certain funds**

SECTION 1. For the 2008‑2009 and 2009‑2010 fiscal years, school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children’s Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds required for debt service or bonded indebtedness.

**School district staffing flexibility; cost‑reducing measures**

SECTION 2. (A) Notwithstanding another provision of law and for the 2008‑2009 and 2009‑2010 fiscal years, school districts may:

(1) suspend professional staffing ratios and expenditure regulations and guidelines at the sub‑function and service area level, except for four‑year‑old programs. The funds shall be utilized in accordance with Section 4 of this joint resolution;

(2) delay from April fifteenth to May fifteenth the date that contracts are issued to teachers. A teacher who is reemployed by written notification pursuant to Section 59‑25‑410 shall notify the board of trustees of the district in writing of his acceptance of the contract within ten days of such notification or May twenty‑fifth, whichever occurs later. Failure on the part of the teacher to notify the board of acceptance within the specified time limit is conclusive evidence of the teacher’s rejection of the contract;

(3) uniformly negotiate salaries below the school district salary schedule for the 2009‑2010 school year for retired teachers who are not participants in the Teacher and Employee Retention Incentive Program; and

(4) if not prohibited by an applicable employment contract, furlough teachers for up to five noninstructional days, provided that district administrators are furloughed for twice the number of days.

(B) To further ensure resources are maximized, school districts are encouraged to reduce expenditures by means, including, but not limited to:

(1) limiting the number of low enrollment courses;

(2) reducing travel for the staff and the school district’s board;

(3) reducing and limiting activities requiring dues and memberships;

(4) reducing transportation costs for extracurricular and academic competitions; and

(5) expanding virtual instruction.

Education related entities that require dues from school districts are encouraged to consider cost‑saving measures for school districts including, but not limited to, coordination and reductions in dues, workshops, and professional training initiatives.

(C) Quarterly throughout the 2009‑2010 fiscal year, and during the fourth quarter of Fiscal Year 2008‑2009, the chairman of each school district’s board and the superintendent of each school district must certify where noninstructional or nonessential programs have been suspended and the specific actions taken in response to the measures provided in Sections 1 and 2 of this joint resolution. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting, and the certification must be posted on the Internet website maintained by the school district.

(D) Prior to implementing the flexibility provisions provided in this joint resolution, school districts must provide to public charter schools the per pupil allocation due to the charter schools for each categorical program.

(E) All other provisions of law, program regulations, guidelines, reporting, and audit requirements remain in effect unless addressed in this joint resolution.

**Suspension of formative assessments; textbook adoption; bus fuel**

SECTION 3. Notwithstanding another provision of law and for the 2008‑2009 and 2009‑2010 fiscal years, implementation of formative assessments for grades one, two, and nine, the foreign language program assessment and the physical education assessment, must be suspended. New textbook adoptions may be suspended. Nothing in this joint resolution suspends, amends, modifies, or otherwise authorizes changes in the manner in which textbooks are purchased. School districts and the State Department of Education must be granted permission to purchase the most economical type of bus fuel.

**Per pupil expenditures must reach sixty‑five percent**

SECTION 4. In order for a school district to take advantage of the flexibility provisions provided in this joint resolution and for the 2009‑2010 fiscal year only, at least sixty‑five percent of the school district’s per pupil expenditures must be utilized within the In$ite categories of instruction, instructional support, and noninstruction pupil services. No portion of the sixty‑five percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by In$ite. By August 1, 2010, the school district shall report to the State Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and noninstruction pupil services for the school year ending June 30, 2010.

For purposes of this section, “In$ite” means the financial analysis model for education program utilized by the State Department of Education.

**Transaction register; credit card reporting by school distircts**

SECTION 5. (A)(1) For the 2009‑2010 fiscal year, school districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source for whatever purpose. The register must be prominently posted on the district’s Internet website and made available for public viewing and downloading.

(2)(a) The register must include for each expenditure:

(i) the transaction amount;

(ii) the name of the payee; and

(iii) a statement providing a detailed description of the expenditure.

(b) The register must not include an entry for salary, wages, or other compensation paid to individual employees.

(c) The register must not include any information that can be used to identify an individual employee.

(d) The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure.

(3) The register must be searchable and updated at least once a month. Each monthly register must be maintained on the Internet website for at least five years.

(B)(1) For the 2009‑2010 fiscal year, each school district also must maintain on its Internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use.

(2) The credit card number on each statement must be redacted prior to posting on the Internet website.

(3) Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid. Each statement must be maintained on the website for at least five years.

(C)(1) The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own Internet website. The Internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

(2) School districts that do not maintain an Internet website must transmit all information required by this section to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the Internet website required by this section.

(D) The provisions contained in this section do not amend, suspend, supercede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

(E) The provisions contained in this section must be implemented within one hundred eighty days of the effective date of this joint resolution.

(F) The Comptroller General shall distribute to the districts a methodology and resources for compliance with the provisions of this section. If a district complies with the methodology, it shall be reimbursed for any documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General.

**Suspension of Section 59‑21‑1030**

SECTION 6. For Fiscal Years 2008‑2009 and 2009‑2010, Section 59‑21‑1030 of the 1976 Code is suspended.

**Time effective**

SECTION 7. This joint resolution takes effect upon approval by the Governor.

Ratified the 2nd day of April, 2009.

Approved the 7th day of April, 2009.

\_\_\_\_\_\_\_\_\_\_