AMENDED

April 14, 2021

**S. 704**

Introduced by Senators Hembree, Massey and Malloy

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Read the first time April 6, 2021.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This joint resolution requires each school district to offer five-day in-person classroom instruction to students no later than April 12, 2021, for the 2020-21 school year. Also, the earnings limitation pursuant to Section 9-1-1790 does not apply to a retired member of the S.C. Retirement System if the member retired on or before April 1, 2019, and returns to otherwise covered employment in the K-12 public education system to participate in the state’s public health response to the COVID-19 virus. Additionally, a retired member who meets these qualifications may be hired and return to employment by the system and earn up to $50,000 annually without affecting the monthly retirement allowance that the member is receiving from the system.

The joint resolution also prohibits school districts from assigning a teacher to deliver instruction to students simultaneously in-person and virtually, also known as dual-modality instruction, unless it is necessary due to extreme and unavoidable circumstances. In the event that a school district determines it is necessary for a teacher to deliver dual-modality instruction, the school district must provide additional compensation to the teacher. School districts must provide SDE with the name of any teacher who is assigned to dual-modality instruction, the school where the teacher is employed, and the subject area in which the teacher was hired to teach. SDE must report this information to the General Assembly at the completion of the school year.

**State Department of Education.** SDE indicates that the agency can accomplish the reporting requirements within the normal course of business. Therefore, this joint resolution will have no expenditure impact on SDE.

**State Agency Schools.** The overall expenditure impact on the state agency schools is undetermined. While all of the state agency schools are currently offering five-day in-person instruction, the Governor’s School for the Arts and Humanities indicates that it currently has thirty-five teachers within the dual-modality instructional model since some students in the arts-related disciplines selected to remain virtual. Since the joint resolution does not specify the amount of additional compensation that must be paid to teachers that simultaneously provide instruction in-person and virtually, the expenditure impact on the state agency schools is undetermined.

**Public Employee Benefit Authority.** The expenditure impact of this joint resolution on SCRS is estimated to be between $155,000 and $235,000. According to the actuarial analysis there are 13 working retirees who would be eligible to receive additional retirement benefits based on the qualifications outlined in this joint resolution. PEBA estimates that this will result in additional benefits paid from SCRS of between $155,000 to $235,000 to cover the additional retirement benefits for these working retirees during the state’s public health response to the COVID-19 virus.

**Local Expenditure**

This joint resolution requires each school district to offer five-day in-person classroom instruction to students no later than April 12, 2021, for the 2020-21 school year. Also, the joint resolution prohibits school districts from assigning a teacher to deliver instruction to students simultaneously in-person and virtually, also known as dual-modality instruction, unless it is necessary due to extreme and unavoidable circumstances. In the event that a school district determines it is necessary for a teacher to deliver dual-modality instruction, the school district must provide additional compensation to the teacher. School districts must provide SDE with the name of any teacher who is assigned to dual-modality instruction, the school where the teacher is employed, and the subject area in which the teacher was hired to teach.

SDE indicates that seventy-two school districts either currently offer or will offer five-day in-person instruction beginning April 12, 2021. Four districts will move to five-day in-person instruction on April 19, one district will move to five-day in-person instruction on April 26, one district will move to five-day in-person instruction on May 3, and one district does not have a date to implement five day in-person instruction for all students. Currently, this district offers five-day in-person instruction for students in kindergarten through eighth grade and four-day in-person instruction for high school students. Further, SDE indicates that any expenses associated with transitioning to five-day in-person instruction can be managed between the use of ESSER Funds or within the existing budgets of the districts. Therefore, this transition is not expected to have an expenditure impact on the local school districts.

Also, SDE provided information from the Palmetto State Teachers Association regarding dual-modality instruction. The Palmetto State Teachers Association surveyed its members and received 1,505 responses. Fifty percent of the responding members indicate they are providing instruction simultaneously in-person and virtually. Since this data does not represent the entire local school district teacher population and the joint resolution does not specify the amount of additional compensation that must be paid to teachers who are providing dual-modality instruction, the expenditure impact of this portion of the joint resolution is undetermined. We will update this impact statement if the local school districts provide additional information on the number of teachers that fall within the dual-modality instructional model.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **JOINT RESOLUTION**

TO PROVIDE FOR A RETURN TO FIVE-DAY, IN-PERSON CLASSROOM INSTRUCTION FOR THE 2020-2021 AND 2021-2022 SCHOOL YEAR, AND TO SUSPEND THE EARNINGS LIMITATION UNDER CERTAIN TERMS AND FOR CERTAIN MEMBERS OF THE SOUTH CAROLINA RETIREMENT SYSTEM.

Amend Title To Conform

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

SECTION 1. For the 2020‑2021 School Year, every school district in the State must offer five‑day, in‑person classroom instruction to students no later than April 26, 2021. For the 2021‑2022 School Year, every school district in the State must offer five‑day, in‑person classroom instruction to students.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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