~~.Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 24, 2022

**H. 3242**

Introduced by Reps. Collins and Felder

S. Printed 2/24/22--H. [SEC 2/28/22 11:38 AM]

Read the first time January 12, 2021.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3242) to amend the Code of Laws of South Carolina, 1976, by adding Section 59‑65‑480 so as to provide school districts shall solicit written parental consent to provide, 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, by striking all after the enacting words and inserting:

/ SECTION 1. Section 59‑65‑470 of the 1976 Code is amended to read:

“Section 59‑65‑470. ~~To enable the Wil Lou Gray Opportunity School to inform dropouts of the school’s academic and vocational training programs, the school is authorized to contact the attendance supervisors or principals at the various high schools or school districts of this State at reasonable intervals for the purpose of receiving access to the names and addresses of students reported by the supervisors and principals to be dropouts, and the attendance supervisors and principals must supply this information to the Wil Lou Gray Opportunity School~~ The State Department of Education shall create, publish, and provide to all public schools in the State a list of alternative education programs that can award a high school degree or high school equivalency credential. The list must include, but not be limited to, the Wil Lou Gray Opportunity School and the South Carolina Youth Challenge Academy. As part of each student’s annual review of his Individualized Graduation Plan, school counselors shall distribute information provided by the Wil Lou Gray Opportunity School, the South Carolina Youth Challenge Academy, and any other alternative education program to students who are not on track for on‑time graduation or who otherwise are at risk of dropping out of school. School counselors shall provide those institutions the names and addresses of all students who are not on track for on‑time graduation except for students who have opted out of disclosure of directory information under the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g. Parents or students age eighteen or older may complete a form to opt the student out of the disclosure of student contact information with these institutions. The department shall develop this opt out and each district shall make the form available on its website.” /

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill requires each public school district to provide the names and addresses of the following students to the South Carolina Youth Challenge Academy, which is administered by the South Carolina National Guard, and to the Wil Lou Gray Opportunity School after soliciting specified written consent from the parents of these students.

 People formerly enrolled as students in the district who, after the effective date of the bill, have left school before graduation, excluding former students who have died or transferred to another school; and

 Students currently enrolled in the district who have formally initiated the process of leaving school before graduation, unless the student is transferring to another school.

Currently, the Wil Lou Gray Opportunity School is authorized to contact the attendance supervisors or principals at various high schools or school districts for the purpose of receiving access to the names and addresses of students who are reported as school dropouts.

The bill specifies that the Youth Challenge Academy and the Wil Lou Gray Opportunity School may only use the student names and addresses for the purpose of providing the students information about their programs. It also requires SCDE to review any allegations by the Youth Challenge Academy and the Wil Lou Gray Opportunity School that a public school district has failed to comply with the provisions of the bill and must notify the State Board of Education of its findings. Further, a school or district that fails to comply with the provisions of the bill may be subject to a loss of state funding at the discretion of the State Board of Education.

**State Department of Education.** SCDE indicates that the bill could increase hearings and associated costs for the State Board of Education if public school districts fail to comply with the provisions of the bill. However, any expenses are expected to be managed within SCDE’s existing appropriations. Therefore, the bill will have no expenditure on the agency. *This section of the impact statement has been updated to include a response from SCDE.*

**State Agency Schools.** The Governor’s School for the Arts and Humanities, the Governor’s School for Science and Mathematics, the Wil Lou Gray Opportunity School, the School for the Deaf and Blind, and the Governor’s School for Agriculture at John de la Howe indicate that the bill will have no expenditure impact since the agencies can adhere to the provisions of the bill within existing appropriations. *This section of the impact statement has been updated to include a response from the School for the Deaf and Blind and the Governor’s School for Agriculture at John de la Howe.*

**State Revenue**

As noted above, a school or district that fails to comply with the provisions of the bill may be subject to a loss of state funding at the discretion of the State Board of Education. The potential amount of state funding that may be withheld from a school district due to noncompliance of the provisions of the bill is undetermined as it unknown how many districts will not comply with the provisions of the bill or the amount that may be withheld.

**Local Expenditure**

As noted above, this bill requires each public school district to provide the names and addresses of certain students to the South Carolina Youth Challenge Academy, which is administered by the South Carolina National Guard, and to the Wil Lou Gray Opportunity School, after soliciting specified written consent from the parents of these students. Based upon data reported by SCDE, 3,969 public school students were deemed to be dropouts in the 2019-20 school year.

SCDE indicates that this bill will increase expenses of the local school districts for mail and postage costs to obtain the necessary parental consent and for staff time to monitor and track the required written consent. However, the expenses are undetermined and will depend upon the number of students by district that have either left school or are in the process of leaving school before graduation. *This section of the impact statement has been updated to include a response for the local school districts.*

**Local Revenue**

The potential amount of state funding that may be withheld from a local school district due to noncompliance of the provisions of the bill is undetermined as it unknown how many districts will not comply with the provisions of the bill.

**Introduced on January 12, 2021**

**State Expenditure**

This bill requires each public school district to provide the names and addresses of the following students to the South Carolina Youth Challenge Academy, which is administered by the South Carolina National Guard, and to the Wil Lou Gray Opportunity School after soliciting specified written consent from the parents of these students.

 People formerly enrolled as students in the district who, after the effective date of the bill, have left school before graduation, excluding former students who have died or transferred to another school; and

 Students currently enrolled in the district who have formally initiated the process of leaving school before graduation, unless the student is transferring to another school.

Currently, the Wil Lou Gray Opportunity School is authorized to contact the attendance supervisors or principals at various high schools or school districts for the purpose of receiving access to the names and addresses of students who are reported as school dropouts.

The bill specifies that the Youth Challenge Academy and the Wil Lou Gray Opportunity School may only use the student names and addresses for the purpose of providing the students information about their programs. It also requires SCDE to review any allegations by the Youth Challenge Academy and the Wil Lou Gray Opportunity School that a public school district has failed to comply with the provisions of the bill and must notify the State Board of Education of its findings. Further, a school or district that fails to comply with the provisions of the bill may be subject to a loss of state funding at the discretion of the State Board of Education.

**State Department of Education.** The expenditure impact of this bill on SCDE is pending, contingent upon a response from the agency.

**State Agency Schools.** The Governor’s School for the Arts and Humanities, the Governor’s School for Science and Mathematics, and the Wil Lou Gray Opportunity School indicate that the bill will have no expenditure impact since the agencies can adhere to the provisions of the bill within existing appropriations. The expenditure impact of this bill on the Governor’s School for Agriculture at John de la Howe and the School for the Deaf and Blind is pending, contingent upon a response.

**State Revenue**

As noted above, a school or district that fails to comply with the provisions of the bill may be subject to a loss of state funding at the discretion of the State Board of Education. The potential amount of state funding that may be withheld from a school district due to noncompliance of the provisions of the bill is undetermined as it unknown how many districts will not comply with the provisions of the bill or the amount that may be withheld.

**Local Expenditure**

As noted above, this bill requires each public school district to provide the names and addresses of certain students to the South Carolina Youth Challenge Academy, which is administered by the South Carolina National Guard, and to the Wil Lou Gray Opportunity School, after soliciting specified written consent from the parents of these students.

The expenditure impact of this bill on the regular districts and the charter districts to solicit written consent from certain parents is pending, contingent upon a response.

**Local Revenue**

The potential amount of state funding that may be withheld from a local school district due to noncompliance of the provisions of the bill is undetermined as it unknown how many districts will not comply with the provisions of the bill.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑65‑480 SO AS TO PROVIDE SCHOOL DISTRICTS SHALL SOLICIT WRITTEN PARENTAL CONSENT TO PROVIDE SUCH INFORMATION TO THE SOUTH CAROLINA NATIONAL GUARD YOUTH CHALLENGE ACADEMY FOR THE LIMITED PURPOSE OF ENABLING THE ACADEMY TO INFORM THE STUDENTS OF ITS PROGRAMS, TO PROVIDE DISTRICTS ONLY MAY PROVIDE SUCH INFORMATION UPON RECEIPT OF PARENTAL CONSENT, TO PROVIDE SCHOOL DISTRICTS SHALL PROVIDE SUCH INFORMATION WITHIN A CERTAIN TIMEFRAME FOLLOWING RECEIPT OF PARENTAL CONSENT, TO PROVIDE PARENTS MAY REVOKE THEIR CONSENT, AND TO PROVIDE MEANS FOR REDRESSING NONCOMPLIANCE BY SCHOOL DISTRICTS; AND TO AMEND SECTION 59‑65‑470, RELATING TO THE AUTHORITY OF THE WIL LOU GRAY OPPORTUNITY SCHOOL TO OBTAIN FROM SCHOOL DISTRICTS THE CONTACT INFORMATION OF STUDENTS WHO HAVE LEFT OR INTEND TO LEAVE SCHOOL BEFORE GRADUATION, SO AS TO PROVIDE SCHOOL DISTRICTS SHALL SOLICIT WRITTEN PARENTAL CONSENT TO PROVIDE SUCH INFORMATION TO THE SCHOOL FOR THE LIMITED PURPOSE OF ENABLING IT TO INFORM THE STUDENTS OF ITS ACADEMIC AND VOCATIONAL TRAINING PROGRAMS, TO PROVIDE DISTRICTS ONLY MAY PROVIDE SUCH INFORMATION UPON RECEIPT OF PARENTAL CONSENT, TO PROVIDE SCHOOL DISTRICTS SHALL PROVIDE SUCH INFORMATION WITHIN A CERTAIN TIMEFRAME FOLLOWING RECEIPT OF PARENTAL CONSENT, TO PROVIDE PARENTS MAY REVOKE THEIR CONSENT, AND TO PROVIDE MEANS FOR REDRESSING NONCOMPLIANCE BY SCHOOL DISTRICTS.

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

SECTION 1. Article 5, Chapter 65, Title 59 of the 1976 Code is amended by adding:

“Section 59‑65‑480. (A) Each public school district shall solicit written consent from the parents of the following categories of students to provide the names and addresses of those students to the South Carolina Youth Challenge Academy administered by the South Carolina National Guard (Youth Challenge Academy) for use as provided in this section:

(1) people formerly enrolled as students in the district who, after the effective date of this section, have left school before graduation, excluding former students who have died or transferred to another school; and

(2) students currently enrolled in the district who have formally initiated the process of leaving school before graduation, unless the student is transferring to another school.

(B)(1) In soliciting written parental consent as required in subsection (A), a school district shall notify the parents in writing that:

(a) the Youth Challenge Academy is seeking to obtain the student’s name and address so the academy may provide information about its program to the student;

(b) the written consent of the parent is required before the student’s name and address may be provided to the academy; and

(c) the parent may revoke such written consent at any time by providing written notice to the academy or to the district to which the consent was given.

(2) A district shall solicit written parental consent required in this section by means of written correspondence mailed to the student’s address of record. Such correspondence must be mailed to the parents of:

(a) former students, as described in subsection (A)(1), within thirty business days after the student leaves the school; and

(b) currently enrolled students who have formally initiated the process of leaving school before graduation within thirty business days after the formal initiation of this process.

(C) Upon receipt of such written consent, a district shall provide the name and address of the student to the Youth Challenge Academy within fifteen business days. A public school district may not provide the name or address of a student who has left or is leaving a school before graduation without first obtaining the express written consent of the parent or guardian of the student. A parent or guardian who has granted such consent may revoke the consent by providing written notice to the Youth Challenge Academy or to the district to which the consent was given, and this revocation is effective upon receipt.

(D) The Youth Challenge Academy only may use student names and addresses received pursuant to this section for the limited purpose of providing those students information about its programs.

(E) The State Department of Education shall review any allegations by the Youth Challenge Academy that a public school district has failed to comply with the provisions of this section and notify the State Board of Education of its findings.

(F) A school or district that fails to comply with the provisions of this section may be subject to a loss of state funding at the discretion of the State Board of Education.”

SECTION 2. Section 59‑65‑470 of the 1976 Code is amended to read:

“Section 59‑65‑470. ~~To enable the Wil Lou Gray Opportunity School to inform dropouts of the school’s academic and vocational training programs, the school is authorized to contact the attendance supervisors or principals at the various high schools or school districts of this State at reasonable intervals for the purpose of receiving access to the names and addresses of students reported by the supervisors and principals to be dropouts, and the attendance supervisors and principals must supply this information to the Wil Lou Gray Opportunity School~~ (A) Each public school district shall solicit written consent from the parents of the following categories of students to provide the names and addresses of those students to the Wil Lou Gray Opportunity School for use as provided in this section:

(1) people formerly enrolled as students in the district who, after the effective date of this section, have left school before graduation, excluding former students who have died or transferred to another school; and

(2) students currently enrolled in the district who have formally initiated the process of leaving school before graduation, unless the student is transferring to another school.

(B)(1) In soliciting written parental consent as required in subsection (A), a school district shall notify the parents in writing that:

(a) the Wil Lou Gray Opportunity School is seeking to obtain the student’s name and address so the school may provide information about its academic and vocational training to the student;

(b) the written consent of the parent is required before the student’s name and address may be provided to the school; and

(c) the parent may revoke such written consent at any time by providing written notice to the school or to the district to which the consent was given.

(2) A district shall solicit written parental consent required in this section by means of written correspondence mailed to the student’s address of record. Such correspondence must be mailed to the parents of:

(a) former students, as described in subsection (A)(1), within thirty business days after the student leaves the school; and

(b) currently enrolled students who have formally initiated the process of leaving school before graduation within thirty business days after the formal initiation of this process.

(C) Upon receipt of such written consent, a district shall provide the name and address of the student to the Wil Lou Gray Opportunity School within fifteen business days. A public school district may not provide the name or address of a student who has left or is leaving a school before graduation without first obtaining the express written consent of the parent or guardian of the student. A parent or guardian who has granted such consent may revoke the consent by providing written notice to the Wil Lou Gray Opportunity School or to the district to which the consent was given, and this revocation is effective upon receipt.

(D) The Wil Lou Gray Opportunity School only may use the student names and addresses received pursuant to this section for the limited purpose of providing those students information about academic and vocational training programs offered by the Wil Lou Gray Opportunity School.

(E) The State Department of Education shall review any allegations by the Wil Lou Gray Opportunity School that a public school district has failed to comply with the provisions of this section and notify the State Board of Education of its findings.

(F) A school or district that fails to comply with the provisions of this section may be subject to a loss of state funding at the discretion of the State Board of Education.”

SECTION 3. This act takes effect upon approval by the Governor.

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