COMMITTEE REPORT

March 30, 2022

**S. 1103**

Introduced by Senators Shealy, Jackson, Talley, Davis, Gustafson, M. Johnson, Young, Kimbrell, McElveen, Williams, Cromer, Grooms, Alexander and Gambrell

S. Printed 3/30/22--S.

Read the first time March 1, 2022.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (S. 1103) to amend Chapter 3, Title 59 of the 1976 Code, relating to the State Superintendent of Education, by adding Section 59-3-35 to provide for the distribution, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, SECTION 1, by striking Section 59‑3‑35(A) and inserting:

/ (A) The Department of Education shall provide to all school districts and open‑enrollment charter schools inkless, in‑home fingerprint and DNA identification kits to be distributed throughout the district or school on request to the parent or legal custodian of any kindergarten, elementary, middle, or high school student. /

Renumber sections to conform.

Amend title to conform.

GREG HEMBREE for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill requires SCDE to provide inkless, in-home fingerprint and DNA identification kits to all school districts and open-enrollment charter schools to be distributed throughout the district or school upon request by a parent or legal custodian of any kindergarten, elementary, or middle school student. A parent or legal custodian who receives a fingerprint and DNA identification kit may submit the kit to federal, state, tribal, or local law enforcement to help locate and return a missing or trafficked child.

**State Department of Education.** SCDE indicates that the cost of each kit is $15. Further, SCDE anticipates being able to manage the cost and administration of the kits within existing appropriations. Therefore, the bill will have no expenditure impact on the agency. For reference, if a kit is requested for every public school and charter school student, the total would be approximately $11,428,000 in FY 2022-23.

**State Agency Schools.** This bill will have no expenditure impact on the Governor’s School for the Arts and Humanities, the Governor’s School for Science and Mathematics, the Governor’s School for Agriculture at John de la Howe, or the Wil Lou Gray Opportunity School since these schools only serve students in high school grades. We anticipate that the School for the Deaf and Blind will be able to adhere to the provisions of the bill within existing appropriations. We will update this impact statement if the agency provides a different response.

**State Law Enforcement Division.** This bill does not alter the duties or responsibilities of SLED. Therefore, the bill will have no expenditure impact.

**Local Expenditure**

As noted above, this bill requires SCDE to provide inkless, in-home fingerprint and DNA identification kits to all school districts and open-enrollment charter schools upon request by a parent or legal custodian of any kindergarten, elementary, or middle school student. A parent or legal custodian who receives a fingerprint and DNA identification kit may submit the kit to the local law enforcement to help locate and return a missing or trafficked child.

SCDE surveyed the seventy-seven regular districts and the two charter school districts to determine the expenditure impact of this bill and received responses from twenty-five districts. Nineteen of the responding districts indicate that any expenses could be accomplished within their existing budget as long as SCDE is responsible for the cost of the kits. Six districts indicate varying costs to distribute the kits. Total costs will depend on the number of parents and legal custodians who request kits. Therefore, the expenditure impact of this bill on local school districts is undetermined.

Additionally, the Revenue and Fiscal Affairs Office surveyed twenty-three county governments and the Municipal Association of South Carolina (MASC) regarding the expenditure impact of this bill on local law enforcement. We received a response from one county and the MASC. The responding county and MASC indicate that the bill will have no expenditure impact as long as the kits are only processed in the event of a missing or trafficked child. The responding entities further indicate that there could be a significant increase in expenses if all kits that are distributed must be processed by local law enforcement at once without an emergency circumstance.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND CHAPTER 3, TITLE 59 OF THE 1976 CODE, RELATING TO THE STATE SUPERINTENDENT OF EDUCATION, BY ADDING SECTION 59-3-35 TO PROVIDE FOR THE DISTRIBUTION OF CHILD IDENTIFICATION KITS.

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

SECTION 1. Chapter 3, Title 59 of the 1976 Code is amended by adding:

“Section 59-3-35. (A) The Department of Education shall provide to all school districts and open‑‑enrollment charter schools inkless, in‑‑home fingerprint and DNA identification kits to be distributed throughout the district or school on request to the parent or legal custodian of any kindergarten, elementary, or middle school student.

(B) A parent or legal custodian who receives a fingerprint and DNA identification kit may submit the kit to federal, state, tribal, or local law enforcement to help locate and return a missing or trafficked child.”

SECTION 2. This act takes effect upon approval by the Governor.

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