COMMITTEE REPORT

February 24, 2022

**H. 3337**

Introduced by Reps. G.M. Smith, Pope, Forrest, B. Cox, Yow, Dabney, Brawley, King, Gilliard, Jefferson, Howard, S. Williams, Bustos, B. Newton, Carter, W. Newton, Erickson, Blackwell, Oremus, Taylor, Hixon, Davis and Felder

S. Printed 2/24/22--H.

Read the first time January 12, 2021.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3337) to amend the Code of Laws of South Carolina, 1976, to enact the “Military Temporary Remote School Enrollment Act” by adding Section 59‑63‑33 so as, etc., respectfully

**REPORT:**

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

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill enacts the “Military Temporary Remote School Enrollment Act” to require a school district to accept an application for enrollment and course registration by electronic means for a pupil whose parent or legal guardian is transferred to or is pending transfer to a military installation while on active duty pursuant to an official military order. The parent or legal guardian must provide proof of residence to the school district within ten days after the arrival date provided on official documentation. Any ambiguity in construing the provisions of this bill must be resolved in favor of the enrolling pupil.

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

**State Agency Schools.** The Governor’s School for the Arts and Humanities, the Governor’s School for Science and Mathematics, the School for the Deaf and Blind, and the Wil Lou Gray Opportunity School indicate that they can adhere to the provisions of the bill within existing appropriations. Based upon these responses, we do not anticipate that this bill will have an expenditure impact on the Governor’s School for Agriculture at John de al Howe. We will update this impact statement if the agency provides a different response.

**Local Expenditure**

As noted above, this bill enacts the “Military Temporary Remote School Enrollment Act” to require a school district to accept an application for enrollment and course registration by electronic means for a pupil whose parent or legal guardian is transferred to or is pending transfer to a military installation while on active duty pursuant to an official military order.

The expenditure impact of this bill on the local school districts is pending, contingent upon a response.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “MILITARY TEMPORARY REMOTE SCHOOL ENROLLMENT ACT” BY ADDING SECTION 59‑63‑33 SO AS TO PROVIDE PUBLIC SCHOOL PUPILS COMPLY WITH SCHOOL ENROLLMENT REQUIREMENTS IF THEIR PARENTS ARE TRANSFERRED TO OR ARE PENDING TRANSFER TO MILITARY INSTALLATIONS IN THIS STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO OFFICIAL MILITARY ORDERS, TO PROVIDE SCHOOL DISTRICTS SHALL ACCEPT APPLICATIONS FOR ENROLLMENT AND COURSE REGISTRATION FROM SUCH PUPILS BY ELECTRONIC MEANS, TO PROVIDE PARENTS OF SUCH STUDENTS SHALL PROVIDE CERTAIN PROOF OF RESIDENCE WITHIN TEN DAYS AFTER THE ARRIVAL DATE, TO PROVIDE THE PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANOTHER PROVISION OF LAW, TO PROVIDE AMBIGUITIES IN CONSTRUING THE PROVISIONS OF THIS ACT MUST BE RESOLVED IN FAVOR OF ENROLLMENT, AND TO DEFINE NECESSARY TERMINOLOGY.

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

SECTION 1. This act must be known and may be cited as the “Military Temporary Remote School Enrollment Act”.

SECTION 2. Article 1, Chapter 63, Title 59 of the 1976 Code is amended by adding:

“Section 59‑63‑33. (A) A pupil complies with the residency requirements for school attendance in a school district if a parent or legal guardian of the pupil is transferred to or is pending transfer to a military installation within this State while on active military duty pursuant to an official military order.

(B) A school district shall accept an application for enrollment and course registration by electronic means for a pupil who meets the requirements prescribed in subsection (A), including enrollment in a specific school or program within the school district.

(C)(1) The parent or legal guardian of a pupil who meets the requirement prescribed in subsection (A) shall provide proof of residence to the school district within ten days after the arrival date provided on official documentation. The parent or legal guardian may use the address of any of the following as proof of residence for the purposes of this subsection:

(a) a temporary on‑base billeting facility;

(b) a purchased or leased home or apartment; or

(c) any federal government housing or off‑base military housing, including off‑base military housing that may be provided through a public‑private venture.

(2) In determining what documentation may be considered acceptable for complying with the provisions of item (1), a district shall consider that traditional forms of documentation, such as utility bills or tax bills, would not be available for newly relocated military personnel.

(D) The provisions of this section apply notwithstanding the provisions of Sections 59‑63‑30, 59‑63‑31, 59‑63‑32, or another provision of law.

(E) Any ambiguity in construing the provisions of this section must be resolved in favor of enrolling the pupil.

(F) For the purposes of this section:

(1) ‘Active military duty’ means full‑time military duty status in the active uniformed service of the United States, including members of the National Guard and the State Military Reserve on active duty orders.

(2) ‘Military installation’ means a base, camp, post, station, yard, center, homeport facility for any ship, or other installation.”

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

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