

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM LEECOUNTY
Court of Common Pleas

Thomas W. Cooper, Jr., Circuit Court Judge

Appellate Case No. 2007-065159

RECEIVED

JUN 11 2012

S.C. Supreme Court

AbbevilleCountySchool District, *et al.*,

Appellants-Respondents,

vs.

The State of South Carolina, *et al.*, of whom
John E. Courson, as President Pro Tempore
of the Senate and as a representative of the
South CarolinaSenate, and Robert W.
Harrell, Jr., as Speaker of the House of
Representatives and as a representative of
The South Carolina House of Representatives,
are

Respondents-Appellants,

and

State of South Carolina, Nikki R. Haley,
as Governor of the State of South Carolina,
are

Respondents.

**APPENDIX TO BRIEF OF RESPONDENTS / APPELLANTS
JOHN E. COURSON AND ROBERT W. HARRELL, JR.**

Robert E. Stepp
Elizabeth Van Doren Gray
Roland M. Franklin, Jr.
SOWELL GRAY STEPP & LAFFITTE, L.L.C.
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

**Attorneys for Respondents/ Appellants
John E. Courson and Robert William
Harrell, Jr.**

**APPROPRIATIONS BY
FUNCTIONAL GROUP**

FUNCTIONAL GROUP	FY 2011-12							GEN FUNDS AS % OF TOTAL FUNDS
	GEN FUNDS AS % OF TOTAL FUNDS	GENERAL FUNDS			TOTAL FUNDS			
		DOLLARS	PER CAPITA	% OF TOTAL	DOLLARS	PER CAPITA	% OF TOTAL	
Legislative	95.13%	37,983,214	8.26	0.74%	39,849,503	8.67	0.19%	95.32%
Judicial/Adm. Law Judges	55.76%	39,305,533	8.55	0.77%	66,118,759	14.39	0.31%	59.45%
Executive & Administrative	37.07%	272,536,547	59.30	5.34%	767,310,161	166.95	3.63%	35.52%
Higher Education	14.04%	544,245,891	118.41	10.66%	4,210,881,050	916.17	19.94%	12.92%
Educational	52.68%	1,995,287,399	434.12	39.08%	3,776,423,690	821.65	17.89%	52.84%
Health & Social Rehabilitation	13.12%	1,438,808,493	313.05	28.18%	9,758,569,685	2,123.20	46.22%	14.74%
Public Safety	37.29%	65,774,585	14.31	1.29%	151,020,050	32.86	0.72%	43.55%
Correctional	76.55%	464,926,423	101.16	9.11%	594,200,054	129.28	2.81%	78.24%
Conservation, Nat Res & Econ Dev	23.24%	78,370,236	17.05	1.53%	343,750,943	74.79	1.63%	22.80%
Regulatory	10.35%	47,423,375	10.32	0.93%	438,193,186	95.34	2.08%	10.82%
Debt Service	100.00%	199,210,870	43.34	3.90%	199,210,870	43.34	0.94%	100.00%
Aid to Subdivisions	100.00%	269,067,211	58.54	5.27%	269,067,211	58.54	1.27%	100.00%
Transportation	0.04%	593,363	0.13	0.01%	1,286,726,523	279.96	6.09%	0.05%
Total	24.18%	5,453,533,140	1,186.54		21,901,321,685	4,765.12		24.90%

STATE POPULATION 4,625,364

Prepared
October 2011 (APPBYFUNC)

TABLE 51 (Continued)
REVENUE PER PUPIL FROM STATE SOURCES (EXCLUDES CAPITAL PROJECTS
AND DEBT SERVICE), 2007-08*
BY DISTRICT

Ranked Numerically				
District	State Revenue	2007-08 ADM (PK-12)	Revenue Per Pupil	Rank
Marion 7	\$6,706,441	804	\$8,341	1
Mccormick	7,473,953	916	8,159	2
Bamberg 2	7,018,863	896	7,834	3
Florence 4	7,080,207	989	7,159	4
Barnwell 19	5,997,062	854	7,022	5
Hampton 2	8,378,912	1,220	6,868	6
Allendale	11,188,693	1,634	6,847	7
Lee	17,437,033	2,548	6,843	8
Calhoun	11,212,965	1,698	6,604	9
Spartanburg 7	48,826,117	7,521	6,492	10
Clarendon 1	6,266,120	975	6,427	11
Bamberg 1	10,098,456	1,582	6,383	12
Lexington 5	106,044,637	16,672	6,361	13
Barnwell 29	5,978,355	943	6,340	14
Lexington 3	13,110,502	2,087	6,282	15
Marlboro	29,529,829	4,710	6,270	16
Abbeville	21,233,508	3,509	6,051	17
Union	28,114,975	4,684	6,002	18
Spartanburg 1	30,480,625	5,090	5,988	19
Saluda	12,677,252	2,119	5,983	20
Newberry	35,543,379	5,945	5,979	21
Williamsburg	33,094,465	5,537	5,977	22
Orangeburg 5	40,859,056	6,871	5,947	23
Hampton 1	16,595,195	2,807	5,912	24
Dorchester 4	13,523,136	2,289	5,908	25
Florence 3	22,054,364	3,735	5,905	26
Lexington 1	123,123,113	20,912	5,888	27
Barnwell 45	15,066,010	2,561	5,883	28
Lexington 4	20,380,549	3,468	5,877	29
Orangeburg 3	19,038,409	3,254	5,851	30
Marion 2	11,385,018	1,983	5,741	31
Edgefield	23,337,433	4,071	5,733	32
Fairfield	19,937,751	3,509	5,682	33
Greenwood 51	6,390,873	1,129	5,661	34
Laurens 56	18,705,330	3,306	5,658	35
Dillon 1	5,047,372	894	5,646	36
Clarendon 3	7,292,034	1,295	5,631	37
Richland 2	133,530,622	23,770	5,618	38
Jasper	18,427,583	3,283	5,613	39
York 4	49,024,732	8,742	5,608	40
Chester	32,958,195	5,911	5,576	41
Florence 2	6,886,408	1,238	5,563	42
Dillon 2	19,682,664	3,548	5,548	43
York 1	\$28,938,313	5,230	\$5,533	44

TABLE 51 (Continued)
REVENUE PER PUPIL FROM STATE SOURCES (EXCLUDES CAPITAL PROJECTS
AND DEBT SERVICE), 2007-08*
BY DISTRICT

Ranked Numerically				
District	State Revenue	2007-08 ADM (PK-12)	Revenue Per Pupil	Rank
Orangeburg 4	\$22,974,947	4,160	\$5,523	45
York 3	95,356,789	17,312	5,508	46
Sumter 17	47,696,798	8,669	5,502	47
Chesterfield	43,929,334	8,032	5,469	48
Florence 5	8,370,258	1,531	5,467	49
Marion 1	16,361,716	2,993	5,467	49
Florence 1	83,589,552	15,385	5,433	51
Kershaw	57,043,629	10,521	5,422	52
Clarendon 2	17,229,281	3,192	5,398	53
Spartanburg 3	16,462,637	3,052	5,394	54
Spartanburg 2	52,377,075	9,756	5,369	55
Darlington	59,832,499	11,164	5,359	56
Dorchester 2	112,844,339	21,152	5,335	57
Lancaster	60,994,348	11,499	5,304	58
Sumter 2	47,449,791	8,965	5,293	59
Laurens 55	31,513,435	5,962	5,286	60
Lexington 2	47,985,934	9,102	5,272	61
Anderson 2	19,636,404	3,731	5,263	62
Colleton	33,091,926	6,334	5,224	63
Anderson 3	13,727,666	2,637	5,206	64
Berkeley	146,383,405	28,232	5,185	65
Cherokee	48,361,834	9,338	5,179	66
Anderson 5	63,657,039	12,346	5,156	67
Richland 1	124,687,793	24,252	5,141	68
Anderson 4	14,511,587	2,837	5,115	69
Dillon 3	8,380,125	1,644	5,097	70
Spartanburg 6	52,297,074	10,269	5,093	71
Spartanburg 4	15,208,300	2,999	5,071	72
Aiken	125,102,007	24,787	5,047	73
Greenville	349,565,495	69,360	5,040	74
Greenwood 50	46,832,708	9,320	5,025	75
Spartanburg 5	35,850,928	7,208	4,974	76
Pickens	81,906,212	16,635	4,924	77
Georgetown	49,215,393	10,204	4,823	78
Anderson 1	43,747,158	9,155	4,778	79
York 2	29,568,559	6,281	4,708	80
Oconee	50,054,047	10,669	4,692	81
Charleston	189,734,738	41,762	4,543	82
Horry	156,360,820	37,111	4,213	83
Greenwood 52	6,305,067	1,642	3,840	84
Beaufort	70,268,231	19,437	3,615	85
State Totals	\$3,712,143,387	707,376	\$5,248	
District Median			\$5,548	

*See "References for Tables."

SELECTED BILLS ENACTED BY THE GENERAL ASSEMBLY

RELATED TO EDUCATION

2005-06

S*0947 (Rat #0226, Act #0412 of 2006) Joint Resolution, By Courson, Hayes, Matthews, Setzler, Lourie, Short, Fair, Leventis, Land, Alexander, Ford, Gregory, O'Dell, Malloy, Moore, McConnell, J.V. Smith, Sheheen, McGill, Knotts, Cleary, Richardson, Jackson, Patterson and Hutto

Similar (H 4406)

Summary: First Steps to School Readiness Act

A JOINT RESOLUTION TO PROVIDE THAT ACT 99 OF 1999, THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT, IS REAUTHORIZED UNTIL JULY 1, 2013. - ratified title

S*1026 (Rat #0240, Act #0406 of 2006) Joint Resolution, By Leatherman, Leventis, Setzler, Rankin, McGill, Short, Martin, Sheheen, Alexander, Anderson, Bryant, Campsen, Cleary, Courson, Cromer, Drummond, Elliott, Fair, Ford, Gregory, Grooms, Hawkins, Hayes, Hutto, Jackson, Knotts, Land, Lourie, Malloy, Matthews, McConnell, Mescher, Moore, O'Dell, Patterson, Peeler, Pinckney, Reese, Richardson, Ritchie, Ryberg, Scott, J.V. Smith, Thomas, Verdin and Williams

Similar (H 4379)

Summary: 2004-2005 surplus revenues appropriated

A JOINT RESOLUTION TO APPROPRIATE FROM THE GENERAL FUND OF THE STATE TO THE STATE'S GENERAL DEPOSIT ACCOUNT FISCAL YEAR 2004-2005 SURPLUS REVENUES IN THE AMOUNT OF \$104,934,400 FOR THE PURPOSE OF PREVENTING AN ACCUMULATED GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP) GENERAL FUND DEFICIT AND TO APPROPRIATE FROM THE SAME SOURCE \$13,094,604 TO THE STATE DEPARTMENT OF EDUCATION FOR PARTS AND FUEL FOR THE SCHOOL BUS FLEET. - ratified title

H*3010 (Rat #0283, Act #0274 of 2006) General Bill, By W.D. Smith, Wilkins, G.R. Smith, Vaughn, Harrison, Davenport, Sandifer, Coates, Young, Leach, Viers, Littlejohn, Rice, Hinson, Clark, Walker, Mahaffey, Duncan, Hagood and Clemmons

Similar (S 0260)

Summary: Charter School Act of 2005

AN ACT TO AMEND CHAPTER 40, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CHARTER SCHOOLS, SO AS TO PROVIDE FOR THE CREATION OF A SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT, ITS GOVERNANCE, AND ITS POWERS AND DUTIES, AND TO PROVIDE FOR THE MANNER IN WHICH A CHARTER SCHOOL INCLUDING THOSE SPONSORED BY THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT MUST BE FORMED, FUNDED, REGULATED, AND GOVERNED, AND TO AMEND SECTION 59-18-900, AS AMENDED, RELATING TO ANNUAL REPORT CARDS AND PERFORMANCE RATINGS UNDER THE EDUCATION ACCOUNTABILITY ACT; AND TO AMEND SECTION 59-18-920, AS AMENDED, RELATING TO REQUIREMENTS OF THESE REPORT CARDS, SO AS TO REQUIRE CHARTER SCHOOLS TO REPORT DATA TO THE DEPARTMENT OF EDUCATION TO GENERATE A REPORT CARD, AND PROVIDE THAT THE DEPARTMENT BY REGULATION SHALL ESTABLISH PROCEDURES FOR THIS DATA REPORTING. - ratified title

H*3020 (Rat #0040, Act #0038 of 2005) General Bill, By Govan, Clyburn, Clark, E.H. Pitts, Toole, Haley, Ballentine, McLeod, Mack, Breeland, M. Hines, Anderson, Hosey, Parks, Pinson, Jefferson, Walker, Sinclair, Hamilton, G.R. Smith, Mahaffey, McGee, D.C. Smith, Anthony, Phillips, Rhoad, Funderburk and Scott

Similar (S 0501)

Summary: Financial Literacy Act of 2005

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY DESIGNATING SECTIONS 59-29-10 THROUGH 59-29-220 AS ARTICLE 1, GENERAL PROVISIONS, OF CHAPTER 29, TITLE 59; BY ADDING ARTICLE 3 TO CHAPTER 29, TITLE 59 SO AS TO ENACT THE FINANCIAL LITERACY INSTRUCTION ACT OF 2005, TO PROVIDE FOR THE DEVELOPMENT OR ADOPTION OF A CURRICULUM FOR LOCAL SCHOOL BOARDS TO

TEACH FINANCIAL LITERACY, AND TO PROVIDE FOR THE ESTABLISHMENT OF A FUND TO RECEIVE PUBLIC AND PRIVATE CONTRIBUTIONS FOR FINANCIAL LITERACY INSTRUCTION. - ratified title

H*3155 (Rat #0102, Act #0088 of 2005) General Bill, By Townsend, Wilkins, Walker, Littlejohn, Battle, Clark, Cobb-Hunter, Simrill, Sandifer, Haley, Brady, Hagood, Talley, G.R. Smith and Neilson
Similar (S 0004, S 0122)

Summary: Education and Economic Development Act

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 59 TO TITLE 59 SO AS TO ENACT THE SOUTH CAROLINA EDUCATION AND ECONOMIC DEVELOPMENT ACT WHICH PROVIDES FOR THE DEVELOPMENT OF A CURRICULUM ORGANIZED AROUND A CAREER CLUSTER SYSTEM THAT MUST PROVIDE STUDENTS WITH BOTH STRONG ACADEMICS AND REAL-WORLD PROBLEM SOLVING SKILLS; TO AMEND SECTION 59-17-135, RELATING TO CHARACTER EDUCATION, SO AS TO FURTHER PROVIDE FOR THE TRAITS WHICH MUST BE INCORPORATED INTO SCHOOL BOARD POLICIES ADDRESSING CHARACTER EDUCATION; TO AMEND SECTION 59-18-900, RELATING TO SCHOOL REPORT CARDS, SO AS TO EXPAND THE CONTENT OF THE REPORT CARD TO INCLUDE, DROPOUT REDUCTION DATA; AND TO REPEAL ACT 450 OF 1994 AND SECTION 59-52-95 RELATING TO THE SOUTH CAROLINA SCHOOL-TO-WORK TRANSITION ACT OF 1994. - ratified title

H*3499 (Rat #0129, Act #0102 of 2005) General Bill, By Harrell, Wilkins, Townsend, Leach, Bales, G.R. Smith, J.R. Smith, Battle, Cobb-Hunter, Neilson, Clark, Harrison, Skelton, Moody-Lawrence, Rice, Harvin, Ott, J.E. Smith, Merrill, Mack, Hinson, Cotty, Norman, Talley, Chellis, Hardwick, Clemmons, Bailey, Dantzler, Walker, Cooper, E.H. Pitts, Ballentine, Bowers, Huggins and Hagood

Similar (S 0500)

Summary: Nutritional and physical education standards established in schools

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 10, ENTITLED PHYSICAL EDUCATION, SCHOOL HEALTH SERVICES, AND NUTRITIONAL STANDARDS, TO TITLE 59 SO AS TO ESTABLISH PHYSICAL EDUCATION, SCHOOL HEALTH SERVICES, AND NUTRITIONAL STANDARDS IN ELEMENTARY SCHOOLS; TO PROVIDE FOR THE AMOUNT OF PHYSICAL EDUCATION INSTRUCTION A STUDENT IN KINDERGARTEN THROUGH FIFTH GRADE MUST RECEIVE EACH WEEK ON A PHASED-IN BASIS; TO PROVIDE FOR A CERTAIN PHYSICAL EDUCATION TEACHER TO STUDENT RATIO ON A PHASED-IN BASIS; TO PROVIDE FOR A MEASURE OF EFFECTIVENESS OF THE PHYSICAL EDUCATION PROGRAM IN ALL PUBLIC SCHOOLS; TO PROVIDE FOR A PHYSICAL EDUCATION ACTIVITY DIRECTOR; TO PROVIDE FOR THE APPROPRIATION OF FUNDS FOR LICENSED NURSES FOR ELEMENTARY PUBLIC SCHOOLS; TO PROVIDE CERTAIN NUTRITIONAL STANDARDS FOR ELEMENTARY SCHOOLS; TO PROVIDE FOR A COORDINATED SCHOOL HEALTH MODEL AND AN ASSESSMENT PROGRAM FOR SCHOOL HEALTH EDUCATION PROGRAMS; TO PROVIDE THE MINIMUM AMOUNT OF TIME ELEMENTARY SCHOOL STUDENTS MUST HAVE TO EAT LUNCH; TO PROVIDE FOR THE ESTABLISHMENT OF A DISTRICT LEVEL AND AN ELEMENTARY SCHOOL LEVEL COORDINATED SCHOOL HEALTH ADVISORY COUNCIL AND PROVIDE ITS POWERS AND DUTIES; TO PROVIDE FOR A WEEKLY NUTRITION COMPONENT FOR THE HEALTH CURRICULUM; AND TO PROVIDE THAT IMPLEMENTATION IS CONTINGENT UPON THE APPROPRIATION OF FUNDING. - ratified title

H*3892 (Rat #0153, Act #0216 of 2005) Joint Resolution, By House Education and Public Works

Summary: Utilization of Generic Teacher Certification

A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EDUCATION, RELATING TO UTILIZATION OF GENERIC TEACHER CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 2964, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE. - ratified title

H*4086 (Rat #0156, Act #0197 of 2005) General Bill, By Hayes

Summary: Dillon County School Facilities Financing Act

AN ACT TO ENACT THE DILLON COUNTY SCHOOL FACILITIES FINANCING ACT SO AS TO AUTHORIZE THE IMPLEMENTATION FOLLOWING REFERENDUM APPROVAL OF A SALES AND USE TAX IN DILLON COUNTY NOT TO EXCEED TWO PERCENT TO OFFSET PAYMENT OBLIGATIONS RELATED TO GENERAL OBLIGATIONS ISSUED TO FINANCE SCHOOL CONSTRUCTION, ACQUISITION, AND RENOVATION OR FOR DIRECT PAYMENTS

FOR SCHOOL CONSTRUCTION, ACQUISITION, AND RENOVATION, AND TO PROVIDE FOR OTHER MATTERS RELATING TO IMPLEMENTING THIS ACT. - ratified title

H*4328 (Rat #0262, Act #0254 of 2006) General Bill, By Walker, Townsend, Anthony, Clark, J. Hines, J.H. Neal, Owens, E.H. Pitts, D.C. Smith, M.A. Pitts, Bailey, Littlejohn, Clyburn, Toole, Bannister and Loftis
Similar (S 0992, S 1004)

Summary: State Assessment Program

AN ACT TO PROVIDE FOR THE BUDGET AND CONTROL BOARD TO ISSUE A REQUEST FOR PROPOSALS FOR THE PURPOSE OF CONDUCTING A STUDY TO DETERMINE THE FEASIBILITY AND COST OF CONVERTING THE STATE ASSESSMENT PROGRAM TO A COMPUTER-BASED OR COMPUTER-ADAPTIVE FORMAT; TO AMEND SECTIONS 59-18-120, 59-18-310, AS AMENDED, 59-18-320, 59-18-330, 59-18-340, AND 59-18-360, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE EDUCATION ACCOUNTABILITY ACT AND THE ADOPTION OF EDUCATIONAL STANDARDS AND ASSESSMENT PROGRAMS, SO AS TO FURTHER DEFINE CERTAIN TERMS, TO PROVIDE FOR THE CREATION OF A STATEWIDE ADOPTION LIST OF FORMATIVE ASSESSMENTS THAT PROVIDE DIAGNOSTIC INFORMATION TO SCHOOL DISTRICTS, TO PROVIDE THAT THE STATE BOARD OF EDUCATION SHALL ADOPT A DEVELOPMENTALLY APPROPRIATE FORMATIVE READING ASSESSMENT FOR FIRST AND SECOND GRADES, TO PROVIDE FOR PROFESSIONAL DEVELOPMENT FOR ASSESSMENTS, TO PROVIDE FOR CERTAIN ANNUAL SCIENCE AND SOCIAL STUDIES ASSESSMENTS, TO PROVIDE PERCENTAGE WEIGHTINGS FOR GRADES THREE THROUGH SIX FOR THE FOUR CORE CONTENT AREAS; TO PROVIDE FOR A TASK FORCE TO RECOMMEND ALTERNATIVE EVIDENCE AND PROCEDURES FOR GRADUATION REQUIREMENTS PURSUANT TO CERTAIN CIRCUMSTANCES, TO PROVIDE FOR CONTINUING TEACHER TRAINING TO ENSURE THE VALID AND RELIABLE USE OF ASSESSMENTS, TO PROVIDE THAT THE READINESS ASSESSMENT MUST BE MODIFIED TO PROVIDE INFORMATION ON STUDENT LITERACY DEVELOPMENT, TO PROVIDE THAT THE STATE BOARD OF EDUCATION SHALL ADMINISTER ANNUALLY THE NATIONAL ASSESSMENT OF EDUCATION PROGRESS TO OBTAIN AN INDICATION OF STUDENT PERFORMANCE RELATIVE TO NATIONAL PERFORMANCE, AND TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL CONVENE ANNUALLY ITS TEAM OF CURRICULUM EXPERTS TO ANALYZE THE RESULTS OF THE ASSESSMENTS; TO AMEND SECTION 59-18-1595, RELATING TO REALLOCATION OF TECHNICAL ASSISTANCE FUNDING, SO AS TO CHANGE A REFERENCE FROM THE PALMETTO ACHIEVEMENT CHALLENGE TEST TO END-OF-YEAR ASSESSMENT; TO AMEND SECTION 59-28-200, RELATING TO THE DEVELOPMENT OF INFORMATIONAL MATERIALS, SO AS TO CHANGE A REFERENCE FROM THE PALMETTO ACHIEVEMENT CHALLENGE TESTS TO STATEWIDE ASSESSMENTS; AND TO REPEAL CHAPTER 30 OF TITLE 59 RELATING TO THE BASIC SKILLS ASSESSMENT PROGRAM. - ratified title

H*4449 (Rat #0417, Act #0388 of 2006) General Bill, By Cottv, Harrell, Merrill, Walker, Ballentine, Limchouse, E.H. Pitts, Haley, Clark, Townsend, Altman, Anthony, Bailey, Bingham, Bowers, Cato, Ceips, Chellis, Clyburn, Coleman, Cooper, Dantzler, Davenport, Delleney, Duncan, Edge, Frye, Hagood, Harrison, Haskins, Herbkersman, Hinson, Leach, Littlejohn, Loftis, Mahaffey, Martin, Phillips, Pinson, M.A. Pitts, Rhoad, Sandifer, Scarborough, F.N. Smith, G.M. Smith, J.R. Smith, Thompson, Toole, Tripp, Umphlett, Vaughn, White, Whitmire, Young, Bales, Lucas, Kirsh, Huggins, Brady, Hamilton, McGee and Stewart

Summary: Property tax reform bill

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 11 TO CHAPTER 36 OF TITLE 12, RELATING TO THE SALES TAX, SO AS TO IMPOSE AN ADDITIONAL ONE PERCENT SALES AND USE TAX; TO AMEND SECTION 12-36-910, AS AMENDED, RELATING TO SALES TAXES GENERALLY, SO AS TO PROVIDE THAT THE SALES TAX ON UNPREPARED FOOD IS THREE PERCENT AND TO PROVIDE FOR CERTAIN GENERAL FUND TRANSFERS TO THE EDUCATION IMPROVEMENT ACT FUND FOR EACH FISCAL YEAR TO OFFSET EIA REVENUES LOST AS A RESULT OF THE REDUCED SALES TAX ON THE SALE OF UNPREPARED FOOD; TO ADD SECTION 11-11-155 SO AS TO CREATE THE HOMESTEAD EXEMPTION FUND, TO PROVIDE FOR THE OPERATION OF THE FUND, AND PROVIDE FOR THE TRANSFER INTO THE FUND OF THE ADDITIONAL ONE PERCENT SALES TAX REVENUES PROVIDED FOR ABOVE AND CERTAIN OTHER FUNDS; TO AMEND SECTION 12-37-220, AS AMENDED, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO PROVIDE AN ADDITIONAL EXEMPTION EQUAL TO ONE HUNDRED PERCENT OF THE FAIR MARKET VALUE OF OWNER-OCCUPIED RESIDENTIAL PROPERTY FROM THE PROPERTY TAX IMPOSED FOR SCHOOL OPERATING PURPOSES, TO PROVIDE THAT THIS EXEMPTION WITH CERTAIN EXCEPTIONS DOES NOT APPLY WITH RESPECT TO PROPERTY TAX IMPOSED FOR PAYMENT OF GENERAL OBLIGATION DEBT, AND TO REQUIRE A TWO-THIRDS VOTE OF THE MEMBERSHIP OF EACH HOUSE TO DELETE OR REDUCE THIS EXEMPTION; TO AMEND SECTION 11-11-150, AS AMENDED, RELATING TO THE DISTRIBUTION OF CERTAIN STATE TAX REVENUES INCLUDING THOSE FOR THE TRUST FUND FOR TAX RELIEF; TO AMEND SECTION 12-37-251, AS AMENDED, RELATING TO THE TRUST FUND FOR TAX RELIEF AND REIMBURSEMENTS TO SCHOOL DISTRICTS FROM THIS TRUST FUND; TO AMEND SECTION 12-37-270, RELATING TO REIMBURSEMENTS TO POLITICAL SUBDIVISIONS AS A RESULT

OF THE HOMESTEAD PROPERTY TAX EXEMPTION FOR PERSONS SIXTY-FIVE AND OVER, SO AS TO MAKE CONFORMING CHANGES TO THESE SECTIONS TO REFLECT THE REDIRECTION OF CERTAIN STATE REVENUES AS A RESULT OF THE ESTABLISHMENT OF THE HOMESTEAD EXEMPTION FUND IN SECTION 11-11-155 ABOVE; TO REPEAL SECTION 12-37-223A ALLOWING COUNTIES TO LIMIT PROPERTY TAX VALUATION INCREASES; TO SUSPEND THE IMPOSITION OF SALES, USE, AND CASUAL EXCISE TAXES TO OTHERWISE TAXABLE EVENTS OCCURRING ON NOVEMBER 24 AND 25, 2006, AND TO PROVIDE EXCEPTIONS; TO ADD SECTION 11-11-156 SO AS TO PROVIDE FOR THE MANNER, AMOUNT, AND CONDITIONS UNDER WHICH REVENUES OF THE HOMESTEAD EXEMPTION FUND SHALL BE DISTRIBUTED TO SCHOOL DISTRICTS AND FOR CERTAIN OTHER PURPOSES; TO AMEND SECTION 6-1-320, AS AMENDED, RELATING TO THE LIMITATIONS ON MILLAGE INCREASES, SO AS TO REVISE THESE LIMITATIONS AND THE MANNER IN WHICH EXCEPTIONS MAY BE APPROVED, COMPUTED, AND IMPLEMENTED; TO PROVIDE FOR THE MANNER IN WHICH REFERENDUMS MAY BE HELD AT THE SAME TIME AS THE 2006 GENERAL ELECTION AS TO WHETHER OR NOT THE IMPOSITION OF A LOCAL OPTION SALES TAX IN A COUNTY SHOULD BE REPEALED; TO AMEND TITLE 12, BY ADDING ARTICLE 25 TO CHAPTER 37, ENACTING THE "SOUTH CAROLINA PROPERTY TAX VALUATION REFORM ACT", SO AS TO PROVIDE FOR A VALUATION OF REAL PROPERTY FOR PURPOSES OF THE PROPERTY TAX THAT LIMITS THE INCREASE IN TAXABLE VALUE NOT TO EXCEED FIFTEEN PERCENT OVER A FIVE-YEAR PERIOD UNLESS AN ASSESSABLE TRANSFER OF INTEREST OCCURS; TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO CLASSIFICATIONS OF PROPERTY FOR THE PROPERTY TAX, SO AS TO FURTHER PROVIDE HOW FAIR MARKET VALUE OF REAL PROPERTY SHALL BE DETERMINED; TO AMEND SECTION 6-1-50, RELATING TO FINANCIAL REPORTS, SO AS TO REQUIRE SUBMISSION OF ANNUAL FINANCIAL REPORTS TO THE STATE BUDGET AND CONTROL BOARD, OFFICE OF RESEARCH AND STATISTICS, ECONOMIC RESEARCH SECTION AND TO PROVIDE SUBMISSION AND COMPLIANCE CRITERIA FOR THESE REPORTS; TO AMEND SECTION 12-60-2510, AS AMENDED, RELATING TO PROPERTY TAX NOTICES, SO AS TO ALLOW THAT IN YEARS IN WHICH THERE IS NO NOTICE OF A PROPERTY TAX ASSESSMENT, A TAXPAYER MAY PROTEST THE ASSESSMENT VALUE NINETY DAYS AFTER THE TAX NOTICE IS MAILED AND TO MAKE A CONFORMING AMENDMENT; TO AMEND CHAPTER 10, TITLE 4 BY ADDING ARTICLE 7 SO AS TO PROVIDE FOR THE MANNER IN WHICH LOCAL OPTION SALES AND USE TAXES MAY BE IMPOSED FOR LOCAL PROPERTY TAX CREDITS INCLUDING THE REQUIREMENT OF A REFERENDUM; TO PROVIDE THAT THE SALES TAX EXEMPTIONS IN SECTION 12-36-2120 SHALL BE REVIEWED BY THE GENERAL ASSEMBLY AT LEAST BY 2010 AND AT LEAST EVERY TEN YEARS THEREAFTER; TO AMEND SECTION 12-37-670, RELATING TO LISTING AND ASSESSMENT OF NEW STRUCTURES FOR PROPERTY TAX PURPOSES, SO AS TO AUTHORIZE A COUNTY GOVERNING BODY BY ORDINANCE TO REQUIRE THAT A NEW STRUCTURE BE LISTED BY THE FIRST DAY OF THE MONTH AFTER THE CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE STRUCTURE AND TO PROVIDE FOR THE TIMING OF PAYMENT OF TAXES DUE; TO REPEAL SECTION 12-37-680 RELATING TO A LOCAL COUNTY ORDINANCE ADOPTING THE SAME RULE; TO AMEND SECTION 12-45-75, AS AMENDED, RELATING TO THE PAYMENT OF PROPERTY TAXES IN INSTALLMENTS, SO AS TO FURTHER PROVIDE FOR THE MANNER IN WHICH A COUNTY MAY PROVIDE FOR THE PAYMENT OF PROPERTY TAXES IN INSTALLMENTS; AND TO AMEND SECTION 11-27-110, AS AMENDED, RELATING TO LEASE PURCHASE OR FINANCING AGREEMENTS SUBJECT TO CONSTITUTIONAL DEBT LIMITATIONS, SO AS TO REVISE THE DEFINITION OF A "FINANCING AGREEMENT" AND "REFINANCING AGREEMENT" TO INCLUDE CERTAIN SCHOOL DISTRICT OR POLITICAL SUBDIVISION CONTRACTS; AND TO PROVIDE FOR THE MANNER IN WHICH THE ABOVE PROVISIONS SHALL TAKE EFFECT. - ratified title

H*4484 Concurrent Resolution, By Harrell, Umphlett, Leach, Rice, Brady, Vaughn, Coates, Hagood, Sinclair, Haley, Talley, Stewart, Toole, Duncan, Clark, Bailey, Hinson, Mahaffey, Merrill, G.R. Smith, J.R. Smith, Walker and Witherspoon ***beginning of CDEPP**

Summary: Four-year-old kindergarten

A CONCURRENT RESOLUTION TO REQUEST THE EDUCATION OVERSIGHT COMMITTEE TO INVENTORY AND STUDY ALL FOUR-YEAR-OLD KINDERGARTEN PROGRAMS IN THIS STATE FUNDED IN WHOLE OR IN PART WITH FEDERAL, STATE, OR LOCAL PUBLIC FUNDS; TO REQUEST THE EDUCATION OVERSIGHT COMMITTEE TO DETERMINE THE NECESSARY REQUIREMENTS TO IMPLEMENT A FULL DAY FOUR-YEAR-OLD KINDERGARTEN PROGRAM IN EACH OF THE EIGHT PLAINTIFF SCHOOL DISTRICTS IN THE CASE OF ABBEVILLE COUNTY SCHOOL DISTRICT, ET AL., V. STATE OF SOUTH CAROLINA, ET AL. FOR ALL CHILDREN WHO QUALIFY FOR FREE OR REDUCED PRICED LUNCH AND IN ADDITION TO IMPLEMENT A STATEWIDE FULL DAY FOUR-YEAR-OLD KINDERGARTEN PROGRAM FOR ALL CHILDREN WHO QUALIFY FOR A FREE OR REDUCED PRICE LUNCH; TO REQUEST THE EDUCATION OVERSIGHT COMMITTEE TO COLLABORATE WITH

THE OFFICE OF FIRST STEPS TO SCHOOL READINESS IN PERFORMING THESE STUDIES; AND TO SUBMIT THESE REQUESTED STUDIES TO EACH HOUSE OF THE GENERAL ASSEMBLY BY MARCH 15, 2006.

H*4707 (Rat #0427, Act #0382 of 2006) General Bill, By Govan, Scott, Hosey, Moody-Lawrence, Whipper, Clark, Howard, Mack, Vick, Allen, Battle, Bowers, Brady, Branham, Cato, Ceips, Clemmons, Clyburn, Funderburk, Haskins, Hodges, Jefferson, McLeod, Ott, Perry, Rice, Scarborough, Sinclair, G.M. Smith, J.E. Smith and Townsend

Similar (S 1312)

Summary: Financial Literacy Trust Act

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 59-29-440 THROUGH 59-29-570 SO AS TO ENACT THE "SOUTH CAROLINA FINANCIAL LITERACY TRUST ACT", WHICH IS AN INITIATIVE FOR IMPROVING FINANCIAL LITERACY BY PROVIDING GRANTS TO SCHOOL DISTRICTS TO PROVIDE FINANCIAL LITERACY INSTRUCTION FOR STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE; TO ESTABLISH GOALS FOR THIS INITIATIVE; TO ESTABLISH THE SOUTH CAROLINA FINANCIAL LITERACY BOARD OF TRUSTEES, TO PROVIDE THAT IT SHALL OVERSEE THE FINANCIAL LITERACY TRUST, AND TO ESTABLISH THE PURPOSES OF THE BOARD AND ITS COMPOSITION, FUNCTIONS, AND DUTIES; TO PROVIDE FOR A FUND TO ACCEPT PUBLIC AND PRIVATE MONIES, AND PROVIDE THAT NO STATE FUNDS MAY BE USED FOR THE FINANCIAL LITERACY INITIATIVE; TO PROVIDE FOR THE FUNCTIONS AND DUTIES OF THE OFFICE IMPLEMENTING AND OPERATING THE INITIATIVE; AND TO PROVIDE THE PROCEDURE FOR APPLYING FOR A GRANT, ESTABLISH FISCAL GUIDELINES, AND EVALUATION REQUIREMENTS; TO AMEND SECTION 12-6-5060, AS AMENDED, RELATING TO DESIGNATING CONTRIBUTIONS TO CERTAIN CHARITABLE FUNDS THROUGH INDIVIDUAL INCOME TAX RETURNS, SO AS TO AUTHORIZE CONTRIBUTIONS TO THE FINANCIAL LITERACY TRUST; TO REPEAL SECTIONS 59-29-420 AND 59-29-425, BOTH RELATING TO A FINANCIAL LITERACY FUND; AND TO PROVIDE THE INTENT. - ratified title

H*4758 (Rat #0430, Act #0426 of 2006) General Bill, By G.A. Brown

Similar (H 4657)

Summary: Lee County School District Bond Property Tax Relief Act

AN ACT TO ENACT THE "SCHOOL DISTRICT OF LEE COUNTY SCHOOL BOND PROPERTY TAX RELIEF ACT" WHICH AUTHORIZES THE IMPOSITION OF A ONE PERCENT SALES AND USE TAX WITHIN LEE COUNTY FOR NOT MORE THAN FIVE YEARS TO PAY DEBT SERVICE ON OR OTHERWISE DEFRAY THE COST OF CAPITAL IMPROVEMENTS MADE BY THE SCHOOL DISTRICT OF LEE COUNTY, TO PROVIDE THAT THE TAX MAY BE IMPOSED BY ORDINANCE OF THE LEE COUNTY COUNCIL, TO PROVIDE FOR THE IMPOSITION, ADMINISTRATION, COLLECTION, AND ENFORCEMENT OF THIS TAX, AND TO EXEMPT FROM THE TAX FOOD ITEMS WHICH LAWFULLY MAY BE PURCHASED WITH UNITED STATES DEPARTMENT OF AGRICULTURE FOOD COUPONS. - ratified title

H*5065 (Rat #0319, Act #0417 of 2006) Joint Resolution, By Hayes

Summary: Dillon County taxes imposed for school

A JOINT RESOLUTION TO PROVIDE THAT THE TAXES WHICH WERE IMPOSED IN DILLON COUNTY FOR SCHOOL PURPOSES FOR FISCAL YEAR 2005-2006 ARE REIMPOSED FOR FISCAL YEAR 2006-2007. - ratified title

2007-2008

S*0367 (Rat #0089, Act #0057 of 2007) General Bill, By Hayes, Setzler, Matthews, Short, Fair, Richardson and Vaughn

Similar (S 0366, H 3372, H 3422, H 3627)

Summary: Homestead Exemption Fund

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-60-2545 SO AS TO PROVIDE THAT IF IN AN APPEAL OF A DECISION BY THE COUNTY ASSESSOR TO REMOVE THE AGRICULTURAL USE CLASSIFICATION THE TAXPAYER PREVAILS IN THE CONTESTED CASE HEARING AND THE ADMINISTRATIVE LAW JUDGE FINDS THAT THE ASSESSOR'S DECISION WAS UNREASONABLE, THEN THE COUNTY SHALL PAY THE TAXPAYER'S REASONABLE ATTORNEY'S FEES; TO AMEND SECTION 6-1-50, AS AMENDED, RELATING TO REPORTING BY COUNTIES AND MUNICIPALITIES TO THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, SO AS TO CHANGE THE REPORTING DATE; TO AMEND SECTION 6-1-320, AS AMENDED, RELATING TO THE LIMIT ON PROPERTY TAX MILLAGE INCREASES, SO AS TO PROVIDE THAT A REDUCTION IN POPULATION AND A DECLINE IN THE CONSUMER PRICE INDEX DOES NOT DECREASE THE APPLICABLE LIMIT AND TO PROVIDE THAT THIS MILLAGE

INCREASE LIMIT DOES NOT AMEND OR REPEAL ANY MORE RESTRICTIVE LIMITS APPLICABLE IN OTHER LAW; TO AMEND SECTIONS 11-11-155 AND 11-11-156, RELATING TO THE HOMESTEAD EXEMPTION FUND AND THE MANNER IN WHICH THE SCHOOL DISTRICTS OF THE STATE RECEIVE REVENUES FROM THE HOMESTEAD EXEMPTION FUND, SO AS TO CLARIFY THE METHOD OF DETERMINING AND CALCULATING THESE PAYMENTS, PROVIDING THE SCHEDULE OF THE PAYMENTS TO SCHOOL DISTRICTS, SPECIFYING THE SOURCE OF THE TWO AND ONE-HALF MILLION DOLLAR MINIMUM PAYMENT TO A COUNTY FOR SCHOOL DISTRICTS IN THE COUNTY, AND SPECIFYING WHEN A REMAINING BALANCE IN THE HOMESTEAD EXEMPTION FUND IS REMITTED TO COUNTIES FOR PURPOSES OF THE COUNTY OPERATING MILLAGE PROPERTY TAX CREDIT FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY; TO AMEND SECTION 12-37-670, AS AMENDED, RELATING TO THE OPTIONAL ACCELERATION OF LISTING REAL PROPERTY FOR PROPERTY TAX, SO AS TO REQUIRE A COUNTY ORDINANCE IMPLEMENTING THE ACCELERATION TO USE A QUARTERLY SCHEDULE, PROVIDE FOR THE ASSESSOR TO DO THESE LISTINGS, ELIMINATE PROVISIONS PROVIDING FOR PAYMENT IN THE SUCCEEDING TAX YEAR, AND PROVIDE THAT ADDITIONAL TAX IS DUE ON THE VALUE OF THE IMPROVEMENTS LISTED WITHOUT REGARD TO A TAX RECEIPT ISSUED EARLIER FOR PAYMENT ON THE UNIMPROVED PROPERTY; TO AMEND SECTIONS 12-37-3130, 12-37-3140, AND 12-37-3150, RELATING TO DEFINITIONS, VALUATION, AND ASSESSABLE TRANSFER OF INTEREST, FOR PURPOSES OF THE SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT, SO AS TO DELETE REFERENCES TO "BENEFICIAL USE", TO REVISE THE DEFINITION OF "CONVEYANCE" AND PROVIDE THAT TRANSFERS OCCUR WHEN INSTRUMENTS ARE EXECUTED WITHOUT REFERENCE TO THE DATE OF RECORDING AND TO PROVIDE THAT FAILURE TO RECORD GIVES RISE TO NO INFERENCE OR TO WHETHER OR NOT A TRANSFER HAS OCCURRED, TO CLARIFY THE DATE AND PROPERTY TAX YEAR FOR WHICH REVISED VALUES APPLY, DELETE UNIT VALUATION REAL PROPERTY FROM THE APPLICABLE LIMITS, AND PROVIDE THAT THE TRANSFER OF AN INTEREST IN A TIMESHARE UNIT DOES NOT RESULT IN AN ASSESSABLE TRANSFER OF INTEREST; TO AMEND SECTION 12-37-3160, RELATING TO OWNERSHIP OF REAL PROPERTY INTERESTS FOR PURPOSES OF ASSESSABLE TRANSFERS OF INTEREST, SO AS TO REVISE THE PERIODIC REPORTING REQUIREMENTS; AND TO AMEND SECTION 12-60-2510, AS AMENDED, RELATING TO PROPERTY TAX APPEALS, SO AS TO PROVIDE THAT IN NONREASSESSMENT YEARS, AN APPEAL MADE BEFORE THE FIRST PENALTY DATE FOR TAXES FOR THE YEAR APPLIES FOR THAT YEAR AND AN APPEAL FILED ON OR AFTER THAT DATE APPLIES FOR THE NEXT YEAR. - ratified title

S*0702 (Rat #0055, Act #0127 of 2007) Joint Resolution, By Senate Education

Summary: Teacher contracts

A JOINT RESOLUTION TO PROVIDE THAT FOR THE PURPOSE OF TEACHER CONTRACTS NEGOTIATED FOR THE 2007-2008 SCHOOL YEAR, DATES FOR COMPLETING CERTAIN REQUIREMENTS ARE EXTENDED FOR ONE YEAR. - ratified title

S*0726 (Rat #0155, Act #0102 of 2007) General Bill, By Grooms, McGill, Rankin, Cleary, Reese, Bryant, Alexander, O'Dell, Verdin, Ford, Williams, McConnell, Short, Knotts, Land, Setzler, Malloy, Leatherman, Jackson, Hayes, Scott, Peeler, Sheheen, Thomas, Ryberg, Patterson, Vaughn, Fair, Hutto, Pinckney, Gregory, Moore, Anderson, Drummond, Hawkins, Campsen, Courson, Cromer, Matthews, Ritchie and Martin

Summary: Teaching history and literature of Old Testament and New Testament

AN ACT TO AMEND CHAPTER 29, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SUBJECTS OF INSTRUCTION IN PUBLIC SCHOOLS BY ADDING SECTION 59-29-230 SO AS TO PROVIDE THAT THE BOARD OF TRUSTEES OF A SCHOOL DISTRICT MAY OFFER AN ELECTIVE COURSE TEACHING THE HISTORY AND LITERATURE OF THE OLD TESTAMENT ERA AND AN ELECTIVE COURSE TEACHING THE HISTORY AND LITERATURE OF THE NEW TESTAMENT ERA; TO PROVIDE THAT THE COURSES MUST BE TAUGHT IN AN OBJECTIVE MANNER WITH NO ATTEMPT TO INFLUENCE STUDENTS AS TO THE TRUTH OR FALSITY OF THE MATERIALS PRESENTED; TO PROVIDE THAT THE STATE BOARD OF EDUCATION MUST DEVELOP AND ADOPT ACADEMIC STANDARDS AND APPROPRIATE INSTRUCTIONAL MATERIALS FOR THE COURSES; AND TO PROVIDE FOR OVERSIGHT OF THE CLASSES BY THE LOCAL BOARD OF TRUSTEES. - ratified title

S*0993 (Rat #0192, Act #0371 of 2008) General Bill, By Hutto

Summary: Allendale County School District School Bond-Property Tax Relief Act

AN ACT TO ENACT THE "ALLENDALE COUNTY SCHOOL DISTRICT SCHOOL BOND-PROPERTY TAX RELIEF ACT" SO AS TO AUTHORIZE THE IMPLEMENTATION FOLLOWING REFERENDUM APPROVAL OF A SALES AND USE TAX IN ALLENDALE COUNTY NOT TO EXCEED ONE PERCENT TO BE USED FOR DEBT SERVICE ON GENERAL OBLIGATION BONDS ISSUED FOR SCHOOL CONSTRUCTION AND RENOVATION OR FOR DIRECT PAYMENTS FOR SCHOOL CONSTRUCTION AND RENOVATIONS. - ratified titl

S*1075 (Rat #0209, Act #0364 of 2008) Joint Resolution, By Senate Finance

Similar (S 1032)

Summary: Index of taxpaying ability

A JOINT RESOLUTION TO SUPPLEMENT THE SCHOOL DISTRICTS NEGATIVELY AFFECTED BY THE LACK OF REVISION OF THE 2007 FINAL INDEX OF TAXPAYING ABILITY, AND TO PROVIDE THAT A SCHOOL DISTRICT POSITIVELY AFFECTED BY THE LACK OF REVISION OF THE 2007 FINAL INDEX OF TAXPAYING ABILITY SHALL DIRECT THE EXCESS FUNDS TOWARD NONRECURRING ALLOWABLE EXPENDITURES. - ratified title

S*1232 (Rat #0362, Act #0316 of 2008) General Bill, By Cleary, Rankin and Elliott

Similar (H 4883)

Summary: Education Capital Improvements Sales and Use Tax Act

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976; BY ADDING ARTICLE 4 TO CHAPTER 10 OF TITLE 4, ENACTING THE "EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX ACT" SO AS TO ALLOW A ONE PERCENT LOCAL SALES AND USE TAX TO BE IMPOSED IN A COUNTY FOR NOT MORE THAN FIFTEEN YEARS UPON REFERENDUM APPROVAL WITH THE REVENUES OF THE TAX USED BY THE COUNTY'S SCHOOL DISTRICT BOARDS OF TRUSTEES TO PAY FOR SPECIFIC PUBLIC SCHOOL CAPITAL IMPROVEMENTS IN THE COUNTY AND TO PROVIDE A METHOD WHEREBY REVENUE OF THE TAX MAY BE SHARED FOR THE PURPOSES OF SPECIFIC CAPITAL IMPROVEMENTS ON THE CAMPUSES OF A TECHNICAL COLLEGE OR OTHER STATE INSTITUTION OF HIGHER LEARNING LOCATED IN THE COUNTY, TO PROVIDE FOR THE REFERENDUM REQUIRED FOR THE IMPOSITION OF THE TAX, THE DURATION OF THE TAX, NOT TO EXCEED FIFTEEN YEARS, THE CRITERIA PROVIDING LIMITS ON THOSE COUNTIES IN WHICH THIS TAX MAY BE IMPOSED, AND TO PROVIDE FOR THE ADMINISTRATION OF THE TAX AND THE DISTRIBUTION OF THE REVENUE. - ratified title

H*3097 (Rat #0048, Act #0026 of 2007) General Bill, By Rice, Walker, G.R. Smith, Shoopman, Cobb-Hunter, Mahaffey, Cotty, Owens, D.C. Smith, Bedingfield, Bales and Viers

Similar (S 0217)

Summary: Virtual School Program established

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 16 TO TITLE 59 SO AS TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION IS AUTHORIZED TO ESTABLISH THE SOUTH CAROLINA VIRTUAL SCHOOL PROGRAM, TO PROVIDE REQUIREMENTS AND PROCEDURES FOR THE VIRTUAL SCHOOL PROGRAM, TO PROVIDE FOR CERTAIN ONLINE COURSE CREDITS, TO PROVIDE FOR THE STUDENTS ELIGIBLE TO PARTICIPATE IN THE PROGRAM AND FOR THE QUALIFICATIONS OF TEACHERS AND INSTRUCTORS IN THE PROGRAM, TO PROVIDE FOR AN ONLINE PILOT PROGRAM TO DETERMINE THE FEASIBILITY OF PROVIDING THE VIRTUAL SCHOOL PROGRAM TO STUDENTS ENROLLED IN ADULT EDUCATION PROGRAMS, TO PROVIDE FOR AN ANNUAL REPORT TO THE GENERAL ASSEMBLY BY THE STATE DEPARTMENT OF EDUCATION ON THE PROGRAM AND FOR OTHER DUTIES OF THE DEPARTMENT OF EDUCATION IN REGARD TO THE PROGRAM, AND TO PROVIDE THAT IMPLEMENTATION OF THE PROGRAM IS CONTINGENT ON FUNDING BEING PROVIDED BY THE GENERAL ASSEMBLY; AND BY ADDING SECTION 59-40-65 SO AS TO PROVIDE THAT CERTAIN INFORMATION MUST BE INCLUDED IN A CHARTER SCHOOL APPLICATION IF THE CHARTER SCHOOL OFFERS A PROGRAM OF ONLINE OR COMPUTER INSTRUCTION, TO PROVIDE THAT CHARTER SCHOOL STUDENTS MAY ENROLL IN THE VIRTUAL SCHOOL PROGRAM PURSUANT TO PROGRAM REQUIREMENTS, AND TO PROVIDE FOR OTHER DUTIES OR REQUIREMENTS OF THE CHARTER SCHOOL GOVERNING BODY AND THE CHARTER SCHOOL IN REGARD TO A PROGRAM OF ONLINE OR COMPUTER INSTRUCTION. - ratified title

H*3161 (Rat #0095, Act #0079 of 2007) General Bill, By Walker, Mahaffey, Herbkersman, Cotty, Hagood, Scarborough and Stavrinakis

Summary: Transportation of students

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-67-105 SO AS TO PROVIDE FOR THE MAXIMUM SCHOOL BUS RIDE TIME OF EACH STUDENT AND ROUTING EFFICIENCY FOR EACH SCHOOL BUS; BY ADDING SECTION 59-67-108 SO AS TO PROVIDE FOR THOSE PERSONS WHO MAY DRIVE A SCHOOL BUS AND FOR THE REQUIRED TRAINING AND CERTIFICATION OF SCHOOL BUS DRIVERS; BY ADDING SECTION 59-67-415 SO AS TO PROVIDE THAT PARENTS ARE RESPONSIBLE FOR THE SAFETY, CONDUCT, AND TIMELY ARRIVAL OF THEIR CHILDREN TO, FROM, AND AT THE SCHOOL BUS STOP; TO AMEND SECTION 59-67-100, RELATING TO SCHOOL BUS SEATING SPACE AND STUDENTS ASSIGNED TO A SCHOOL BUS, SO AS TO PROVIDE THAT THE NUMBER OF STUDENTS ASSIGNED TO A SCHOOL BUS MUST NOT BE GREATER THAN THE MANUFACTURER CERTIFIED SEATING CAPACITY AND PROVIDE THAT ALL PASSENGERS TRANSPORTED MUST HAVE ADEQUATE SEATING AREA TO COMPLY WITH CERTAIN STANDARDS; TO AMEND SECTION 59-67-270, RELATING TO INSPECTION OF BUSES, SO AS TO PROVIDE THAT

ALL PUBLICLY OWNED OR LEASED SCHOOL BUSES MUST BE INSPECTED AT LEAST ONCE ANNUALLY, TO PROVIDE THAT CERTAIN PRIVATELY OWNED SCHOOL BUSES MUST BE INSPECTED ANNUALLY, AND TO PROVIDE FOR THE MANNER OF INSPECTION; TO AMEND SECTION 59-67-420, RELATING TO TRANSPORTATION TO BE PROVIDED TO STUDENTS, SO AS TO FURTHER PROVIDE FOR WHEN THE STATE SHALL BEAR THE COST OF TRANSPORTING STUDENTS, PROVIDE THAT THE STATE MAY ASSUME THE RESPONSIBILITY OF TRANSPORTING STUDENTS WHEN HAZARDOUS TRAFFIC CONDITIONS ARE INVOLVED, PROVIDE THAT THE SCHOOL DISTRICT SHALL ESTABLISH HAZARDOUS TRAFFIC CRITERIA, PROVIDE FOR HAZARDOUS TRAFFIC FUNDS, PROVIDE FOR WHEN THE STATE SHALL PROVIDE TRANSPORTATION TO AND FROM THE RESIDENCE OF UNESCORTED STUDENTS, AND PROVIDE FOR OTHER MATTERS AND CRITERIA PERTAINING TO THE TRANSPORTATION OF STUDENTS INCLUDING A REQUIREMENT THAT THE STATE PROVIDE LOCAL SCHOOL DISTRICTS WITH A NUMBER OF SCHOOL BUSES SUFFICIENT TO ACCOMMODATE THE TRANSPORTATION OF STUDENTS ELIGIBLE TO BE TRANSPORTED UNDER THIS SECTION; BY ADDING SECTION 59-67-580 SO AS TO PROVIDE THAT THE STATE BOARD OF EDUCATION SHALL IMPLEMENT A SCHOOL BUS REPLACEMENT CYCLE TO REPLACE APPROXIMATELY ONE-FIFTEENTH OF THE FLEET EACH YEAR WITH FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY FOR SCHOOL BUS PURCHASES, AND TO ESTABLISH A GRANT PROGRAM TO PROVIDE TRANSPORTATION TO STUDENTS OF ALTERNATIVE PUBLIC SCHOOLS; BY ADDING SECTION 59-67-585 SO AS TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION, WHEN FEASIBLE, SHALL UTILIZE BIODIESEL FUEL AS AN ENERGY SOURCE TO POWER THE STATE SCHOOL BUS FLEET; AND BY ADDING SECTION 59-67-300 SO AS TO PROVIDE THAT STATE-OWNED SCHOOL BUSES MUST BE PARKED OVERNIGHT AND DURING THE SCHOOL DAY IN A LOCATION THAT IS CENTRAL TO THE AREA IN WHICH THE SCHOOL BUSES ARE OPERATED. - ratified title

H*3254 (Rat #0158, Act #0105 of 2007) General Bill, By Clyburn, Neilson, Whipper, W.D. Smith, Anderson, Bales, Breeland, R.L. Brown, Cobb-Hunter, Cooper, Dantzler, Delleney, Harrison, Hayes, Hosey, Howard, Jennings, Limehouse, Mack, Merrill, J.H. Neal, Ott, Owens, Rutherford, Scarborough, Sellers, Umphlett, Viers, Walker and Bedingfield

Summary: Schools' academic performance

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1600 SO AS TO PROVIDE THAT A SCHOOL THAT HAS RECEIVED AN UNSATISFACTORY ABSOLUTE ACADEMIC PERFORMANCE RATING ON ITS MOST RECENT REPORT CARD SHALL OFFER AN ORIENTATION CLASS FOR PARENTS TO FOCUS ON CERTAIN SCHOOL ISSUES, TO PROVIDE FOR WRITTEN NOTIFICATION TO PARENTS OF THE DATE AND TIME OF THE CLASS, AND TO PROVIDE THAT A PARENT OR GUARDIAN OF EACH STUDENT REGISTERED TO ATTEND THE SCHOOL SHALL ATTEND THE ORIENTATION CLASS. - ratified title

H*3471 (Rat #0174, Act #0121 of 2007) Joint Resolution, By House Ways and Means
Similar (S 0566)

Summary: Contingency Reserve Fund Revenues

A JOINT RESOLUTION TO APPROPRIATE CONTINGENCY RESERVE FUND REVENUES. - ratified title

H*3476 (Rat #0132, Act #0075 of 2007) General Bill, By Walker, Harrell, Cato, Barfield, Battle, Jennings, Kennedy, Miller and Mulvaney

Similar (S 0608)

Summary: Teacher Recruitment and Retention Improvement Act

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 25, TITLE 59 TO ENACT THE "AMERICAN BOARD FOR THE CERTIFICATION OF TEACHER EXCELLENCE ACT" SO AS TO PROVIDE THAT A SCHOOL DISTRICT MAY HIRE INDIVIDUALS WHO ARE CERTIFIED BY THE AMERICAN BOARD FOR THE CERTIFICATION OF TEACHER EXCELLENCE (ABCTE) PURSUANT TO CERTAIN CONDITIONS. - ratified title

H*3628 (Rat #0038, Act #0158 of 2007) Joint Resolution, By House Education and Public Works

Summary: At-Risk Students

A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EDUCATION, RELATING TO AT-RISK STUDENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 3089, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE. - ratified title

H*4111 (Rat #0148, Act #0137 of 2007) General Bill, By Hayes

Summary: Dillon County sales and use tax referendum

AN ACT TO AUTHORIZE THE DILLON COUNTY BOARD OF EDUCATION TO ACQUIRE, CONSTRUCT,

RENOVATE, REPAIR, FURNISH, AND EQUIP SCHOOL BUILDINGS AND OTHER FACILITIES RELATING TO THE PROVISION OF PUBLIC EDUCATION IN DILLON COUNTY BY MEANS OF ACQUISITION AGREEMENTS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED SIXTY MILLION DOLLARS SUBJECT TO THE APPROVAL OF A SALES AND USE TAX TO BE IMPOSED IN DILLON COUNTY; TO AUTHORIZE A REFERENDUM TO BE CONDUCTED IN DILLON COUNTY TO IMPOSE A SALES AND USE TAX FOR THE PURPOSE OF COLLECTING REVENUES TO PAY FOR EXPENSES RELATED TO THESE ACQUISITION AGREEMENTS AND TO PROVIDE FOR THE METHOD OF IMPOSING, ADMINISTERING, AND COLLECTING THE TAX; TO AUTHORIZE EACH SCHOOL DISTRICT IN DILLON COUNTY TO ISSUE GENERAL OBLIGATION BONDS WITHIN THE GENERAL OBLIGATION DEBT LIMIT IMPOSED BY SECTION 15, ARTICLE X OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, OR PURSUANT TO THE FAVORABLE RESULTS OF A REFERENDUM IN AN AMOUNT NOT TO EXCEED TEN MILLION DOLLARS BEFORE JANUARY 1, 2018, TO PROVIDE THE TERMS AND CONDITIONS UNDER WHICH THESE BONDS MAY BE ISSUED, AND TO AUTHORIZE THE USE OF THE PROCEEDS OF THESE BONDS TO MAKE PAYMENTS WITH RESPECT TO ACQUISITION AGREEMENTS ENTERED INTO BY THE DILLON COUNTY BOARD OF EDUCATION OR TO DEFRAY THE COSTS ASSOCIATED WITH THE ACQUISITION, CONSTRUCTION, RENOVATION, REPAIR, FURNISHING, AND EQUIPPING OF SCHOOL BUILDINGS AND OTHER FACILITIES RELATING TO PUBLIC EDUCATION BY EACH SCHOOL DISTRICT; AND TO REPEAL ACT 197 OF 2005 RELATING TO THE IMPOSITION OF A SALES AND USE TAX FOR SCHOOL INFRASTRUCTURE NEEDS. - ratified title

H*4204 Resolution, By E.H. Pitts and Walker

Summary: School buses

A HOUSE RESOLUTION TO REQUEST THE STATE BUDGET AND CONTROL BOARD TO SUBMIT A REPORT TO THE HOUSE OF REPRESENTATIVES REGARDING SPECIFICATIONS TO BE USED IN SCHOOL BUSES AND TO PROVIDE THE BOARD SHOULD NOT ENTER INTO CONTRACTS TO PURCHASE NEW SCHOOL BUSES UNTIL THE REPORT IS SUBMITTED TO THE HOUSE OF REPRESENTATIVES.

H*4355 (Rat #0430, Act #0360 of 2008) General Bill, By Harrell, Kirsh, Bales, Lowe, E.H. Pitts, Cotty, Mahaffey, Battle and Crawford

Similar (H 3012)

Summary: Sales and use tax

AN ACT TO AMEND ACT 310 OF 2008, THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2008-2009, SO AS TO ESTABLISH A SEPARATE FUND IN THE STATE TREASURY TO WHICH MUST BE CREDITED STATE AGENCY HEALTH INSURANCE PREMIUM SAVINGS IN AMOUNTS DETERMINED BY THE EMPLOYMENT INSURANCE PROGRAM OF THE STATE BUDGET AND CONTROL BOARD, TO PROVIDE THAT THE MONIES CREDITED TO THIS SEPARATE FUND ARE APPROPRIATED AND MUST BE DISTRIBUTED BY THE STATE TREASURER TO THE STATE ELECTION COMMISSION FOR EXPENSES OF THE 2008 GENERAL ELECTION UP TO THE AMOUNT SPECIFIED WITH THE BALANCE TO THE STATE DEPARTMENT OF EDUCATION FOR SCHOOL BUS FUEL AND PARTS. - ratified title

H*4662 (Rat #0330, Act #0282 of 2008) General Bill, By Walker, Harrell, Whitmire, Toole, Gullick, Spires, Hiott, Bannister, J.R. Smith, Loftis, Ballentine, Pinson, Cotty, Brady, Bedingfield, Hardwick, Edge, Herbkersman, Lowe, Crawford, Limehouse, Hamilton, G.R. Smith, Harrison, Duncan, Bowen, Huggins, Mahaffey, Erickson, Leach, Owens, Frye, Rice, Hutson, Bingham, Haskins, Littlejohn, Cato, Chalk, Clyburn, Cooper, Dantzler, Davenport, Dellaney, Gambrell, Kelly, Lucas, Merrill, D.C. Moss, Neilson, E.H. Pitts, Sandifer, Scarborough, Shoopman, Skelton, D.C. Smith, G.M. Smith, W.D. Smith, Talley, Taylor, Umphlett, Viers, White, Witherspoon, Young, Barfield, Knight, Miller, Battle, Perry, Bales, Phillips, J.M. Neal, R.L. Brown and Whipper

Summary: Education Accountability Act

AN ACT TO AMEND CHAPTER 18, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EDUCATION ACCOUNTABILITY ACT, SO AS TO REVISE THE MANNER IN WHICH STUDENTS ARE ASSESSED AND SCHOOLS AND DISTRICTS ARE ASSESSED AND ACCREDITED, TO PROVIDE FOR DESIGNATION TO SIGNIFY VARYING LEVELS OF SCHOOL ACADEMIC PERFORMANCE, AND TO REVISE AND FURTHER PROVIDE FOR OTHER RELATED PROVISIONS REGARDING EDUCATION ACCOUNTABILITY; TO PROVIDE THAT THE PALMETTO ACHIEVEMENT CHALLENGE TEST DOES NOT MEET THE REQUIREMENTS OF CHAPTER 18 OF TITLE 59 AS OF JULY 1, 2008; AND TO AMEND SECTION 59-67-270, AS AMENDED, RELATING TO INSPECTION OF SCHOOL BUSES, SO AS TO PROVIDE THAT SCHOOL BUSES MAY BE INSPECTED BY EITHER THE STATE DEPARTMENT OF EDUCATION OR THE FEDERAL DEPARTMENT OF TRANSPORTATION, AND TO PROVIDE FOR THE USE OF THE MONETARY SAVINGS FROM THE REVISED INSPECTION PROVISIONS OF THIS SECTION. - ratified title

H*4935 (Rat #0337, Act #0397 of 2008) Joint Resolution, By House Education and Public Works

Summary: Free Textbooks

A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EDUCATION, RELATING TO FREE TEXTBOOKS, DESIGNATED AS REGULATION DOCUMENT NUMBER 3138, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE. - ratified title

H*4980 (Rat #0280, Act #0239 of 2008) General Bill, By Herbkersman, Merrill, E.H. Pitts, Cato, Bedingfield, Haskins, Walker, D.C. Smith, J.R. Smith, Barfield, Crawford, Davenport, Lowe, Rice, Simrill, G.R. Smith, Young, Edge and Mulvaney

Similar (S 1271)

Summary: Charter schools

AN ACT TO AMEND SECTION 59-40-110, AS AMENDED, AND SECTION 59-40-115, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPROVAL, RENEWAL, REVOCATION, TERMINATION OF CHARTERS FOR CHARTER SCHOOLS AND TERMINATION OF A CHARTER SCHOOL'S CONTRACT WITH ITS SPONSOR, AND APPEAL OF A DECISION TO REVOKE OR NOT RENEW A CHARTER SCHOOL, SO AS TO INCREASE THE CHARTER PERIOD FROM FIVE TO TEN YEARS AND PROVIDE THAT APPEALS ARE TAKEN TO THE ADMINISTRATIVE LAW COURT RATHER THAN THE STATE BOARD OF EDUCATION; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE AND ITS ROLE IN THE REVIEW OF CHARTER SCHOOL APPLICATIONS, SO AS TO PROVIDE THAT APPEALS BY AN APPLICANT OR A LOCAL SCHOOL BOARD OF TRUSTEES WITH RESPECT TO AN APPLICATION ARE TO THE ADMINISTRATIVE LAW COURT RATHER THAN THE STATE BOARD OF EDUCATION; TO AMEND SECTIONS 59-40-90 AND 59-40-180, BOTH AS AMENDED, RELATING TO APPEALS BY THE STATE BOARD OF EDUCATION WITH RESPECT TO ACTIONS BY A LOCAL SCHOOL BOARD OF TRUSTEES WITH RESPECT TO A CHARTER SCHOOL APPLICATION AND REGULATIONS AND GUIDELINES PROMULGATED OR DEVELOPED BY THE STATE BOARD OF EDUCATION, SO AS TO CONFORM THE APPELLATE PROCESS TO CHANGES MADE BY THIS ACT; AND TO AMEND SECTION 59-40-50, AS AMENDED, RELATING TO THE EXEMPTION FROM PUBLIC SCHOOL LAW AND REGULATIONS ALLOWED CHARTER SCHOOLS AND SEPARATE REQUIREMENTS IMPOSED ON CHARTER SCHOOLS, SO AS TO REVISE ENROLLMENT PRIORITY PROVISIONS. - ratified title

H*4982 (Rat #0395, Act #0377 of 2008) General Bill, By Hayes

Summary: Millage

AN ACT TO PROVIDE FOR THE ANNUAL LEVY OF MILLAGE FOR SCHOOL PURPOSES IN DILLON COUNTY AND TO PROVIDE FOR ITS ALLOCATION FOR SCHOOL PURPOSES. - ratified title

2009-2010

S*1363 (Rat #0234, Act #0201 of 2010) General Bill, By Hayes, Setzler and Courson

Summary: Teachers

AN ACT TO AMEND SECTION 59-26-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NATIONAL BOARD RECERTIFICATION AND PAY INCREASES RELATING TO NATIONAL BOARD CERTIFICATION, SO AS TO PROVIDE THAT TEACHERS WHO RECEIVE NATIONAL BOARD CERTIFICATION BEFORE JULY 1, 2010, SHALL ENTER INTO A RECERTIFICATION CYCLE CONSISTENT WITH THE RECERTIFICATION CYCLE FOR NATIONAL BOARD CERTIFICATION, AND TO PROVIDE THAT NATIONAL BOARD CERTIFIED TEACHERS WHO RECEIVE THE CERTIFICATION BEFORE JULY 1, 2010, SHALL RECEIVE A PAY INCREASE FOR THE INITIAL TEN-YEAR CERTIFICATION PERIOD AND NO MORE THAN ONE TEN-YEAR RENEWAL PERIOD. - ratified title

H*3148 (Rat #0096, Act #0068 of 2009) General Bill, By Clyburn, G.M. Smith, H.B. Brown, Branham, Ott, Agnew, R.L. Brown, Hayes, Battle, Miller, Weeks, J.R. Smith, D.C. Smith, Parks, Rice, Littlejohn, Hosey, Jefferson, Cobb-Hunter, Howard, Cooper, Gunn, McLeod, T.R. Young, Kennedy, Vick, Edge, J.E. Smith, Harrell, A.D. Young, Alexander, Neilson, Lucas, Merrill, Barfield, Bales, Allen, Hodges, Knight and Funderburk

Summary: Rural Infrastructure Act

AN ACT TO ENACT THE "FEDERAL EDUCATIONAL TAX-CREDIT BOND IMPLEMENTATION ACT", INCLUDING PROVISIONS TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-3-100 SO AS TO PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH ALLOCATIONS OF QUALIFIED SCHOOL CONSTRUCTION BONDS AUTHORIZED BY THE PROVISIONS OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 SHALL BE MADE AMONG THE SCHOOL DISTRICTS OF THIS STATE, AND TO PROVIDE FOR OTHER RELATED MATTERS IN REGARD TO THESE ALLOCATIONS; TO AMEND SECTION 11-15-460, AS AMENDED, RELATING TO THE INTEREST RATE ON REFUNDING BOND OBLIGATIONS OF POLITICAL

SUBDIVISIONS, SO AS TO EXEMPT QUALIFIED SCHOOL CONSTRUCTION BONDS FROM THIS PROVISION; AND TO AMEND SECTION 11-27-50, AS AMENDED, RELATING TO THE EFFECT OF THE PROVISIONS OF ARTICLE X OF THE CONSTITUTION OF THIS STATE ON BONDS OF SCHOOL DISTRICTS, SO AS TO PROVIDE THAT QUALIFIED SCHOOL CONSTRUCTION BONDS UP TO A CERTAIN AMOUNT MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH PRICE AS DETERMINED BY THE GOVERNING BODY OF THE ISSUER. - ratified title

H*3352 (Rat #0014, Act #0086 of 2009) Joint Resolution, By 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

Similar (S 0379)

Summary: School districts

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. - ratified title

H*4248 (Rat #0198, Act #0168 of 2010) General Bill, By Horne, Allison, Daning, Long, Littlejohn, Wylie, Gunn, Ballentine, Clemmons and Loftis

Similar (S 0953, S 0978)

Summary: Substitute teachers

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-19-117 SO AS TO REQUIRE AN INDIVIDUAL HIRED TO SERVE IN ANY CAPACITY IN A PUBLIC SCHOOL DISTRICT TO UNDERGO A CRIMINAL RECORD SEARCH BY THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, TO REQUIRE THE DISTRICT BOARD TO ADOPT A WRITTEN POLICY ON THE CRIMINAL RECORD SEARCHES, AND TO PROVIDE FOR TRAINING FOR APPROPRIATE DISTRICT PERSONNEL ON THE CRIMINAL RECORD SEARCHES; TO REQUIRE EACH SCHOOL DISTRICT TO PERFORM A NATIONAL SEX OFFENDER REGISTRY CHECK ON ALL DISTRICT EMPLOYEES AND ON CERTAIN VOLUNTEERS, TO PROVIDE FOR TRAINING FOR APPROPRIATE DISTRICT PERSONNEL ON APPROPRIATE USES OF THE DATABASE, AND TO REQUIRE EACH DISTRICT BOARD TO ADOPT A WRITTEN POLICY ON THE SEX OFFENDER REGISTRY CHECK; AND TO AMEND SECTION 23-3-115, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO PROVIDE FOR WAIVER

OF THE FEE IMPOSED FOR A CRIMINAL RECORD SEARCH WHEN IT IS CONDUCTED ON A SUBSTITUTE TEACHER ON BEHALF OF A SCHOOL DISTRICT. - ratified title

H*4823 (Rat #0205, Act #0337 of 2010) Joint Resolution, By Cooper, Owens, J.R. Smith and Loftis

Similar (S 1347)

Summary: Report cards

A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF 2010 DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO REQUIRE THE DEPARTMENT TO SUSPEND WRITING ASSESSMENTS FOR CERTAIN GRADES, AND TO PROVIDE THAT WRITING ASSESSMENTS MAY NOT BE USED IN GROWTH CALCULATIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2010 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE-FUNDED WORKKEY ASSESSMENTS TO CERTAIN STUDENTS; TO PROVIDE FOR A ONE-YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT; AND TO REQUIRE THE DEPARTMENT TO CONVENE A TASK FORCE TO CONSIDER END-OF-COURSE ASSESSMENTS FOR FEDERAL ASSESSMENT PURPOSES. - ratified title

H*4838 (Rat #0247, Act #0338 of 2010) Joint Resolution, By Cooper

Summary: Teachers

A JOINT RESOLUTION TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY PAY TEACHERS BASED ON THE YEARS OF EXPERIENCE THE TEACHERS POSSESSED IN FISCAL YEAR 2009-2010 WITHOUT NEGATIVE IMPACT TO THEIR EXPERIENCE CREDIT; TO PROVIDE VOTING AND NOTICE REQUIREMENTS FOR THIS DECISION; TO REQUIRE THAT PAYMENT ACCORDING TO THE 2009-2010 DATA BE APPLIED UNIFORMLY; TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY NOT PAY DISTRICT OR SCHOOL ADMINISTRATORS MORE THAN THEY RECEIVED IN FISCAL YEAR 2009-2010; TO REQUIRE A LOCAL SCHOOL DISTRICT TO PAY TEACHERS AND SCHOOL AND DISTRICT ADMINISTRATORS FOR CHANGES IN THEIR EDUCATION LEVEL; AND TO DEFINE CERTAIN TERMS. - ratified title

2011-2012

S*0686 (Rat #0036, Act #0098 of 2011) Joint Resolution, By Senate Education

Similar (S 0642)

Summary: Science requirements for diploma

A JOINT RESOLUTION TO CLARIFY THE SCIENCE COURSE REQUIREMENT FOR RECEIVING A SOUTH CAROLINA HIGH SCHOOL DIPLOMA. - ratified title

S*1200 (Rat #0139) Joint Resolution, By Senate Education

Similar (H 4776)

Summary: At-risk students (D. No. 4208)

A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO AT-RISK STUDENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4208, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE. - ratified title

S*1201 (Rat #0140) Joint Resolution, By Senate Education

Similar (H 4775)

Summary: End-of-course tests (D. No. 4200)

A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO

END-OF-COURSE TESTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4200, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE. - ratified title

H*3241 (Rat #0188, Act #0164 of 2012) General Bill, By Owens, Stringer, G.R. Smith, Harrison, Daning, Hamilton, Bingham, Long, Henderson, Atwater, Lucas, Clemmons, Cooper, Horne, Simrill, D.C. Moss, Sandifer, Harrell, Erickson, Norman, Barfield and Loftis

Summary: Charter schools

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-40-55 SO AS TO PROVIDE CHARTER SCHOOL SPONSOR POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59-40-175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM FOR THE CONSTRUCTION, PURCHASE, RENOVATION, AND MAINTENANCE OF PUBLIC CHARTER SCHOOL FACILITIES; BY ADDING SECTION 59-40-235 SO AS TO PROVIDE THAT THE GEOGRAPHICAL BOUNDARIES FROM WHICH A CHARTER SCHOOL SPONSORED BY A PUBLIC OR INDEPENDENT INSTITUTION OF HIGHER LEARNING MAY ACCEPT STUDENTS ARE THE SAME AS THE BOUNDARIES OF THE STATE OF SOUTH CAROLINA; TO AMEND SECTION 59-40-20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59-40-40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS, INCLUDING PROVISIONS WITHIN THE DEFINITION OF A "CHARTER SCHOOL" TO ALLOW AN APPLICANT TO SEEK TO FORM A SINGLE GENDER CHARTER SCHOOL, AND TO PERMIT WITHIN THE DEFINITIONS OF "SPONSOR" AND "APPLICANT" A PUBLIC OR INDEPENDENT INSTITUTION OF HIGHER LEARNING OR ITS BOARD TO BE A SPONSOR OR APPLICANT; TO AMEND SECTION 59-40-50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO FURTHER PROVIDE FOR THESE POWERS AND DUTIES AND FOR OTHER PROVISIONS PERTAINING TO THE OPERATION OR GOVERNANCE OF THE CHARTER SCHOOL, INCLUDING THE SELECTION OF ITS BOARD OF DIRECTORS AND THE AUTHORIZATION OF CHARTER SCHOOLS AND CHARTER SCHOOL STUDENTS TO PARTICIPATE IN INTERSCHOLASTIC COMPETITIONS, PROGRAMS, AND EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59-40-60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL; SO AS TO REQUIRE A CONTRACT TO BE EXECUTED BETWEEN THE CHARTER SCHOOL AND ITS SPONSOR, REFLECTING THE PROVISIONS IN THE APPLICATION AMONG OTHER REQUIREMENTS, TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL DEVELOP A CONTRACT TEMPLATE TO BE USED BY CHARTER SCHOOLS AND THEIR SPONSORS, AND TO FURTHER PROVIDE FOR ACTIONS REQUIRED OF AN APPLICANT AND WHAT MUST BE IN THE APPLICATION; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP, TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE SHALL DETERMINE APPLICATION COMPLIANCE AND THE TIME IN WHICH A LOCAL SCHOOL DISTRICT SHALL RULE ON THE APPLICATION, AND TO PROVIDE FOR OTHER PROVISIONS RELATIVE TO THE APPLICATION, INCLUDING A REQUIREMENT THAT THE ADVISORY COMMITTEE SHALL NOTIFY THE LOCAL DELEGATION OF A COUNTY IN WHICH A PROPOSED CHARTER SCHOOL IS TO BE LOCATED UPON RECEIPT OF A CHARTER SCHOOL APPLICATION AND ALSO SHALL PROVIDE A COPY OF THE CHARTER SCHOOL APPLICATION UPON REQUEST BY A MEMBER OF THE LOCAL DELEGATION; TO AMEND SECTION 59-40-100, AS AMENDED, RELATING TO A CHARTER SCHOOL CONVERSION, SO AS TO PROVIDE FOR SPECIFIC VOTE REQUIREMENTS IF THE PROPOSED CONVERSION SCHOOL HAS CERTAIN TYPES OF OUTSTANDING GENERAL OBLIGATION BOND DEBT, TO REVISE PRIORITY ENROLLMENT PROCEDURES FOR A CONVERTED CHARTER SCHOOL, TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION, AND TO PROHIBIT UNLAWFUL REPRISALS AGAINST EMPLOYEES OF A SCHOOL DISTRICT BECAUSE OF THEIR INVOLVEMENT IN ESTABLISHING OR CONVERTING A CHARTER SCHOOL; TO AMEND SECTION 59-40-110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER, SO AS TO PERMIT A CHARTER SCHOOL TO SUBMIT A RENEWAL APPLICATION TO ANOTHER CHARTER GRANTING AUTHORITY IF THE SPONSOR REFUSES TO RENEW THE CHARTER UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59-40-140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO REVISE THE MANNER IN WHICH SPECIFIC FUNDS MUST BE DISTRIBUTED BY THE DEPARTMENT OF EDUCATION TO SCHOOL DISTRICTS HAVING CHARTER SCHOOLS AND THEN BY THE DISTRICTS TO THE CHARTER SCHOOLS, TO FURTHER PROVIDE FOR THE DISTRIBUTION OF CERTAIN OTHER FUNDS TO A CHARTER SCHOOL BY THE SPONSOR, TO FURTHER PROVIDE FOR CONTRACT AND REPORTING REQUIREMENTS IN REGARD TO THE CHARTER SCHOOL, AND TO PROVIDE FOR THE MANNER IN WHICH FUNDING SHALL BE DETERMINED FOR CONVERTED CHARTER SCHOOLS; TO AMEND SECTION 59-40-190, AS AMENDED, RELATING TO LIABILITY OF A GOVERNING BODY OF A CHARTER SCHOOL, SO AS TO PROVIDE IMMUNITY TO A LOCAL SCHOOL DISTRICT OR AREA COMMISSION FOR CRIMINAL OR CIVIL LIABILITY REGARDING ACTIVITIES RELATED TO A SPONSORED CHARTER SCHOOL; TO AMEND SECTION 59-40-230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT, SO AS TO REVISE ITS MEMBERSHIP; TO AMEND SECTION 59-40-130, AS

AMENDED, RELATING TO LEAVE TO BE EMPLOYED AT A CHARTER SCHOOL, SO AS TO PROVIDE THAT A CHARTER SCHOOL IS A COVERED EMPLOYER WITH RESPECT TO THE SOUTH CAROLINA RETIREMENT SYSTEMS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES; TO AMEND SECTION 59-40-220, RELATING TO THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT, SO AS TO PROVIDE THAT THE PROHIBITION AGAINST THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT HAVING A LOCAL TAX BASE AND RECEIVING LOCAL PROPERTY TAXES DOES NOT EXTEND TO CERTAIN LOCAL FUNDS; TO AMEND SECTION 59-18-920, RELATING TO REPORT CARD REQUIREMENTS FOR CHARTER AND OTHER SCHOOLS, SO AS TO PROVIDE THAT THE PERFORMANCE OF CHARTER SCHOOL STUDENTS MUST NOT BE INCLUDED IN THE OVERALL PERFORMANCE RATINGS OF THE LOCAL SCHOOL DISTRICT UNLESS THERE IS A MUTUAL AGREEMENT TO INCLUDE SCORES IN THE LOCAL DISTRICT RATINGS; AND BY ADDING SECTION 59-19-350 SO AS TO PROVIDE THAT A LOCAL SCHOOL DISTRICT BOARD OF TRUSTEES DESIROUS OF CREATING AN AVENUE FOR NEW, INNOVATIVE, AND MORE FLEXIBLE WAYS OF EDUCATING CHILDREN WITHIN THEIR DISTRICT MAY CREATE A SCHOOL OF CHOICE WITHIN THE DISTRICT THAT IS EXEMPT FROM STATE STATUTES WHICH GOVERN OTHER SCHOOLS IN THE DISTRICT AND REGULATIONS PROMULGATED BY THE STATE BOARD OF EDUCATION, AND TO PROVIDE FOR THE REQUIREMENTS AND PROCEDURES TO IMPLEMENT THESE SCHOOLS OF CHOICE. - ratified title

H*3642 (Rat #0055, Act #0099 of 2011) Joint Resolution, By Cooper, Bingham, Allison, Harrell and Owens

Summary: Local districts may pay teachers on years of experience

A JOINT RESOLUTION TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY PAY TEACHERS BASED ON THE YEARS OF EXPERIENCE THE TEACHERS POSSESSED IN THE PRIOR FISCAL YEAR WITHOUT NEGATIVE IMPACT TO THEIR EXPERIENCE CREDIT; TO PROVIDE VOTING AND NOTICE REQUIREMENTS FOR THIS DECISION; TO REQUIRE THAT PAYMENT ACCORDING TO THE 2010-2011 DATA BE APPLIED UNIFORMLY; TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY NOT PAY DISTRICT OR SCHOOL ADMINISTRATORS MORE THAN THEY RECEIVED IN FISCAL YEAR 2010-2011, AND TO PROVIDE AN EXCEPTION; TO REQUIRE A LOCAL SCHOOL DISTRICT TO PAY TEACHERS AND SCHOOL ADMINISTRATORS FOR CHANGES IN THEIR EDUCATION LEVELS; AND TO DEFINE CERTAIN TERMS. - ratified title

H*3663 (Rat #0076, Act #0100 of 2011) Joint Resolution, By Cooper, Harrell, Ott, Bingham, Allison, Owens, Anthony, Bales and McLeod

Similar (H 4904)

Summary: Report Cards

A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF 2011 DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO REQUIRE THE DEPARTMENT TO SUSPEND WRITING ASSESSMENTS FOR CERTAIN GRADES, AND TO PROVIDE THAT WRITING ASSESSMENTS MAY NOT BE USED IN GROWTH CALCULATIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2011 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE-FUNDED WORKKEY ASSESSMENTS TO CERTAIN STUDENTS; TO PROVIDE FOR A ONE-YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; AND TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT. - ratified title

H*3748 (Rat #0092, Act #0058 of 2011) General Bill, By Owens, Bowen, Erickson, Daning, Whitmire, Spires, McCoy, Loftis, Gambrell, Lucas, Skelton, Bingham, Thayer, Hardwick, Harrell, Crosby, Battle, Sottile, Patrick, Clemmons, Cole, Forrester, Hamilton, Henderson, Hixon, Huggins, Murphy, J.M. Neal, Pinson, Pope, G.R. Smith, Stringer, Tallon, White, Willis and Taylor

Summary: Education and Economic Development Act

AN ACT TO AMEND SECTION 59-59-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPLEMENTATION OF THE EDUCATION AND ECONOMIC DEVELOPMENT ACT, SO AS TO EXTEND THE DATE BY WHICH THE ACT MUST BE IMPLEMENTED FULLY. - ratified title

H*4097 (Rat #0078, Act #0091 of 2011) Joint Resolution, By House Education and Public Works

Summary: Additional areas of certification (D. No. 4157)

A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR ADDITIONAL AREAS OF CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT

NUMBER 4157, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE. -
ratified title

H*4632 (Rat #0168) General Bill, By Battle

Summary: Marion County School Districts

AN ACT TO FORM ALL SCHOOL DISTRICTS IN MARION COUNTY INTO A SINGLE SCHOOL DISTRICT ENTITLED THE "MARION COUNTY SCHOOL DISTRICT" ON JULY 1, 2012, TO PROVIDE THAT THERE MUST BE NO ELECTED COUNTY SUPERINTENDENT OF EDUCATION FOR MARION COUNTY WITH ALL POWERS AND DUTIES OF THIS OFFICE DEVOLVED UPON THE MARION COUNTY BOARD OF EDUCATION WHICH MUST BE THE GOVERNING BODY OF THE MARION SCHOOL DISTRICT, TO PROVIDE FOR THE MANAGERIAL AND OTHER ADMINISTRATIVE STAFF FOR THE DISTRICT, TO PROVIDE FOR THE MANNER IN WHICH CONTRACTS OF EMPLOYMENT FOR TEACHERS AND OTHER PROFESSIONAL PERSONNEL OF THE DISTRICT MUST BE OFFERED, TO PROVIDE FOR THE FISCAL AUTHORITY AND AFFAIRS OF THE DISTRICT, INCLUDING THE MANNER IN WHICH AD VALOREM TAXES FOR THE BENEFIT OF THE DISTRICT MUST BE LEVIED FOR OPERATING AND GENERAL OBLIGATION DEBT PURPOSES, AND TO PROVIDE FOR OTHER RELATED PROVISIONS TO EFFECTUATE THIS FORMATION ON JULY 1, 2012. - ratified title

H 3716; Act No. 115 - FY 2005-06 Appropriations Act
SECTION 1 - H63 - DEPARTMENT OF EDUCATION

1.1. (SDE: Appropriation Transfer Prohibition) The amounts appropriated herein for aid to subdivisions, allocations to school districts, or special line items shall not be transferred and must be expended in accordance with the intent of the appropriation.

1.2. (SDE: DHEC - Comprehensive Health Assessment) All school districts shall participate, to the fullest extent possible, in the Medicaid program by seeking appropriate reimbursement for services and administration of health and social services. Reimbursements to the school districts shall not be used to supplant funds currently being spent on health and social services.

1.3. (SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for 100 percent of full implementation of the Education Finance Act to include an inflation factor projected by the Division of Budget and Analyses to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be \$2,290. In Fiscal Year 2005-06, the total pupil count is projected to be 670,433. The average per pupil funding is projected to be \$4,296 state, \$964 federal, and \$4,566 local. This is an average total funding level of \$9,826 excluding revenues of local bond issues.

Any unallocated Education Finance Act funds at the end of the current fiscal year must be allocated to the school districts for school building aid on a nonmatching basis on the same basis that districts receive Education Finance Act allocations and/or for Summer School.

1.4. (SDE: EFA - Formula) The amount appropriated in Part IA, Section 1 for "Education Finance Act" shall be the maximum paid under the provisions of Act 163 of 1977 (the South Carolina Education Finance Act of 1977) to the aggregate of all recipients. The South Carolina Education Department shall develop formulas to determine the state and required local funding as stipulated in the South Carolina Education Finance Act of 1977. Such formulas shall require the approval of the State Board of Education and the Budget and Control Board. After computing the EFA allocations for all districts, the department shall determine whether any districts' minimum required local revenue exceeds the districts' total EFA Foundation Program.

When such instance is found, the department shall adjust the index of taxpaying ability to reflect a local effort equal to the cost of the districts' EFA Foundation Program. The districts' weighted pupil units are to be included in determination of the funds needed for implementation of the Education Finance Act statewide.

In the event that the formulas as devised by the Department of Education and approved by the State Board of Education and the Budget and Control Board should provide for distribution to the various school districts totaling more than the amount appropriated for such purposes, subject to the provisions of this proviso, the Department of Education shall reduce each school district entitlement by an equal amount per weighted pupil so as to bring the total disbursements into conformity with the total funds appropriated for this purpose. If a reduction is required in the state's contribution, the required local funding shall be reduced by the proportionate share of local funds per weighted pupil unit. The Department of Education shall continually monitor the distribution of funds under the provisions of the Education Finance Act and shall make periodic adjustments to disbursements to insure that the aggregate of such disbursements do not exceed the appropriated funds.

Notwithstanding any other provision of law, local districts shall not be mandated or required

to inflate the base number in their respective salary schedules by any percentage greater than the percentage by which the appropriated base student cost exceeds the appropriated base student cost of the prior fiscal year.

1.5. (SDE: Employer Contributions/Allocations) It is the intent of the General Assembly that the appropriation contained herein for "Public School Employee Benefits" shall not be utilized to provide employer contributions for any portion of a school district employee's salary which is federally funded.

State funds allocated for school district employer contributions must be allocated by the formula and must be used first by each district to cover the cost of fringe benefits for personnel required by the Defined Program, food service personnel and other personnel required by law.

Once a district has expended all state allocated funds for fringe benefits, the district may utilize food service revenues to fund a proportionate share of fringe benefits costs for food service personnel.

The Department of Juvenile Justice and the Department of Corrections' school districts must be allocated funds under the fringe benefits program in accordance with criteria established for all school districts.

1.6. (SDE: Employer Contributions/Obligations) In order to finalize each school district's allocations of Employer Contributions funds for retiree insurance from the prior fiscal year, the Department of Education is authorized to adjust a school district's allocation in the current fiscal year accordingly to reflect actual payroll and payments to the Retirement System from the prior fiscal year. In the event the Department of Education is notified that an educational subdivision has failed to remit proper payments to cover Employee Fringe Benefit obligations, the Department of Education is directed to withhold the educational subdivision's state funds until such obligations are met.

1.7. (SDE: Governor's School for Science & Math) Any unexpended balance on June 30 of the prior fiscal year of funds appropriated to or generated by the Governor's School for Science and Mathematics may be carried forward and expended in the current fiscal year pursuant to the direction of the board of trustees of the school.

1.8. (SDE: Educational Responsibility/Foster Care) Notwithstanding any other provision of law, the responsibility for providing a free and appropriate public education program for all children including disabled students is vested in the public school district wherein a child of lawful school age resides in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental illness or chemical dependence located within the jurisdiction of the school district. The districts concerned may agree upon acceptable local cost reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child last resided before placement in a facility an additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. If a child from out of state is residing in a facility owned and/or operated by a for profit entity, the district providing educational services shall be reimbursed by the for profit entity the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. This also applies to John de la Howe School who also has the authority to seek reimbursement in any situation that the school district has participation in the placement of the student. John de la Howe school shall be reimbursed the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in

Section 59-20-40 of the Education Finance Act. Participation will be evidenced by a written agreement from the IEP team or 504 team, written referral, or the school district initiating the placement process. School districts providing the education shall notify the nonresident district in writing within 45 calendar days that a student from the nonresident district is receiving education services pursuant to the provisions of the proviso. The notice shall also contain the student's name, date of birth, and disabling condition if available. If appropriate financial arrangements cannot be effected between institutions of the state and school districts, institutions receiving educational appropriations shall pay the local base student cost multiplied by the appropriate pupil weighting. Children residing in institutions of state agencies shall be educated with nondisabled children in the public school districts if appropriate to their educational needs.

Such institutions shall determine, on an individual basis, which children residing in the institution might be eligible to receive appropriate educational services in a public school setting. Once these children are identified, the institution shall convene an IEP meeting with officials of the public school district in which the institution is located. If it is determined by the committee that the least restrictive environment in which to implement the child's IEP is a public school setting, then the school district in which the institution is located must provide the educational services. However, that school district may enter into contractual agreements with any other school district having schools located within a 45 mile radius of the institution. The cost for educating such children shall be allocated in the following manner: the school district where the child last resided before being placed in an institution shall pay to the school district providing the educational services an amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act; the school district providing the educational services shall be able to count the child for all funding sources, both state and federal. The institution and school district, through contractual agreements, will address the special education and related services to be provided to students. Should the school district wherein the institution is located determine that the child cannot be appropriately served in a public school setting, then the institution may request a due process hearing pursuant to the procedures provided for in the Individuals with Disabilities Education Act.

The agreed upon acceptable local cost reimbursement or the additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to out-of-district students, shall be paid within 60 days of billing, provided the billing district has provided a copy of the invoice to both the Superintendent and the finance office of the district being invoiced. Should the district not pay within 60 days, the billing district can seek relief from the Department of Education. The department shall withhold EFA funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the billing school district.

The agency placing a child in any situation that requires changing school districts, must work with the schools to assure that all required school records, including confidential records, are transferred from the sending to the receiving school within three working days. School records to be transferred should include grade transcripts, state birth certificate, certificate of immunization, social security card, attendance records, discipline records, IEP's, psychological reports (or notation in the school records that a psychological report on the child is available at the school district office) and any other records necessary for the appropriate placement of the child in the new school. School districts must release all records upon presentation of a court order or appropriate permission for confidential release. If evaluation or placement is pending,

the receiving school district is responsible to secure information and to complete the placement. The receiving school will maintain appropriate confidentiality of all records received on a child.

1.9. (SDE: Disabled/Preschool Children) The state funding for free appropriate public education provided for the three and four-year-old disabled children served under Act 86 of 1993, shall be distributed based on the district's index of taxpaying ability as defined in Section 59-20-20(3). Five-year-old disabled children shall continue to be funded under the Education Finance Act of 1977.

1.10. (SDE: Instruction in Juvenile Detention Centers) It shall be the responsibility of the school district where a local juvenile detention center is located to provide adequate teaching staff and to ensure compliance with the educational requirements of this State. Students housed in local detention centers are to be included in the average daily membership count of students for that district and reimbursement by the Department of Education made accordingly.

1.11. (SDE: Revenue Authorization) The State Department of Education is hereby authorized to collect, expend, and carry forward revenues in the following areas to offset the cost of providing such services: the sale of publications, manuals and forms, the sale of Apple Tags, royalties, contributions, donations, foundation funds, special grants and contracts, brochures, photo copies, listings and labels, Directory of South Carolina Schools, student health record cards, items to be recycled, and high school diplomas and certificates; the collection of out-of-state and in-state investigation fees, registration fees for non-SDE employees, recurring facility inspection fees, teacher certification fees; the handling of audio-visual film; the provision of contract computer services to school districts and other state agencies, joint broadcast service to school districts, and education-related statistics through agreement with the National Center for Education Statistics; the lease or sale of programs of television, audio or microcomputer software; the collection of damage fees for instructional materials and the sale of unusable instructional materials; sale of fuel; use and repair of transportation equipment; fees for Medicaid reimbursable transportation; the receipt of insurance and warranty payments on Department of Education equipment and the sale of used school buses and support equipment. The Department of Education is authorized to collect revenue for deposit into the State General Fund for testing material purchases and test rescoring fees.

1.12. (SDE: School District Bank Accounts) Notwithstanding any other provisions of law, each school district in this State, upon the approval of the district's governing body, may maintain its own bank account for the purpose of making disbursement of school district funds as necessary to conduct school district business and each county treasurer is hereby authorized to transfer such amount as needed, upon receipt of a written order certified by the district governing body or their designee. Such order shall contain a statement that such amount is for immediate disbursement for the payment of correct and legal obligation of the school district.

1.13. (SDE: School Lunch Program Aid) The amount appropriated herein for School Lunch Program Aid shall be divided among the District and/or County Boards of Education of the State upon the basis of the number of schools participating in the School Lunch Program in each district during the prior school year. The travel expenses of the District and/or County School Lunch Supervisor shall be paid from this appropriation at the prevailing rate of mileage allowed by the State. These funds may be used as an aid in improving the School Lunch Program. These funds may not be used to supplement the salaries of school lunch supervisors. In the absence of a County Board of Education in multi-district counties, the funds will be divided among the school districts of the county on the basis of the number of schools participating in the School Lunch Program in each district during the prior school year.

1.14. (SDE: Teachers/Temporary Certificates) Of the funds provided for teacher salaries funds may be used to pay salaries for those teachers holding temporary certificates which shall remain valid for the current school year if the local board of education so requests. The State Department of Education shall submit to the General Assembly by March 1 of the current fiscal year a report showing by district the number of temporary certificates by category; including an enumeration of the certificates carried forward from the previous year. No temporary certificate shall be continued more than twice.

1.15. (SDE: Travel/Outside of Continental U.S.) School District allocations from General Funds and EIA funds shall not be used for travel outside of the continental United States. The International Baccalaureate Program shall be exempt from this restriction.

1.16. (SDE: Year End Closeout) The State Department of Education is authorized to expend federal and earmarked funds (not including state or EIA funds) in the current fiscal year for expenditures incurred in the prior year; however, state funds appropriated in Part IA, Section 1 XIII, Aid to School Districts, for the Children's Case Resolution System or private placements for services provided to children with disabilities may be used for those expenditures in prior fiscal years. The department is also authorized to use appropriated funds to pay for textbooks shipped in the fourth quarter of the prior fiscal year.

1.17. (SDE: Transportation Collaboration) The Department of Education School Bus Maintenance Shops shall be permitted, on a cost reimbursable-plus basis, to deliver transportation maintenance and services to vehicles owned or operated by public agencies in South Carolina.

School buses operated by school districts, other governmental agencies or head start agencies for the purpose of transporting students for school or school related activities shall not be subject to state motor fuel taxes. Further, that school districts, other governmental agencies or head start agencies may purchase this fuel, on a cost reimbursable-plus basis, from the Department of Education School Bus Maintenance Shops.

1.18. (SDE: Assisting, Developing, and Evaluating Professional Teaching--ADEPT) Funds appropriated in Part IA, Section 1 XIII.A-Aid to School Districts-Aid to Subdivision-APT/ADEPT, may be used for the implementation of the ADEPT system. Of the funds appropriated, ten percent is to be used to pay colleges and universities for ADEPT services. The remaining funds will be distributed to school districts, School for the Deaf and the Blind, John de la Howe School, Governor's School for Arts and Humanities and the Department of Juvenile Justice on a per induction contract teacher basis to offset the costs of implementing the ADEPT program. Governing boards of public institutions of higher education may provide by policy or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public school teachers who serve as supervisors for full-time students completing education degree requirements. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

1.19. (SDE: Summer Exit Exam Cost) Funds appropriated in Part IA, Section 1, III may be used to offset the costs of the summer administration of the Exit Examination. These funds may be expended to cover the costs related to developing, printing, shipping, scoring, and reporting the results of the assessments. Local school districts may absorb local costs related to administration.

1.20. (SDE: Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the

individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.

Of the funds provided for teacher salaries, funds may be used to pay salaries for those retired members of the State Retirement System returning to employment covered by the system as certified teachers employed by a school district or special school to teach in the classroom or serve as a guidance counselor in their area of certification in a critical academic need area or geographic need area as defined by the State Board of Education. However, a school district or special school may not consider a retired member of the system for employment before May 31.

The certification of these retired teachers may be extended for the current school year if the local board of education so requests. This certification shall be extended no more than twice.

This provision does not apply to any teacher that has been retired for more than five years.

Special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1.

Beginning July 1, 2001, any retired certified school teacher or certified employee may be employed in a school or school district which is in a critical geographic need area or has received a 'below average' or 'unsatisfactory' academic performance rating pursuant to the Education Accountability Act without penalty from the South Carolina Retirement System. The department must notify the State Retirement System of the exemption from the earnings limitation.

Retired certified administrators may be hired to fill administrative positions requiring State Board of Education administrator certification in a critical needs school or district on an emergency basis for a period not to exceed twelve months and shall be exempt from earnings limitations from the State Retirement System. Administrators may not be rehired in the same school for concurrent years or for a period of 24 months at the school from the end of the 12 month period of service. Furthermore, retired administrators may not be hired to fill a position created by their retirement during the school year. The Department of Education must review and approve, from the documentation provided by the school district, that no qualified, nonretired certified administrator is available for employment in the position and that the member selected for employment meets the requirements of this section. The department must notify the State Retirement System of the exemption from the earnings limitation.

*****1.21. (SDE: Mathematics and Science Unit of the Office of Curriculum and Standards) Of the funds appropriated to the Department of Education, \$75,000 must be provided to the Charleston Science and Mathematics Center for curriculum development at the South Carolina Aquarium.***

**Text printed in italic, boldface indicates sections vetoed by the Governor on May 17, 2005.

**Indicates those vetoes overridden by the General Assembly on May 24, May 25, or May 26, 2005.

1.22. (SDE: School Bus Insurance) The Department of Education shall maintain comprehensive and collision insurance or self-insure state-owned buses. In no event shall the department charge local school districts for damages to the buses which are commonly covered by insurance.

1.23. DELETED

1.24. (SDE: Teacher Data Collection) Of the funds appropriated for K-12 Technology, the Department of Education in conjunction with the Commission on Higher Education shall design a system to collect data about the teaching profession in South Carolina. The establishment of a database that is compatible with the database at the Commission on Higher Education and in the school districts should coincide with the state's implementation of SASI. The data collection system should ensure (1) a systematic collection of teacher supply and demand information and (2) in-field and out-of-the-field data to determine classes being taught by public school teachers out of field of their preparation. The data collection should include but not be limited to: classes/subjects taught, number of students taught, percentage of teacher education graduates from South Carolina colleges/universities who go into teaching, percentage of teacher education graduates who teach in public schools in South Carolina, percentage of new teachers who leave the South Carolina teaching profession in the first three years of public school teaching due to unsuccessful evaluations, percentage of new teachers who leave the profession in the first three years of public school teaching in South Carolina who have successful evaluations, turnover rate of teachers and certification areas with highest vacancies. All database items should be set up so that it can be disaggregated by ethnicity, gender, geographic location, etc.

1.25. (SDE: Adult Education/Literacy) The General Assembly must appropriate for adult education an amount equal to \$175 per pupil. The per pupil amount shall be adjusted annually by the same percentage as the inflation factor used to adjust the base student cost of the Education Finance Act. The number of pupils shall be determined by counting the number of persons sixteen years or older who attended a minimum of twelve hours in an approved adult education program in the prior fiscal year. Funds may decrease with a decrease in enrollment; however, overall levels of State funding must meet the federal requirement of State maintenance of effort.

From the funds appropriated for adult education, \$150,000 must be used to provide for pilot projects for rural literacy development. In addition, each county shall receive \$50,000 for use by the school districts for adult literacy for service delivery to adult-nonreaders and those reading at or below the eighth grade level. The North Family Community School shall receive \$2,000 of the funds allocated to Orangeburg County for adult literacy. The school districts may provide this service or may contract to have this service provided. In multi-district counties, the districts must agree on the method of service delivery for the entire county and select one district to serve as the fiscal agent.

1.26. (SDE: Teacher Technology Proficiency) To ensure the effective and efficient use of the funding provided by the General Assembly in Part IA, Section 1 XI.A.1 for school technology in the classroom and internet access, the State Department of Education shall approve teacher technology competency standards and local school districts must require teachers to demonstrate proficiency in these standards as part of each teacher's Professional Development plan. Evidence that districts are meeting the requirement is a prerequisite to expenditure of a district's technology funds.

1.27. (SDE: School Building Aid Allocation) Funds appropriated for School Building Aid shall be transferred to a special trust fund established by the Comptroller General. Funds

appropriated shall be distributed to the school districts of the State for use in accordance with Section 59-21-350 of the Code of Laws of 1976. Funds shall be allocated to eligible school districts on a per pupil basis. The allocation must be based on the 135 day count of average daily membership for the second preceding fiscal year.

1.28. (SDE: School Building Aid Funds Expenditure) Funds appropriated in Part IA in this Act or in a previous Appropriation Act for school building aid may be expended by the school district without approval from the State Board of Education. The Department of Education shall require that school districts include in their annual audit a verification of compliance with all applicable State laws associated with the use of these funds.

1.29. (SDE: School Building Aid) Of the funds appropriated in Part IA for School Building Aid, \$500,000 shall be allocated on a K-12 per pupil basis to Multi-District Area Vocational Schools.

1.30. (SDE: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. SDE is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring PACT assessment.

1.31. (SDE: Basic Skills Exam) Any person required to take and pass the Basic Skill Examination pursuant to Sections 59-26-20 and 59-26-40, and fails to achieve a passing score on all sections shall be allowed to retake the test or a portion thereof.

1.32. (SDE: School Bus Driver CDL) From funds provided in Part IA, Section 1 VII.C., local school districts shall request a criminal record history from the South Carolina Law Enforcement Division for past conviction of any crime before the initial employment of a school bus driver or school bus aide. The Department of Education and the school districts shall be treated as a charitable organization for purposes of the fee charged for the criminal records search.

1.33. (SDE: Parent and Guardian Responsibility) To protect the unwarranted expenditure of funds provided in Part IA, Section 1, VII.C., the parents or guardians of a child being transported on a school bus are responsible for the safety and conduct of the child prior to the arrival of the school bus at the child's designated school bus stop for pick up and transport to school, and after the school bus drops off the child and departs the child's designated school bus stop when transporting the children from school. The state's responsibility includes the arrival or departure of the school bus, which is defined as the time that the school bus assigned to the school bus stop activates the required pedestrian safety devices, stops and loads or unloads students, and until the school bus deactivates all pedestrian safety devices.

1.34. (SDE: SAT Preparation) From the funds appropriated for SAT Preparation, the State Department of Education shall institute a plan reviewing, on an individual basis, weaknesses of students on actual PSAT administrations, and providing assistance. To accomplish this, the Department shall use reports that analyze student weaknesses and provide guidance to local schools on the effective use of the reports.

1.35. (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State Superintendent of Education.

The School Bus Specifications Committee shall allow for input from all school bus chassis and body manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus specifications of Georgia or North Carolina in the

procurement of school buses.

1.36. DELETED

1.37. DELETED

1.38. (SDE: Buses, Parts, and/or Fuel) Funds appropriated for school bus purchases or other operating in program VII.C. and D - Bus Shops may be used to purchase buses, fuel, parts, or other school bus related items.

1.39. DELETED

1.40. (SDE: Specialists in Unsatisfactory Schools) Notwithstanding any other provision of law, the State Department of Education may assign teacher specialists, principal specialists; principal leaders, and curriculum specialists to schools designated as unsatisfactory or below average according to the enrollment of the school and as recommended by the review team.

Teacher specialists may be assigned to kindergarten level, if recommended by the review team. Furthermore, the average number of teacher specialists assigned to schools may not exceed five. However, schools may decline to accept the teacher specialists assigned and utilize the funding available for these teacher specialists to negotiate directly with qualified teacher specialists currently within the teacher specialist pool in order to obtain additional teacher specialists.

Schools electing to negotiate directly with the teacher specialist may not use state teacher specialist funds to pay above the salary that these teachers would otherwise qualify for as a teacher specialist. Teacher specialists may be placed across grade levels and across core subject areas when placement meets program criteria based on external review team recommendations, need, number of teachers receiving support, and certification and experience of the specialist. A teacher specialist may be assigned to support classroom teachers in the areas of special education and limited English proficiency when warranted by the needs of the student population, recommended by an external review team and approved by the State Board of Education.

Retired educators may be hired as teacher specialists, principal specialists, principal leaders, or curriculum specialists and at the request of the educator and approval of the local district superintendent, shall be placed in the district where employed prior to retirement. Retired educators hired as teacher specialists, principal specialists, principal leaders or curriculum specialists shall be exempt from the earnings limitations of the State Retirement System.

Teacher specialists are limited to three years of service at one school unless the specialist submits application for an extension and that application is accepted by the State Department of Education and placement is made. Upon acceptance and placement, the specialist can receive the salary and supplement for two additional years, but is no longer attached to the sending district or guaranteed placement in the sending district following tenure in the program as provided in Section 59-18-1530 (F) of the South Carolina Code of Laws. Teacher specialist funds may be carried forward from the prior fiscal year into the current fiscal year for the Teacher Specialists On-Site Program. A principal specialist may be continued for a third year if requested by the local school board, recommended by the external review team, and approved by the State Board of Education. For the third year, only the principal specialist salary supplement will be paid by the State.

1.41. DELETED

1.42. DELETED

1.43. DELETED

1.44. (SDE: Mitford Transportation Costs) Transportation costs for the transporting of students from the Mitford area of Fairfield County to schools in the Great Falls area of Chester County is not the responsibility of and shall not be borne by the Chester County School District.

These transportation costs shall continue to be the responsibility of the State Department of Education.

1.45. (SDE: Refurbishing Science Kits) Funds appropriated for the purchase of textbooks and other instructional materials may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted textbook inventory. The refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs, equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs.

1.46. DELETED

1.47. (SDE: Status Offenders/John de la Howe) The funds appropriated for the Status Offender Program shall be distributed to John de la Howe School to expand residential programs to include court ordered status offenders. Components of such a program shall include collaboration between the home school district and the residential school and treatment or related services to the families of students in placement.

1.48. (SDE: Part-time Benefits) Teachers working less than thirty hours a week, but no less than fifteen hours a week, shall qualify for state health and dental insurance. The Budget and Control Board is directed to amend its "Plan of Benefits" regarding fringe benefits to conform to the provisions of this section. Teachers and employers shall each contribute toward the cost of these benefits with the employer paying only that portion of the employer's normal cost which is attributable to the time the teacher is working, and the teacher shall pay all remaining costs. However, the employer's contribution shall be no less than half the normal cost.

1.49. DELETED

1.50. (SDE: Governor's School Leave Policy) Notwithstanding any other provision of law, the S.C. Governor's School for the Arts and Humanities and the S.C. Governor's School for Science and Mathematics are authorized to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of their respective board of directors. This policy shall address their respective school calendars in order to comply with the instructional needs of students attending both special schools.

1.51. (SDE: Sale of School District Property) Notwithstanding Section 59-19-250 of the 1976 Code, during the current fiscal year, school trustees of a school district which do not currently have the authority to do so, may sell or lease school property, real or personal, in their school district whenever they deem it expedient to do so and apply the proceeds of the sale or lease to the school fund of the district.

1.52. (SDE: School Facilities Management System) School Districts may use capital improvement bond funds, lapsed funds or any other unexpended appropriated funds or revenues to access the Department of Education's School Facilities Management System database.

1.53. (SDE: GSAH Board of Directors) Notwithstanding any other provision of law, the S.C. Education Oversight Committee shall appoint a committee member to serve ex officio on the governing Board of Directors of the South Carolina Governor's School for the Arts and Humanities.

1.54. (SDE: School Board Meetings) Of the funds appropriated through the Department of Education for technology related expenses, school districts that have a web site shall place a notice of a regularly scheduled school board meeting twenty-four hours in advance of such meeting. The notice shall include the date, time, and agenda for the board meeting. The school district shall place the minutes of the board meeting on their web site within ten days of the next regularly scheduled board meeting.

1.55. (SDE: Critical Need Certification/Displaced Employees) The Department of Education is directed to give priority in the Critical Needs Certification program to the recruitment of qualified state employees impacted by reduction in force actions of agencies. The Student Loan Corporation is directed to give priority in the Career-Changer Loan program to qualified state employees. The Department of Education shall provide information to the Office of Human Resources and the personnel offices of state agencies instituting a reduction in force to advertise and inform employees of this program and state agencies shall work with the department in this effort.

1.56. (SDE: Proviso Allocations) The State Department of Education may reduce by up to 10%, any allocation in Section 1 specifically designated by proviso. No allocation for teacher salaries shall be reduced as a result of this proviso.

1.57. (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer up to one hundred percent of funds between programs to any instructional program provided the funds are utilized for direct classroom instruction.

The South Carolina Department of Education must establish a procedure for the review of all transfers authorized by this provision. The details of such transfers must be provided to members of the General Assembly upon request. School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year to be used for the same purpose. All transfers executed pursuant to this provision must be completed by May first of the current fiscal year. All school districts and special schools of this State may expend funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, for any instructional program. The Education Oversight Committee shall review the utilization of the flexibility provision to determine how it enhances or detracts from the achievement of the goals of the educational accountability system, including the ways in which school districts and the state organize for maximum benefit to classroom instruction, priorities among existing programs and services, and the impact on short, as well as, long-term objectives. The State Department of Education shall provide the reports on the transfers to the Education Oversight Committee for the comprehensive review. This review shall be provided to the members of the General Assembly annually. Any grant or technical assistance funds allocated directly to an individual school may not be reduced or reallocated within the school district and must be expended by the receiving school only according to the guidelines governing the funds.

1.58. DELETED

1.59. (SDE: Medical Examination Reimbursement) From funds authorized in Part IA, Section 1, VII.C. Other Operating Expenses, the Department of Education may reimburse employees for the cost of a medical examination as required in Part 391, Subpart E of the Federal Motor Carrier Safety Regulations, for employees that are required to operate a state vehicle transporting hazardous materials. Reimbursement may also be provided to employees that are required to undergo a FBI background check because of Hazmat endorsement to their CDL.

1.60. (SDE: Budget Reduction) In compensating for any reduction in funding, local districts must give priority to preserving classroom teachers and operations. Funding reductions should first be applied to administrative and non-classroom expenses before classroom expenses are affected.

1.61. DELETED

1.62. (SDE: Governor's School for the Arts and Humanities Carry Forward) Any unexpended balance on June 30 of the prior fiscal year of funds appropriated to or generated by

the South Carolina Governor's School for the Arts and Humanities may be carried forward and expended in the current fiscal year for the purpose of purchasing instructional materials not funded under the State Adopted Textbook Program.

1.63. (SDE: Governor's Schools' Fees) Notwithstanding any other provision of law, the South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to charge, collect, expend, and carry forward student fees as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality in both academics and residential support. No student will be denied admittance or participation due to financial inability to pay. The respective Board of Directors shall promulgate administrative policy governing the collection of all student fees.

1.64. (SDE: National Board Certification Incentive) Public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards shall be paid a \$7,500 salary supplement in the year of achieving certification.

Teachers employed at the special schools shall be eligible for this \$7,500 salary supplement.

The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center of Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall develop guidelines and administer the programs whereby teachers applying to the National Board for Professional Teaching Standards for certification may receive a loan equal to the amount of the application fee. One-half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the national board. Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the State Department of Education shall transfer to the Center of Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program. In addition, teachers who are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers moving to this State are exempted from initial certification requirements and are eligible for continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the State Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification.

Teacher specialists remain eligible for state supplement for National Board certification.

1.65. (SDE: National Board Certification Incentive Surplus) National Board Certification Incentive appropriation excess of all obligations to include the national board certification

incentive salary supplement, related fringe, loan principal amount and interest forgiven, and the administration funds necessary for the Center of Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall be distributed to school districts and allocated based on the Education Finance Act Formula.

1.66. (SDE: School District Furlough) If state funds appropriated for a school district in this State are less than state funds appropriated for that school district in the preceding fiscal year, or if the General Assembly or the Budget and Control Board implements a midyear across-the-board budget reduction, school districts may institute employee furlough programs for district-level and school-level professional staff classified as instructional-related personnel by the State Department of Education. No instructional personnel nor support staff as classified by the State Department of Education may be furloughed. Before any of these employees may be furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

The local school district board of trustees may implement a furlough of these instructional-related professional staff personnel once certification to the State Superintendent documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall have the authority to authorize furloughs of these employees in the manner in which it sees fit. However, they may not be furloughed for a period exceeding ten days. The local school district board of trustees shall provide for furlough days only on non-instructional days.

During any furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions, including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the district will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under any employee grievance procedure. The district may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs.

This proviso shall not abrogate the terms of any contract between any school district and its employees.

1.67. DELETED

1.68. (SDE: Base Student Cost Funding) Notwithstanding any other provision of law, the funding for particular items and areas in the Department of Education's base budget that have been reduced or eliminated and provisos that directed funding for specific items that have been deleted, shall be redirected to the Base Student Cost.

1.69. DELETED

1.70. (SDE: National Assessment of Education Progress) The Department of Education shall administer the National Assessment of Education Progress (NAEP) in lieu of the norm

referenced test required by S.C. Code Ann. Section 59-18-340 (Supp. 2002) to obtain an indication of student and school performance relative to national performance levels. The administration of NAEP is also necessary to meet the requirements of the federal No Child Left Behind Act, 20 U.S.C. Section 6301 et seq. (2002).

1.71. (SDE: Unallocated Funds for Teacher Specialists) The Department of Education shall develop procedures and establish a timeline so schools that receive an unsatisfactory rating or a below average rating on the annual report card are given an option to choose technical assistance offered by the department that includes teacher specialists, principal specialists and other personnel assigned under the tiered system or alternative research-based technical assistance. Criteria for selecting alternative research-based technical assistance are to be approved by the Education Oversight Committee and the Department of Education. For the current school year, the department may utilize a supplemental alternative technical assistance program in a state of emergency school district. The funds appropriated for alternative research-based technical assistance must be allocated to below average and unsatisfactory schools based upon the school's enrollment and school type with no school receiving less than \$100,000 or more than \$300,000 annually. Furthermore, it is the intent that the alternative research-based technical assistance will be provided for a minimum of three years in order to implement fully systemic reform and to provide opportunity for building local education capacity. The Education Oversight Committee, in cooperation with the Department of Education and with the schools and school districts participating in the alternative technical assistance programs, will monitor the effectiveness of the alternative technical assistance program.

1.72. DELETED

1.73. (SDE: School Lunch/Attendance Supervisors) For those counties in which an entity other than the school district administers the school lunch supervisor and/or attendance supervisor programs, the school districts in that county shall transfer to the entity the amount available in the previous fiscal year for administration of the school lunch supervisor and/or attendance supervisor programs. Each district shall transfer a pro-rata share of the total cost based upon the percentage of state EFA funds distributed to the districts within the county.

1.74. (SDE: Replacement Facilities) The Department of Education is directed to proceed with the development of a joint-use school transportation maintenance and operations facility in Greenville County. Prior to the availability of this new facility the department shall continue to operate state school bus maintenance services from the existing Greenville School Bus Maintenance Facility located on Halton Road. All proceeds from the sale of the Halton Road Facility and Property shall become pupil transportation operating revenue of the department.

The cost of the State share of the new joint-use facility, the cost of preparing the old Halton Road Facility and Property for disposal, interim relocation/construction financing, all associated relocation expenses, and all other related costs shall be funded from the proceeds received from the sale of the existing Halton Road Facility and Property. The State Treasurer shall make available all necessary interim financing to accomplish the proviso directives.

1.75. DELETED

1.76. DELETED

1.77. (SDE: SCGSAH Certified Teacher Designation) Because of the unique nature of the South Carolina Governor's School for the Arts and Humanities, the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are authorized to employ at its discretion non-certified classroom teachers teaching in the literary, visual and performing arts subject areas who are otherwise considered to be appropriately qualified in a ratio of up to one

hundred percent of the entire teacher staff.

1.78. DELETED

1.79. (SDE: Educational Items) In order that resources more closely follow the student, it is the intent to offer spending flexibility to local school districts as has been provided in the prior fiscal year.

1.80. (SDE: No Discrimination Requirement) State funds must not be appropriated to a school that discriminates against or participates with or is a member of an association with policies that discriminate or afford different treatment of students based on race or national origin.

1.81. (SDE: Prohibit Implementation of ECERS Program) The Department of Education is prohibited from utilizing any appropriated or authorized funds to implement the Early Childhood Environment Rating Scores Program.

1.82. (SDE: School District Study Committee) From funds appropriated to the Department of Education, the department shall coordinate a committee to study the size of school districts in South Carolina and the number of teacher work days and make recommendations on the school district size which will allow for more direct spending on teacher salary and instructional support. The committee shall consist of five members as follows: two members appointed by the Governor, one of whom shall serve as chairman, the President Pro Tempore of the Senate or his designee, the Speaker of the House of Representatives or his designee, and the State Superintendent of Education or her designee. The committee shall report its recommendations to the General Assembly no later than January 15, 2006.

1.83. (SDE: National Board Certification Study) The Department of Education is directed to utilize appropriated funds to conduct a study of the effectiveness of National Board Certification in improving student outcomes. The results of this study are to be reported to the General Assembly by January 1, 2006.

1.84. DELETED

1.85. DELETED

1.86. (SDE: High School Reading Initiative) The funds appropriated for the High School Reading Initiative are to be used to expand the South Carolina Reading Initiative to the high school level by providing research based targeted assistance in improving and accelerating the reading ability of high school students reading below grade level.

1.87. (SDE: Carry Forward Authority) Funds appropriated to the Department of Education, excluding any direct aid to school districts, subdivisions, and other entities; or agencies and special items, not expended during the prior fiscal year may be carried forward and expended during the current fiscal year for fuel.

1.88. (SDE: EFA Hold Harmless) In the current fiscal year, the Department of Education is directed to allocate from the funds appropriated for the Education Finance Act adequate funding to all school districts to ensure that no district has a net decrease in state funding from the following appropriation categories and revenue codes: Education Finance Act (3300), Employer Contributions (3180), Teacher Salary Supplement (3550), Teacher Salary Supplement Fringe (3555).

1.89. (SDE: Education and Economic Development Act) Of the funds appropriated/authorized to the Department of Education, six million dollars must be used to fund the Education and Economic Development Act.

SECTION 1A - H63 - DEPARTMENT OF EDUCATION-EIA

1A.1. (SDE-EIA: XI-Prohibition on Appropriation Transfers) The amounts appropriated herein for aid to subdivisions or allocations to school districts shall not be transferred or reduced and must be expended in accordance with the intent of the appropriation.

1A.2. (SDE-EIA: XI.A.1-Advanced Placement) Of the funds appropriated in Part IA, Section 1 XI.A.1. for Advanced Placement, no more than \$500,000 must be made available on a flat rate per class basis to schools offering "singleton" Advanced Placement classes with a student/teacher ratio equal to or less than ten to one. The State Board of Education shall develop guidelines for the distribution of these "singleton" funds. The remaining AP funds must be distributed to the school districts of the state based upon the 135 day count of AP students served. AP funds may be used to defray the testing costs of the International Baccalaureate Program which are incurred by school districts at the same per-test reimbursement rate provided for Advanced Placement examinations. High schools may receive funding for the allowable costs associated with ninth and tenth grade students taking Advanced Placement courses. Funds provided for Advanced Placement may be carried forward into the current fiscal year to be expended for the same purpose.

1A.3. (SDE-EIA: XI.A-Gifted & Talented) Notwithstanding the provisions for Section 59-29-170, ten percent (10%) of the total state dollars appropriated annually for gifted and talented programs shall be set aside for serving artistically gifted and talented students in grades 3-12. The State Department of Education shall allocate to districts a proportionate share of the ten percent (10%) based on the preceding year's total average daily membership in grades 3-12. School districts shall service students identified as artistically gifted and talented in one or more of the following visual and performing arts areas: dance, drama, music and visual arts areas. Districts may utilize their proportionate share of the ten percent (10%) for the purpose of contracting with other entities to provide services to students identified as artistically gifted and talented if personnel or facilities are not available in the school district for that service. Of the remaining ninety percent (90%) of state dollars appropriated for gifted and talented programs, not more than \$850,000 may be used to provide testing and teacher training. The remaining funds shall be expended in accordance with Section 59-29-170. Each district receiving funds for the gifted and talented program shall include an accelerated component as a part of its academically gifted and talented program. EIA-Gifted and Talented funds may be carried forward and expended for the same purpose in the current fiscal year.

1A.4. (SDE-EIA: XI.A.1-Gifted & Talented/Jr. Academy of Science) Of the funds appropriated in Part IA, Section 1 XI.A.1. Gifted & Talented, \$100,000 must be provided to the Junior Academy of Science. The Department of Education must provide a report on the effectiveness of the academy to the State Board of Education and the Education Oversight Committee by October 1 annually in a format agreed upon by the Education Oversight Committee and the Department of Education.

1A.5. (SDE-EIA: XI.A.1 Services for Students with Disabilities) The money appropriated in Part IA, Section 1 XI.A.1. for Services for Students with Disabilities shall be used only for educational services for trainable mentally disabled pupils and profoundly mentally disabled pupils.

1A.6. (SDE-EIA: XI.A.1-Junior Scholars) The State Board of Education, through the Department of Education, must provide a report on the effectiveness of the Junior Scholars programs as appropriated in Part IA, Section 1 XI.A.1. to the Education Oversight Committee by October 1. Eligibility for the Junior Scholars program is open to any student who meets the requirements of the program, whether the student attends public school or private school;

provided however, any private school student is responsible for paying the cost of the qualifying examination and, at the option of the Department of Education, any other costs associated with the program.

1A.7. (SDE-EIA: XI.A.4-Academic Assistance/Carry Forward) Any unexpended balance from the prior fiscal year in the EIA appropriations in Part IA, Section 1 XI.A.4. for Academic Assistance may be carried forward to the current fiscal year by school districts to be expended to operate programs in accordance with their academic assistance long range plans.

1A.8. (SDE-EIA: XI.A.4-Academic Assistance/Curriculum Development) Funds appropriated in Part IA, Section 1 XI.A.4. for Act 135 of 1993 Other Operating must be used by the Department of Education to provide schools and school districts with technical assistance on curriculum development, including implementing the grade-by-grade academic standards, and instructional improvement in keeping with the intent of Act 135 of 1993 (Sections 59-139-05 and 59-139-10 of the SC Code of Laws) as provided in regulations promulgated by the State Board of Education. Reports on the use of these funds will be provided to the Senate Education Committee and the House Education and Public Works Committee by September 1, of the current fiscal year, reflecting prior fiscal year expenditures.

1A.9. (SDE-EIA: XI.A.4-Academic Assistance/Early Child Development) A portion of the funds appropriated in Part IA, Section 1 XI.A.4. for Academic Assistance 4-12 may be used to support components for the K-3 academic assistance if such change promotes better coordination of state and federal funds provided for programs for these students. Districts requesting this waiver from the State Board of Education must demonstrate how the use of these funds is in keeping with their long range plan and how the needs of the students in grades 4-12 will be met.

1A.10. (SDE-EIA: XI.A.4-Academic Assistance/Formula Funding & Distribution) Notwithstanding any other provision of law, the total funding in Part IA, Section 1 XI.A.4. for the 4-12 Academic Assistance component of Act 135 of 1993 shall be based on a derived free and reduced lunch eligibility count for grades 4-12 obtained by applying the state percentage of K-3 students eligible for free and reduced lunch to the 4-12 average daily membership; and funding for individual districts shall be based on two equally weighted factors; the district's derived lunch percentage for grades 4-12 and its four year average for the number of 4-12 students "not meeting" standard on the state's testing programs for the years 1990-1993.

1A.11. (SDE-EIA: XI.A-Academic Assistance/Reading Recovery) Of the EIA funds appropriated herein for the Academic Assistance Act 135, \$3,200,000 shall be used for the Reading Recovery programs throughout the State. Of the funds provided for Reading Recovery, up to \$50,000 shall be used for piloting alternative teaching methods for reading. The State Department of Education shall report to the State Board of Education and the Education Oversight Committee on the allocation and expenditure of these funds by October 1 annually in a format agreed upon by the Education Oversight Committee and the Department of Education.

1A.12. (SDE-EIA: XI.A.4-Academic Assistance/Remedial Adult Education) Of funds appropriated in Part IA, Section 1 XI.A.4. for Academic Assistance an amount not to exceed \$1,000,000 must be used for adult education students failing one or more sections of the HSAP Exit Examination at a weight of .114 of the base student cost as defined in the Education Finance Act.

1A.13. (SDE-EIA: XI.B - Half Day Program for Four-Year-Olds) Funds appropriated in Part IA, Section 1 XI.B. for half-day programs for four-year-olds shall be distributed based on the prior year number of students in kindergarten eligible for free and reduce price lunch,

however, no district shall receive less than 90 percent of the amount it received in the prior fiscal year.

1A.14. (SDE-EIA: XI.A.3. African-American History) Funds provided for the development of the African-American History curricula may be carried forward into the current fiscal year to be expended for the same purpose.

1A.15. (SDE-EIA: XI.C.3-Course Reimbursement/Teachers) Funds appropriated for EIA-Critical Teacher needs must be used for courses which support instructional techniques and strategies in keeping with the professional development plans. These funds may be used for courses which support the education of students with disabilities or special needs in the regular classroom. School districts may require and collect a deposit from teachers enrolling in courses that support the areas identified above. Upon completion of the course any deposit collected shall be returned to the teacher having made the deposit.

1A.16. (SDE-EIA: XI.C.3-Critical Teaching Needs/Roper Mountain) Of the funds appropriated in Part IA, Section 1 XI.C.3. for Critical Teaching Needs, \$250,000 shall be disbursed to the Roper Mountain Science Center for summer workshops for public school science teachers. Funds disbursed to the Roper Mountain Science Center may be carried forward.

1A.17. (SDE-EIA: XI.C.2-Teacher Evaluations, XI.E.3- Implementation/Education Oversight) The Department of Education shall provide a review of the evaluation results for teachers employed under induction, provisional, annual, second year annual, and continuing contracts to be presented by September 30, annually, to the State Board of Education and the Education Oversight Committee. The Department of Education is directed to oversee the evaluation of teachers at the School for the Deaf and the Blind, the John de la Howe School and the Department of Juvenile Justice under the ADEPT model.

1A.18. (SDE-EIA: XI.C.3.-Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers salaries of the southeastern states as projected by the Division of Budget and Analyses. For the current school year the Southeastern average teacher salary is projected to be \$42,437. It is the intent of the General Assembly to exceed the Southeastern average teacher salary as projected by \$300. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Funds appropriated in Part IA, Section 1 XI.C.3. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50 (b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state.

1A.19. (SDE-EIA: XI.C.3-Teacher Salaries/State Agencies) Each state agency which does not contain a school district but has instructional personnel shall receive an allocation from the line item "Alloc. EIA - TEACHER/OTHER PAY" in Part IA, Section 1 XI.F.3. for teachers salaries based on the following formula: Each state agency shall receive such funds as are necessary to adjust the pay of all instructional personnel to the appropriate salary provided by the salary schedules of the school district in which the agency is located. Instructional personnel may include all positions which would be eligible for EIA supplements in a public school district, and may at the discretion of the state agency, be defined to cover curriculum development specialists, educational testing psychologists, psychological and guidance counselors, and principals. The twelve-month agricultural teachers located at Clemson

University are to be included in this allocation of funds for base salary increases. The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to increase the salaries of instructional personnel by an amount equal to the percentage increase given by the School District in which they are both located.

The funds appropriated herein in the line item "Alloc. EIA-Teacher/Other Pay" must be distributed to the agencies by the Budget and Control Board.

1A.20. (SDE-EIA: XI.A.1-Tech Prep) Of the funds appropriated in Part IA, Section 1, XI.A.1. for the Tech Prep Program, \$75,000 shall be used by the State Department of Education, through the Tech Prep Consortia, to provide for professional development in applied techniques and integration of curriculum, and professional development in career guidance for teachers and guidance counselors and training mentors. In addition, \$500,000 shall be allocated for Career Counseling Specialists in the Tech Prep Consortia. Each Career Specialist shall (1) be housed within a consortium as determined by the local Tech Prep/School to Work Consortium, (2) provide career development activities throughout all schools within the consortium, (3) be under the program supervision of the Office of Career and Technology Education, State Department of Education, and (4) adhere to an accountability and evaluation plan created by the Office of Career and Technology Education, State Department of Education. The Office of Career and Technology Education, State Department of Education, shall provide a report, in February of the current fiscal year to the Senate Finance Committee and the House Ways and Means Committee on accomplishments of the Career Counseling Specialists. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

1A.21. (SDE-EIA: XI.E.1-Principal Salary Supplements) Funds appropriated in Part IA, Section 1 XI.E.1. for salary supplements for principals and accompanying employer contributions must be distributed to school districts based on average daily membership (ADM). Each school district shall distribute the funds as salary supplements in addition to existing compensation equally among principals and assistant principals employed by the district.

1A.22. (SDE-EIA: XI.E.3.-Evaluation/EIA Programs) Of the funds appropriated in Part IA, Section 1 XI.E.3. for EIA Implementation, Other Operating Expenses, \$349,124 may only be used by the State Department of Education to support its contracted program evaluations and the conduct of the State Board of Education's annual assessment of EIA-funded education reforms and the related report, pursuant to Section 59-6-12. Of the remaining funds appropriated in Part IA, Section 1 XI.E.3. for EIA Implementation, Other Operating Expenses shall be used to support the continuation of program and policy evaluations and studies and to support the state's participation in the Middle Grades Project, at no less than \$100,000. Provided further, for the current fiscal year, \$100,000 shall be provided to the South Carolina Educational Policy Center for collaborative projects with the Department of Education and the Education Oversight Committee to provide research based information and consultation services on technical issues related to establishing a more thorough accountability system for public schools, school districts, and the K-12 education system.

1A.23. (SDE-EIA: XI.F.3-CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1 XI.F.3. for the Teacher Recruitment Program, the S.C. Commission on Higher Education shall distribute a total of \$5,404,014 to the Center of Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which \$4,200,000 must be used for the Teaching Fellows Program and of which \$166,302 must be used

for specific programs to recruit minority teachers, and shall distribute \$467,000 to S.C. State University to be used only for the operation of a minority teacher recruitment program and therefore shall not be used for the operation of their established general education programs. The S.C. Commission on Higher Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The S.C. State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees, the State Board of Education and the Education Oversight Committee by October 1 annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.

1A.24. (SDE-EIA: XI.F.3-Disbursements/Other Entities) Notwithstanding the provisions of Sections 2-7-66 and 11-3-50, S.C. Code of Laws, it is the intent of the General Assembly that funds appropriated in Part IA, Section 1 XI.F.3. Other State Agencies and Entities shall be disbursed on a quarterly basis by the Department of Revenue directly to the state agencies and entities referenced except for the Teacher Loan Program, Centers of Excellence, the Education Oversight Committee and School Technology, which shall receive their full appropriation at the start of the fiscal year from available revenue. The Comptroller General's Office is authorized to make necessary appropriation reductions in Part IA, Section 1 XI.F.3. to prevent duplicate appropriations. If the Education Improvement Act appropriations in the agency and entity respective sections of the General Appropriations Act at the start of the fiscal year do not agree with the appropriations in Part IA, Section 1 XI.F.3. Other State Agencies and Entities, the "other funds" appropriations in the respective agency and entity sections of the General Appropriations Act will be adjusted by the Comptroller General's Office to conform to the appropriations in Part IA, Section 1 XI.F.3. Other State Agencies and Entities.

1A.25. (SDE-EIA: XI.A.1-Arts in Education) Funds appropriated in Part IA, Section 1 XI.A.1. Arts Curricula shall be used to support arts education curriculum in the visual and performing arts which incorporates strengths from the Arts in Education pilot sites. These funds shall be distributed under a competitive grants program; however, up to 33% of the total amount of the grant fund shall be made available as "Aid to Other Agencies" to facilitate the funding of professional development arts institutes that have been approved by the State Department of Education for S.C. arts teachers and appropriate classroom teachers. Arts Curricular Grants funds may be retained and carried forward into the current fiscal year to be expended in accordance with the proposed award.

1A.26. (SDE-EIA: XI.B-Parenting/Family Literacy) Funds appropriated in Part IA, Section 1 XI.B. for the Parenting/Family Literacy Programs and allocated to the school districts for parenting projects in the prior fiscal year may be retained and expended by the school districts for the same purpose during the current fiscal year. These funds must be allocated only to school districts that provide comprehensive family literacy programs which address intergenerational cycles of poverty through adult education, early childhood education and parenting programs. Furthermore, any school district that does not provide the evaluation information necessary to determine effective use as required by Section 59-139-10 (A) (1) and by regulation is not eligible to receive additional funding until the requested data is provided. Of the funds appropriated in Part IA, Section 1 XI.B. for the Parenting/Family Literacy \$125,000

must be used for the Accelerated Schools Project at the College of Charleston and \$100,000 is to be used for the South Carolina Urban Leagues state-wide parental involvement programs.

1A.27. (SDE-EIA: XI.B.-Parenting/Family Literacy/Communities- In-Schools)

Notwithstanding any other provision of law, the State Department of Education shall transfer \$200,000 from the funds appropriated in Part IA, Section 1 XI.B. Parenting/Family Literacy to Communities-In-Schools. These funds are to be utilized to provide technical assistance to local communities in establishing Communities-In-Schools programs statewide. Communities-In-Schools will provide annual reports to the State Department of Education which will include: budget expenditure data, a listing of the communities served and the services provided.

1A.28. DELETED

1A.29. (SDE-EIA: XI.C.3-National Board Certification Incentive) Public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards shall be paid a \$7,500 salary supplement in the year of achieving certification. Teachers employed at the special schools shall be eligible for this \$7,500 salary supplement. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center of Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall develop guidelines and administer the programs whereby teachers applying to the National Board for Professional Teaching Standards for certification may receive a loan equal to the amount of the application fee. One-half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the national board. Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the State Department of Education shall transfer to the Center of Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program. In addition, teachers who are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers moving to this State are exempted from initial certification requirements and are eligible for continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the State Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification.

Teacher specialists remain eligible for state supplement for National Board certification.

1A.30. (SDE-EIA: XI.C.4-CSO Mathematics and Science Unit) The funds appropriated in Part IA, Section 1 XI.C.4. shall be used for Mathematics and Science Centers which support improvements in mathematics and science through resources and professional development in

instructional techniques and strategies, use of technology in the classroom, leadership, content in subject areas and assessment. These efforts will be coordinated with programs such as Tech Prep Consortia using applied learning techniques which will improve classroom instruction in mathematics and science.

1A.31. (SDE: XI-Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.

Of the funds provided for teacher salaries, funds may be used to pay salaries for those retired members of the State Retirement System returning to employment covered by the system as certified teachers employed by a school district or special school to teach in the classroom or serve as a guidance counselor in their area of certification in a critical academic need area or geographic need area as defined by the State Board of Education. However, a school district or special school may not consider a retired member of the system for employment before May 31.

The certification of these retired teachers may be extended for the current school year if the local board of education so requests. This certification shall be extended no more than twice.

This provision does not apply to any teacher that has been retired for more than five years.

Special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1.

Beginning July 1, 2001, any retired certified school teacher or certified employee may be employed in a school or school district which is in a critical geographic need area or has received a "below average" or "unsatisfactory" academic performance rating pursuant to the Education Accountability Act without penalty from the South Carolina Retirement System. The department must notify the State Retirement System of the exemption from the earnings limitation.

Retired certified administrators may be hired to fill administrative positions requiring State Board of Education administrator certification in a critical needs school or district on an emergency basis for a period not to exceed twelve months and shall be exempt from earnings limitations from the State Retirement System. Administrators may not be rehired in the same school for concurrent years or for a period of 24 months at the school from the end of the 12 month period of service. Furthermore, retired administrators may not be hired to fill a position created by their retirement during the school year. The Department of Education must review and approve, from the documentation provided by the school district, that no qualified, nonretired certified administrator is available for employment in the position and that the member selected for employment meets the requirements of this section. The department must notify the State Retirement System of the exemption from the earnings limitation.

1A.32. (SDE-EIA: XI.A.1-Autism Parent-School Partnership Program) From funds

appropriated for Services For Students with Disabilities, \$250,000 shall be provided to the South Carolina Autism Society for the Parent-School Partnership Program.

1A.33. (SDE-EIA: XI.C.4-Professional Development on Standards) These funds shall be used for professional development for certificated instructional and instructional leadership personnel in grades kindergarten through 12 in the academic areas for which SBE standards documents have been approved to better link instruction and lesson plans to the standards and to any state-adopted readiness assessment tests, develop classroom assessments consistent with the standards and PACT-style testing, and analyze PACT results for needed modifications in instructional strategies. Funds may also be expended for certificated instructional and instructional leadership personnel in grades six through twelve to achieve competency in teaching reading to students who score below proficient on the reading assessment of PACT. Provided further, that \$250,000 of the funds allocated to professional development must be provided to the Department of Education to implement successfully the South Carolina Readiness Assessment by creating a validation process for teachers to ensure reliable administration of the assessment, providing professional development on effective utilization and establishing the relationship between the readiness measure and third grade standards-based assessments. Multi-day work sessions shall be provided around the state during the summer and during the fall and winter using staff development days, teacher workdays, two of the remaining professional development days shall be set aside specifically for the preparation and opening of schools. District instructional leaders, regional service centers, consortia, department personnel, university faculty, contracted providers, and the resources of ETV may be used as appropriate to implement this intensive professional development initiative. Teachers participating in this professional development shall receive credit toward recertification according to State Board of Education guidelines. Funds provided for professional development on standards may be carried forward into the current fiscal year to be expended for the same purpose. No less than twenty-five percent of the funds allocated for professional development should be expended on the teaching of reading which includes teaching reading across content areas in grades three through eight.

1A.34. (SDE-EIA: XI.C.3-Teacher Supplies) From the funds appropriated, all certified public school, certified special school classroom teachers, certified media specialists, and certified guidance counselors who are employed by a school district or a charter school as of November 30 of the current fiscal year, shall receive reimbursement of two hundred fifty dollars each school year to offset expenses incurred by them for teaching supplies and materials. Funds shall be disbursed by the department to School districts by July 15 based on the last reconciled Professional Certified Staff (PCS) listing from the previous year. Any deviation in the PCS and actual teacher count will be reconciled by December 31 or as soon as practicable thereafter. School districts shall disburse these funds in a manner separate and distinct from their payroll check on the first day teachers, by contract, are required to be in attendance at school for the current contract year. This reimbursement shall not be considered by the state as taxable income. Special schools include the Governor's School for Science and Math, the Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and Palmetto Unified School District. Funds distributed to school districts or allocated to schools must not supplant existing supply money paid to teachers from other sources. If a school district requires receipts for tax purposes the receipts may not be required before December 31. Districts that do not wish to require receipts may have teachers retain the receipts and certify for the district they have

received the \$250 for purchase of teaching supplies and/or materials and that they have purchased or will purchase supplies and/or materials during the fiscal year for the amount of \$250. Districts shall not have an audit exception related to non-retention of receipts in any instances where a similar instrument is utilized. Any district requiring receipts must notify any teacher from whom receipts have not been submitted between November 25 and December 6 that receipts must be submitted to the district. Districts may not add any additional requirement not listed herein related to this reimbursement. The department must withhold local school innovation funds from any district while in non-compliance with this provision. Any funds not disbursed to teachers may not be retained by the districts and must be returned to the department.

1A.35. (SDE-EIA: XI.E.1-Principal Executive/Leadership Institute Carry Forward) Prior fiscal year funds appropriated in Part IA, Section XI.E.1. for the Principal Executive/Leadership Institute may be carried forward into the current fiscal year and expended for the same purpose. The Institute and all principal evaluation and induction programs must include training for the key role that principals have in supervising the teaching of reading and instilling the importance of literacy in public schools.

1A.36. (SDE-EIA: XI.C.3-Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each district Teacher of the Year shall receive an award of \$1,000. In addition, the State Teacher of the Year shall receive an award of \$25,000, and each of the four Honor Roll Teachers of the Year will receive an award of \$10,000. To be eligible, districts must participate in the State Teacher of the Year Program sponsored by the State Department of Education.

1A.37. (SDE-EIA: XI-State of Emergency District) Notwithstanding any other provision of law, funds may be used for retired educators serving as teacher specialists, principal specialists, principal leaders, or curriculum specialists on site in districts in which a state of emergency is declared. These educators will not be subject to the earnings limitations which restrict the amount of compensation that may be earned from covered employment while drawing benefits under the State Retirement Systems and they may be hired as a principal specialist in a state of emergency district for up to four years.

1A.38. (SDE-EIA: Specialists in Unsatisfactory Schools) Notwithstanding any other provision of law, the State Department of Education may assign teacher specialists, principal specialists, principal leaders, and curriculum specialists to schools designated as unsatisfactory or below average according to the enrollment of the school and as recommended by the review team. Teacher specialists may be assigned to kindergarten level, if recommended by the review team. Furthermore, the average number of teacher specialists assigned to schools may not exceed five. Teacher specialists may be placed across grade levels and across core subject areas when placement meets program criteria based on external review team recommendations, need, number of teachers receiving support, and certification and experience of the specialist. A teacher specialist may be assigned to support classroom teachers in the areas of special education and limited English proficiency when warranted by the needs of the student population, recommended by an external review team and approved by the State Board of Education.

Retired educators may be hired as teacher specialists, principal specialists, principal leaders, or curriculum specialists and shall be exempt from the earnings limitations of the State Retirement System. Teacher specialists are limited to three years of service at one school unless the specialist submits application for an extension and that application is accepted by the State Department of Education and placement is made. Upon acceptance and placement, the specialist can receive the salary and supplement for two additional years, but is no longer attached to the

sending district or guaranteed placement in the sending district following tenure in the program as provided in Section 59-18-1530 (F) of the South Carolina Code of Laws. Teacher specialist funds may be carried forward from the prior fiscal year into the current fiscal year for the Teacher Specialists On-Site Program. A principal specialist may be continued for a third year if requested by the local school board, recommended by the external review team, and approved by the State Board of Education. For the third year, only the principal specialist salary supplement will be paid by the State.

1A.39. (SDE-EIA: XI-Accreditation System) The State Board of Education and Department of Education, in developing the criteria for the new accreditation system mandated by Section 59-18-710, shall consider including as an area the functioning of school improvement councils and other school decision-making groups and their participation in the school planning process in accordance with state requirements.

1A.40. (SDE-EIA: XI.A.3-Institute of Reading) The funds appropriated for the Institute of Reading must be used to implement a comprehensive approach to improving the reading abilities of students in the middle grades and accelerating the learning of middle grade students reading below grade level with strategies based on best practice and providing targeted assistance shown by research to help these students to read at grade level. Funds may also be used in the same manner for high school grades.

1A.41. (SDE-EIA: EOC) The Education Oversight Committee may collect, retain and expend revenue from conference registration and fees; charges for materials supplied to local school districts or other entities not otherwise mandated to be provided by state law; and from other activities or functions sponsored by the committee including public awareness campaign activities. Any unexpended revenue from these sources may be carried forward into the current fiscal year and expended for the same purposes. The Education Oversight Committee is permitted to utilize the funds appropriated to it to fund programs promoting the teaching of economic education in South Carolina.

1A.42. (SDE-EIA: Professional Development) With the funds appropriated for professional development, the Department of Education must disseminate the South Carolina Professional Development Standards, establish a professional development accountability system, and provide training to school leadership on the professional development standards, also training must be provided to educators on assessing student mastery of the content standards. The State Department of Education shall revise professional development activities and programs, including professional development on the standards, the SC Reading Initiative, and programs for administrators, to include emphasis on strategies and services for students at risk of retention. The State Department of Education shall provide information on the activities and programs and measures to gauge their effectiveness to the State Board of Education and the Education Oversight Committee by January 1.

1A.43. (SDE-EIA: Principal Specialists) For each principal specialist funded and designated to a school district, the school district may designate an apprentice to work with the specialist.

1A.44. (SDE-EIA: Report Card Printing) The State Department of Education is prohibited from printing the Annual School and District Report Card in any other color other than black and white. School districts must advertise the results of their schools' report cards in an audited newspaper of general circulation in their geographic area within 45 days. If the audited newspaper has previously published the entire report card results as a news item, this requirement is waived for the school and district. Notwithstanding Section 59-18-930, the

requirement to mail school and district report cards is suspended and report cards may be sent home with the students. The parent survey required by Section 59-28-190 may be sent home with the students and the department must use the results of the parent survey to report parent perceptions on the school report cards.

1A.45. (SDE-EIA: Technical Assistance) Notwithstanding any other provision of law, and in order to best meet the needs of low-performing schools, the funding provided in Section 1 XI.A.4 Special Items may be reallocated among the programs specified in this section. The Department of Education shall establish criteria for reviewing and assisting schools that will be rated unsatisfactory using a tiered system with the lowest-performing schools receiving highest priority. Not to exceed the statewide total number of specialists stipulated by the Education Accountability Act, the highest priority schools assistance shall include a year-long technical assistance team that may include a lead principal and/or curriculum specialist. All specialists shall have a demonstrated record of success in their field and shall be entitled to the incentives and benefits of the teacher specialist. Technical assistance for below average schools shall be provided to the extent possible, in order of need. The Department of Education shall provide information on the technical assistance strategies and their impact to the State Board of Education, the Education Oversight Committee, the Senate Education Committee, the Senate Finance Committee, the House of Representatives Education and Public Works Committee, and the House of Representatives Ways and Means Committee annually.

The Department of Education shall pilot a structured academic mentoring program for students scoring below average on PACT in up to thirty schools including ten unsatisfactory schools, ten below average schools and ten average schools. Data shall be compiled and a report given to the State Board of Education and the Education Oversight Committee by January 12 annually.

1A.46. (SDE-EIA: Proviso Allocations) The State Department of Education may reduce by up to 10%, any allocation in Section 1A specifically designated by proviso in the event an official EIA revenue shortfall is declared by the BEA. No allocation for teacher salaries shall be reduced as a result of this proviso.

1A.47. (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer up to one hundred percent of funds between programs to any instructional program provided the funds are utilized for direct classroom instruction.

The South Carolina Department of Education must establish a procedure for the review of all transfers authorized by this provision. The details of such transfers must be provided to members of the General Assembly upon request. School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year to be used for the same purpose. All transfers executed pursuant to this provision must be completed by May first of the current fiscal year. All school districts and special schools of this State may expend funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, for any instructional program. The Education Oversight Committee shall review the utilization of the flexibility provision to determine how it enhances or detracts from the achievement of the goals of the educational accountability system, including the ways in which school districts and the state organize for maximum benefit to classroom instruction, priorities among existing programs and services, and the impact on short, as well as, long-term objectives. The State Department of Education shall provide the reports on the transfers to the Education Oversight Committee for the comprehensive review. This review shall be provided to

the members of the General Assembly annually. Any grant or technical assistance funds allocated directly to an individual school may not be reduced or reallocated within the school district and must be expended by the receiving school only according to the guidelines governing the funds.

1A.48. (SDE-EIA: XI.A.4-Retraining Grants) Funds appropriated for retraining grants in the prior fiscal year may be retained and expended during the current fiscal year by the schools that were awarded the grants during the prior fiscal year for the same purpose. Funds appropriated for Retraining Grants may be used for training for superintendents and school board members. Beginning with the 2004 annual school report card, a school initially designated as unsatisfactory or below average on the current year's report card must receive by January 1, \$10,000 from the funds appropriated for Retraining Grants and must expend the funds for planning purposes in accordance with Section 59-18-1560. The school is then eligible to receive additional retraining grant allocations in the following three school years in accordance with Section 59-18-1560 provided that the school meets the guidelines developed by the Department. A school designated as unsatisfactory or below average for consecutive years may combine the additional retraining grants allocations and homework center allocations for professional development or for extended school day in accordance with the school's improvement plan. Furthermore, any school that does not provide the evaluation information necessary to determine effective use as required by Section 59-18-1560 is not eligible to receive additional funding until the requested data is provided as outlined in the program guidelines.

1A.49. (SDE-EIA: XI.F.3-School Improvement Council Assistance) The School Improvement Council Assistance will coordinate with the department to target schools and school districts designated as unsatisfactory. The department shall coordinate with and monitor the services provided to the schools and districts by the School Improvement Council Assistance.

1A.50. (SDE-EIA: Critical Geographic Area) Notwithstanding the provision of Section 59-26-20 (j) for those students seeking loan cancellation under the Teacher Loan Program after July 1, 2004, "critical geographic area" shall be defined as schools that have an absolute rating of below average or unsatisfactory, schools where the average teacher turnover rate for the past three years is 20 percent or higher, or schools that meet the poverty index criteria at the 70 percent level or higher. The list shall also include special schools, alternative schools, and correctional centers as identified by the State Board of Education. After July 1, 2005, students shall have their loan canceled based on those schools or districts designated as a critical geographic area at the time of employment. The definition of critical geographic area shall not change for those students who are in the process of having a loan canceled, on or before June 30, 2005. Beginning in Fiscal Year 2005-06 the maximum loan amount will be increased to an amount not to exceed \$20,000. Beginning July 1, 2005, freshmen may continue to apply for the Teacher Loan Program, but only freshmen who have participated in the Teacher Cadet Program are eligible to receive a loan.

1A.51. (SDE-EIA: Unallocated Funds for Teacher Specialists) The Department of Education shall develop procedures and establish a timeline so schools that receive an unsatisfactory rating or a below average rating on the annual report card are given an option to choose technical assistance offered by the department that includes teacher specialists, principal specialists and other personnel assigned under the tiered system or alternative research-based technical assistance. Criteria for selecting alternative research-based technical assistance are to be approved by the Education Oversight Committee and the Department of Education. For the current school year, the department may utilize a supplemental alternative technical assistance

program in a state of emergency school district. The funds appropriated for alternative research-based technical assistance must be allocated to below average and unsatisfactory schools based upon the school's enrollment and school type with no school receiving less than \$100,000 or more than \$300,000 annually. Furthermore, it is the intent that the alternative research-based technical assistance will be provided for a minimum of three years in order to implement fully systemic reform and to provide opportunity for building local education capacity. The Education Oversight Committee, in cooperation with the Department of Education and with the schools and school districts participating in the alternative technical assistance programs, will monitor the effectiveness of the alternative technical assistance program.

1A.52. (SDE-EIA: Teacher Salary Supplement) The department is directed to carry forward prior year unobligated teacher salary supplement and related employer contribution funds into the current fiscal year to be used for the same purpose.

1A.53. (SDE-EIA: EAA Summer School, Grades 3-8) Funds appropriated for summer school shall be allocated to each local public school district based on the number of academic subject area scores below the basic on the prior year Spring PACT administration for students in grades three through eight and on the number of students entering ninth grade who score below proficient in reading. Individual student scores on the PACT shall not be the sole criterion used to determine whether a student on an academic plan the prior year will be placed on probation or retained. Individual student scores on the PACT shall not be the sole criterion for requiring students to attend summer school. School districts may consider other factors such as student performance, teacher judgment, and social, emotional, and physical development in placing students on academic probation or requiring summer school attendance. Students may not be placed on academic probation or retained based solely on the PACT scores. The State Department of Education working with the Education Oversight Committee must develop a method to supplement the PACT with diagnostic training and materials aligned to the content standards. Current year appropriations may be expended for prior year EAA summer school purposes. Local public school districts shall utilize these funds in accordance with the requirements of Section 59-18-500 of the 1976 Code. The State Department of Education is directed to utilize PACT-like tests aligned with standards to be administered to students on academic probation required to attend summer school. The test shall be a determinate in judging whether the student has the skills to succeed at the next grade level. The State Board of Education shall establish regulations to define the extenuating circumstances including death of an immediate family member or severe long-term student illness, under which the requirements of 59-18-900(D) may be waived. Furthermore, of the funds appropriated for summer school, up to \$250,000 will be allocated to the Education Oversight Committee for an evaluation of the impact of summer school and other remediation programs on student achievement. The Fiscal Year 2004-05 estimated Education Improvement Act surplus of \$25,232,021 shall be used to fund Summer Schools.

1A.54. (SDE-EIA: Alternative School Waiver Requirement) Notwithstanding any other provision of law, alternative schools may receive funding if they meet the standards to qualify for a waiver from the Department of Education established in Section 59-63-1310 for site requirements for the current fiscal year.

1A.55. (SDE-EIA: Class Size Reduction-Grade One) School districts which choose to reduce class size to fifteen-to-one in grades one through three shall be eligible for funding for the reduced pupil-teacher ratios from funds provided by the General Assembly for this purpose.

1A.56. (SDE-EIA: National About Face Pilot Program) Of the funds appropriated to the

Department of Education for homework centers, \$485,000 shall be used for the National About Face Pilot Program.

1A.57. (SDE-EIA: High Schools That Work Programs) The Department of Education must report annually by December 1st, to the Governor, the Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public Works Committee on the High Schools that Work Programs' progress and effectiveness in providing a better prepared workforce and student success in post-secondary education.

1A.58. DELETED

1A.59. DELETED

1A.60. (SDE-EIA: Unallocated EIA Cash Balance) The department is directed to utilize the FY 2003-04 unallocated EIA cash balance of \$13,683,967 during FY 2005-06 to administer the K-12 technology initiatives and to collaborate with the Budget and Control Board's Office of Information Resources and the Educational Television Commission in the utilization of these funds.

1A.61. (SDE-EIA: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. The department is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring PACT assessment.

1A.62. (SDE-EIA: EAA Report Card Criteria) The Education Oversight Committee may base ratings for school districts and high schools on criteria that include graduation from high school with a state high school diploma and ratings may be based on criteria aligned with workforce needs including, but not limited to, exit examination performance and other criteria identified by technical experts and appropriate groups of educators and workforce advocates. For other schools without standard-based assessments the ratings may be based upon criteria identified by technical experts and appropriate groups of educators. All ratings criteria must be approved by the Education Oversight Committee.

1A.63. (SDE-EIA: Assessment of Students with Disabilities) Students who are classified as a student with a disability under IDEA guidelines, who have a current IEP, and who do not meet the criteria for the state's alternate assessment, may be administered a PACT assessment consistent with the student's IEP instructional level in each content area. After the initial administration of the High School Assessment Program to a student with disabilities, if all of the following conditions are met, the IEP team will determine on an annual basis the student's participation in the HSAP: a) The student failed to pass any part of HSAP during the initial administration, b) the student has not earned any Carnegie units in the core curriculum (English language arts, mathematics, science, and social studies), and c) the student is not enrolled in a course in the core curriculum required for high school graduation.

1A.64. (SDE-EIA: Excellence in Middle School Initiative) Funds appropriated for the Excellence in Middle Schools Initiative shall be used to continue to fund the number of guidance counselors, school safety officers and/or school nurses in middle/junior high schools. The funding allocation shall be based proportionately on the number of middle/junior high schools in each district.

1A.65. (SDE-EIA: After School Program/Homework Centers Allocation) The Department of Education is authorized to allocate after school program/homework center funds first, by

establishing an equitable base amount for unsatisfactory schools; second, by establishing an equitable base amount for below average schools; and third, by allocating any remaining funds based on the ADM of below average schools. By November 1 of the fiscal year, schools receiving funds for homework centers must report to the Department of Education and to the Education Oversight Committee on changes in the PACT-English Language Arts scores in both reading and writing of students who were participants in the homework centers during the prior school year.

1A.66. (SDE-EIA: Early Childhood Review) From the funds appropriated for EIA Four-Year Old Early Childhood, the Department of Education shall utilize up to \$300,000 to institute a plan for reviewing, on a district basis, early childhood assets of schools and districts based on State Early Childhood Environment Rating Scores, 4K entry DIAL 3 scores, and South Carolina Readiness Assessment Reports. To accomplish this, the department shall use reports that analyze program assets and provide guidance to local schools on the effective use of the reports to enhance quality gaps. Children will be tracked from early childhood programs to fifth grade and beyond to study the relationships of strong early childhood programs and increased performance on PACT, decreased drop out scores, decreased referral for special education programs, and increased graduation rates. This review may not be used as a part of the EAA Report Card for school year 05-06.

1A.67. DELETED

1A.68. (SDE-EIA: Credits High School Diploma Distribution) The funds appropriated for Raise Academic Standards-Credits High School Diploma shall be distributed to the school districts of the state based upon the 135 day count of Average Daily Membership.

SECTION 1AA - H66 -LOTTERY EXPENDITURE ACCOUNT

1AA.3. (LEA: SDE Lottery Carry Forward) The Department of Education is authorized to carry forward and expend any unexpended balances of lottery funds from the prior fiscal year into the current fiscal year for expenditures incurred in the prior fiscal year or to be expended for the same purpose.

1AA.4. (LEA: SDE Transfer Restriction) Funds appropriated from the Education Lottery Account for K-5, Reading, Mathematics, Science, and Social Studies Programs, grants, or technical assistance funds allocated directly to an individual school may not be transferred and may only be expended for the purposes for which these funds have been appropriated. However, all school districts may transfer up to one hundred percent of other lottery funds appropriated to school districts between programs to any instructional program provided the funds are utilized for direct classroom instruction.

1AA.12. (LEA: Annual Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.

The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.

All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings. These funds shall be used to support the appropriations contained below.

The Department of Alcohol and Other Drug Abuse Services is directed to remit their unspent Fiscal Year 2004-05 appropriation of one million dollars from the prior fiscal year to the Education Lottery Account.

For Fiscal Year 2005-06 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

- (1) Commission on Higher Education--Tuition Assistance Two-Year Institutions, \$43,000,000;
- (2) Commission on Higher Education--LIFE Scholarships as provided in Chapter 149 of Title 59, \$107,298,090;
- (3) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370, \$6,673,826;
- (4) Commission on Higher Education--Palmetto Fellows Scholarships as provided in Section 59-104-20, \$14,381,991;
- (5) Commission on Higher Education--Need-Based Grants, \$11,246,093;
- (6) Tuitions Grants Commission--Tuition Grants, \$4,000,000;
- (7) Commission on Higher Education--National Guard Tuition Repayment Program as provided in Section 59-111-75, \$1,700,000;
- (8) Commission on Higher Education--Endowed Chairs as provided in Chapter 75 of Title 2, \$30,000,000;
- (9) South Carolina State University--\$2,500,000;
- (10) Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges, \$3,000,000;
- (11) Department of Education--K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525, \$46,500,000;
- (12) Department of Education--Grades 6-8 Reading, Math, Science & Social Studies Program, \$2,000,000; and
- (13) Commission on Higher Education--Higher Education Excellence Enhancement Program, \$4,700,000.

Fiscal Year 2005-06 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and 2-year institutions as provided in Section 59-150-360.

The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$840 per student per term for full time students.

Fiscal Year 2005-06 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, Palmetto Fellows, and HOPE scholarships for Fiscal Year 2005-06 are fully funded.

If the lottery revenue received for Fiscal Year 2005-06 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

The Commission on Higher Education is authorized to use up to \$260,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the

necessary level of program support for the scholarship award process.

For Fiscal Year 2005-06, twelve million dollars certified from unclaimed prizes shall be appropriated as follows:

- (1) Department of Education-- School Buses, \$3,000,000; and
- (2) Technology: A Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges, \$9,000,000.

All additional revenue certified for unclaimed prizes and any revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Department of Education for the purchase and repair of school buses and fuel.

Notwithstanding the provisions of Section 59-150-355 of the 1976 Code or any other provision of law, the Budget and Control Board may distribute funds from the Education Lottery Account on a monthly basis during the final quarter of the fiscal year.

SECTION 72 - X90 - GENERAL PROVISIONS

72.1. (GP: Revenues, Deposits Credited to General Fund) For the current fiscal year, except as hereinafter specifically provided, all general state revenues derived from taxation, licenses, fees, or from any other source whatsoever, and all institutional and departmental revenues or collections, including income from taxes, licenses, fees, the sale of commodities and services, and income derived from any other departmental or institutional source of activity, must be remitted to the State Treasurer at least once each week, when practical, and must be credited, unless otherwise directed by law, to the General Fund of the State. Each institution, department or agency, in remitting such income to the State Treasurer, shall attach with each such remittance a report or statement, showing in detail the sources itemized according to standard budget classification from which such income was derived, and shall, at the same time, forward a copy of such report or statement to the Comptroller General and the State Budget and Control Board. In order to facilitate the immediate deposit of collections, refunds of such collections by state institutions where properly approved by the authorities of same, may be made in accordance with directions from the State Comptroller General and State Treasurer. General fund appropriations herein made for the support of the public school system of the State must be greater than or equal to the revenues derived from the General Retail Sales Tax, the Soft Drinks Tax, and the state's portion of the Alcoholic Liquors Tax and Cable Television Fees as forecasted in the general fund revenue estimate of the Board of Economic Advisors as accounted for in Section 71 of this act. Appropriations in this act for the support of the public school system shall include the following:

- Department of Education;
- State Board for Technical and Comprehensive Education;
- Educational Television Commission;
- Wil Lou Gray Opportunity School;
- School for the Deaf and the Blind;
- John de la Howe School;
- Debt Service on Capital Improvement Bonds Applicable to Above Agencies;
- Debt Service on School Bonds;
- Other School Purposes.

Nothing contained herein shall be construed as diminishing the educational funding

requirements of this section.

72.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year 2005-06, and for other purposes specifically designated.

72.8. (GP: Fee Increases) (A) No state agency, department, board, committee, commission, or authority, may increase an existing fee for performing any duty, responsibility, or function unless the fee for performing the particular duty, responsibility, or function is authorized by statutory law and set by regulation except as provided in this paragraph.

(B) This paragraph does not apply to:

- (1) state-supported governmental health care facilities;
- (2) state-supported schools, colleges, and universities;
- (3) educational, entertainment, recreational, cultural, and training programs;
- (4) the State Board of Financial Institutions;
- (5) sales by state agencies of goods or tangible products produced for or by these agencies;
- (6) charges by state agencies for room and board provided on state-owned property;
- (7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;
- (8) court fees or fines levied in a judicial or adjudicatory proceeding;
- (9) the South Carolina Public Service Authority or the South Carolina Ports Authority.

Authority.

(C) This paragraph does not prohibit a state agency, department, board, committee, or commission from increasing fees for services provided to other state agencies, departments, boards, committees, commissions, political subdivisions, or fees for health care and laboratory services regardless of whether the fee is set by statute.

(D) Statutory law for purposes of this paragraph does not include regulations promulgated pursuant to the State Administrative Procedures Act.

72.30. (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior fiscal year into the current fiscal year, up to a maximum of ten percent of its original general fund appropriations less any appropriation reductions for the current fiscal year.

Agencies shall not withhold services in order to carry forward general funds.

This provision shall be suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this proviso, the amount of the general fund surplus/deficit must be considered after all appropriations from the Capital Reserve Fund have been allowed and before any transfers from the General Reserve. The amount of general funds needed to avoid a year-end deficit shall be reduced proportionately from each agency's carry forward amount.

Agencies which have separate general fund carry forward authority must exclude the amount carried forward by such separate authority from their base for purposes of calculating the ten percent carry forward authorized herein. Any funds that are carried forward as a result of this provision are not considered part of the base of appropriations for any succeeding years.

72.37. (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the Department of Education, in consultation with the Budget and Control Board's

Office of Information Resources, the State Library and Educational Television Commission shall administer the K-12 technology initiative funds. These funds are intended to provide technology, encourage effective use of technology in K-12 public schools throughout the state, conduct cost/benefit analyses of the various technologies and should, to the maximum extent possible, involve public-private sector collaborative efforts. Funds may also be used to establish pilot projects for new technologies with selected school districts as part of the evaluation process. K-12 technology initiative funds shall be retained and carried forward to be used for the same purpose.

72.44. (GP: PSA Agriculture Teachers Summer Employment) In addition to funds previously established for Clemson University PSA to fund summer employment of agriculture teachers, the Department of Education shall transfer funds appropriated in Part I, Section X.I.F.3, Other State Agencies and Entities, Teacher Pay - Other Agencies to Clemson University PSA to cover state-mandated salary increases on that portion of the agriculture teachers' salaries attributable to summer employment.

72.48. (GP: Alternative Commitment to Truancy) As part of its plan for an alternative school, a school district receiving funds from the Department of Education for an alternative school shall identify available alternatives to commitment for children whose truancy is approaching the level of being referred to family court. When proceeding under S.C. Code Section 59-65-50 to bring an individual case before the family court, the school district must present this plan as well as the district's efforts with respect to the individual child to the court. Each school district's plan under this proviso shall include possible assignment to alternative school for a nonattending child before petitioning the court.

72.47. (GP: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to FY 2001-02 general fund appropriations and to allow for the orderly transition of the downsizing of state government, agencies are authorized for FY 2005-06 to spend agency earmarked and restricted accounts designated as "special revenue funds" as defined in the Comptroller General's records, to maintain critical programs previously funded with general fund appropriations. Any increase in spending authorization for these purposes must receive the prior approval of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Notwithstanding proviso 72.10 (Transfers of Appropriations), appropriation transfers may exceed twenty percent of the program budget upon approval of the Budget and Control Board.

72.97. (GP: Reassessment Implementation) Notwithstanding the provisions of Section 12-43-217 of the 1976 Code, the governing body of a county that pursuant to the provisions of Section 3.SS.1, Act 69 of 2003, postponed implementation of the values determined in a countywide assessment and equalization program until 2004, by ordinance may postpone the implementation for one additional property tax year.

73.16. (SR: Excess School Bonds) Notwithstanding any other provision of law, the State Treasurer shall transfer to the general fund all investment earnings held in Subfunds 4867 "State School Facilities Bonds Proceeds 2001A" and 47B8 "State School Facilities Bonds Proceeds 2002B", which investment earnings exceed the amount designated for allocation by the Department of Education under Section 59-146-50 of the 1976 Code. By this provision this transfer is deemed to have occurred and notwithstanding any other provision of law, these general fund revenues are available for appropriation.

73.17. (SR: Increased Enforcement Collections) For Fiscal Year 2005-06, the Department of Revenue shall continue its efforts pertaining to increased enforced collections as established in Fiscal Year 2004-05.

The department may collect revenues from any source within its jurisdiction, which may include but is not limited to corporate, individual or sales tax collections but especially shall focus on enforced collections and outstanding liabilities.

These funds shall be subsequently deposited in a fund separate and distinct from the general fund as established within the Office of the State Treasurer, except that any motor fuel funds collected as a result of the enforced collection efforts shall be distributed in the same manner as other motor fuel tax revenues are currently distributed. For the fiscal year beginning July 1, 2005 and ending June 30, 2006, the State Treasurer shall disburse the following funds on a quarterly basis:

E16	State Treasurer's Office	
	Barnwell Subfund 4693 Atmc Wste Brl Fd- Chm Nclr	\$ 20,472,134;
J04	Department of Health & Environmental Control	
	Pinewood Trust Fund Subfund 4641	
	Haz Waste-Permitted Site Fd	\$ 942,290;
R14	Patients' Compensation Fund	
	Subfund 4484 Patients Compensation Fund	\$ 1,499,559;
D17	Governor's Office of Executive Policy and Programs	
	Subfund 4649 USDA-TLAP	\$ 79,485;
E16	State Treasurer's Office	
	Governor's Teaching School Loan Program	
	Subfund 4019	\$ 2,000,000;
	Subfund 4066 Disaster Trust Fund	\$ 1,250;
	Subfund 4455 SVA Cumulative Snkg Fd 88	\$ 164,114;
	Subfund 4557 SVA Special Tax Fund 1988	\$ 66,074;
	Subfund 4612 Asbestos Expense Trust	\$ 24,157;
	Subfund 4694 Loan Fund-St. Ed Ast Auth	\$ 1,278,710;
	Subfund 4731 General Ser Ds-Gen Fund	\$ 15,065;
	Subfund 4732 General Ser Ds-Ins Res Fund	\$ 3,188;
	Subfund 4895 Confiscated Cash	\$ 4,761;
E23	Commission on Indigent Defense	
	Subfund 4313 Indigent Def Services Fund	\$ 78,553;
F03	Budget and Control Board	
	Subfund 4153 Funded Debt-Sinking Fund	\$ 1,737;
	Subfund 4154 Ordinary Sinking Fund	\$ 54,717;
	Subfund 4190 Fed Surplus Property Fd	\$ 10,257;
	Subfund 4343 SC Infrastructure Loan Fund	\$ 824,318;
	Subfund 4821 PVE-First Stage Restitution	\$ 15,026;
J02	Department of Health & Human Services	
	Subfund 4176 Nursing Home Sanctions	\$ 96,900;
J04	Department of Health & Environmental Control	
	Subfund 4545 Waste Tire Grant Trust Fund	\$ 541,329;
	Subfund 4546 Petroleum Fund	\$ 280,891;
	Subfund 4865 Solid Waste Mgmt Trust Fund	\$ 103,919;
	Subfund 4906 Superb Fin Responsibility	\$ 230,474;
	Subfund 4971 Infectious Waste Contingency Fd	\$ 21,414;

Subfund 4977 Infectious Waste Cnty Entitle Fd \$ 4,773;
 J20 Department of Alcohol & Other Drug Abuse Services
 Subfund 4784 Revolving Loan Fund \$ 14,882;
 K05 Department of Public Safety
 Subfund 4547 Uninsured Enforcement Fund \$ 70,904;
 P16 Department of Agriculture
 Subfund 4308 Whse Receipts Guarantee \$ 241,499;
 Subfund 4358 Grain Producers Guaranty Fund \$ 269,410;
 P24 Department of Natural Resources
 Subfund 4189 SC Aquatic Plant Man Tr Fd \$ 16,913;
 Subfund 4373 Nongame Wildlife &
 Natural Areas \$ 9,794;
 Subfund 4395 Mitigation Trust Fund \$ 439,291;
 Subfund 4520 Heritage Land Trust Fund \$ 212,643;
 Subfund 4795 Jocassee Gorges Trust Fund \$ 17,002;
 P28 Department of Parks, Recreation, and Tourism
 Subfund 4278 Recreation Land Trust \$ 159,337;
 Subfund 4279 Gifts & Endowments Trust \$ 41,334;
 P36 Patriots Point Development Authority
 Subfund 4049 Donations-Restricted \$ 14,225;
 Subfund 4133 Admissions Revenue \$ 59,842;
 P32 Department of Commerce-Public Railways Commission
 Subfund 4816 Capital Improvement \$ 26,591;
 E04 Lieutenant Governor's Office
 Subfund 4508 Sr Cit Ctrs Perm Imp Fund \$ 332,516;
 H63 Department of Education
 EFA Hold Harmless \$ 14,225,833;
 R52 State Ethics Commission
 Electronic Filing System \$ 318,000;
 A20 Legislative Audit Council
 Operating expenses \$ 70,000;
 J02 Department of Health and Human Services
*****Health Care Information & Referral Network \$ 104,142;***

**Text printed in italic, boldface indicates sections vetoed by the Governor on May 17, 2005.

**Indicates those vetoes overridden by the General Assembly on May 24, May 25, or May 26, 2005.

H03 Commission on Higher Education
 African American Loan Program \$ 100,000;
 P21 South Carolina State-PSA
 Maintain Federal Match \$ 452,000;
 H15 University of Charleston

*****School of Business: Office of Tourism Analysis \$ 129,000;***

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Lowcountry Graduate Center \$ 100,000;
****Avery Research Center \$ 100,000;**
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H18 Francis Marion University
****Omega Project \$ 18,853;**
****Francis Marion Trail \$ 110,000;**
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H27 University of South Carolina - Columbia
****Poison Control Center \$ 200,000;**
****Augusta Baker Chair for Childhood Literacy \$ 1,500,000;**
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H12 Clemson University
****Call Me Mister \$ 1,300,000;**
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H51 Medical University of South Carolina
Hollings Cancer Center \$ 500,000;

H59 State Board for Technical and Comprehensive Education
Piedmont Technical College - Nursing Program \$ 250,000;
Horry-Georgetown Technical College -
Nursing Program \$ 235,000;

H47 Winthrop University
****Thurmond College of Business Administration \$ 1,000,000;**
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**Indicates those vetoes overridden by the General Assembly on May 24, May 25, or May 26, 2005.

K05 Department of Public Safety
High Mileage Vehicle Replacement \$ 1,500,000;

U12 Department of Transportation
State Ports Authority Access Road Study \$ 100,000;

E24 Adjutant General's Office
****Air Guard \$ 100,000;**
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**Indicates those vetoes overridden by the General Assembly on May 24, May 25, or May 26, 2005.

Emergency Preparedness Federal Match \$ 1,000,000;
U12 Department of Transportation
****Mass Transit \$ 1,300,000;**

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**Indicates those vetoes overridden by the General Assembly on May 24, May 25, or May 26, 2005.

F03 Budget and Control Board

*****Geodetic Mapping \$ 250,000;***

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Reimbursement for Graniteville Disaster Relief \$ 340,000;

Office of Research & Statistics: Election File

Merging \$ 65,000;

*****Maritime Collection Maintenance & Security \$ 100,000;***

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**Indicates those vetoes overridden by the General Assembly on May 24, May 25, or May 26, 2005.

Veterans Cemetery \$ 250,000;

P28 Department of Parks, Recreation & Tourism

*****Competitive Grants Program \$ 56,727;***

*****European Advertising \$ 1,000,000;***

**Text printed in *italic*, boldface indicates sections vetoed by the Governor on May 17, 2005.
**Indicates those vetoes overridden by the General Assembly on May 24, May 25, or May 26, 2005.

P16 Department of Agriculture

Waste Pesticide Federal Match \$ 75,000;

E28 Election Commission

Statewide Primaries and Run-offs \$ 3,335,000.

The funds in this account shall be appropriated for the purposes herein and disbursed quarterly on a pro rata basis as revenue is received subject to the minimum quarterly enforced collections restrictions below; however, no agency shall expend funds appropriated in this provision until they are received by that agency. Unexpended funds appropriated pursuant to this proviso may be carried forward to succeeding fiscal years and expended for the same purpose.

Any excess revenue collected after the above items are fully funded shall be credited to the South Carolina Budget and Control Board Grants Program.

To insure that customary and usual enforced collections are unaffected by this paragraph, the Office of the State Treasurer may not disburse funds from the new account until the following schedule of enforced collections are collected by the Department of Revenue by the end of each quarter in the fiscal year. If quarterly enforced collections do not reach the required levels, distributions from the new account are suspended for that quarter. However, the suspended distribution from the new account shall be made up in subsequent quarters. The required enforced collections by the end of each quarter (excluding amounts in the new account created by the department) are:

July to September 2005 \$ 60,000,000;

October to December 2005 \$120,000,000;

January to March 2006 \$210,000,000;

April to June 2006 \$300,000,000.

The Department of Revenue shall report on a quarterly basis to the finance committees of the General Assembly and to the Board of Economic Advisors on the collections received in this fund.

If revenues collected and deposited into the new account are less than the amounts appropriated, agencies receiving appropriations shall have their appropriations reduced on a pro rata basis.

The Executive Director of the Budget and Control Board is authorized to use excess appropriations for the current fiscal year, as determined by the Director of the Office of State Budget, designated for statewide employer contributions for other statewide purposes. At the discretion of the Executive Director of the Budget and Control Board, such action may be considered a permanent transfer into the receiving agency's base budget. Funds appropriated in F30, Section 63B, Budget and Control Board, Employee Benefits may be carried forward from the prior fiscal year into the current fiscal year.

73.18. (SR: Unobligated General Fund Revenue) (A) The source of general fund revenue appropriated in this provision is \$286,877,347 of Fiscal Year 2004-05 unobligated general fund revenue as certified by the Board of Economic Advisors. This revenue is deemed to have occurred and is available for use in Fiscal Year 2005-06 after September 1, 2005, following the Comptroller General's close of the state's books on Fiscal Year 2004-05.

(B) From such Fiscal Year 2004-05 unobligated general fund revenues the appropriations in this provision are listed in priority order. Items (1), (2), and (3) must be funded first and each remaining item must be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially funded in the order in which it appears to the extent that revenues are available.

The following sums are appropriated for the purposes stated:

- (1) F31 General Reserve Fund
 - a) General Reserve Fund Full Restoration \$ 28,333,866;
 - b) General Reserve Fund Full Restoration \$ 50,000,000;
- (2) Unobligated Surplus in Part 1A \$ 144,295,290;
- (3) F03 Budget & Control Board
 - a) National Guard Pension Fund (F30) \$ 972,902;
 - b) National Guard Pension Fund - Administration \$ 200,000;
- (4) H63 Department of Education
 - School Buses \$ 5,000,000;
- (5) H63 Department of Education
 - School Bus Fuel \$ 4,000,000;
- (6) H03 Commission on Higher Education
 - **Greenville University Center \$ 800,000**

H 4810; Act No. 397 - FY 2006-07 Appropriations Act

SECTION 1 - H63 - DEPARTMENT OF EDUCATION

1.1. (SDE: Appropriation Transfer Prohibition) The amounts appropriated herein for aid to subdivisions, allocations to school districts, or special line items shall not be transferred and must be expended in accordance with the intent of the appropriation.

1.2. (SDE: DHEC - Comprehensive Health Assessment) All school districts shall participate, to the fullest extent possible, in the Medicaid program by seeking appropriate reimbursement for services and administration of health and social services. Reimbursements to the school districts shall not be used to supplant funds currently being spent on health and social services.

1.3. (SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for 100 percent of full implementation of the Education Finance Act to include an inflation factor projected by the Division of Budget and Analyses to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be \$2,367. In Fiscal Year 2006-07, the total pupil count is projected to be 677,092. The average per pupil funding is projected to be \$4,357 state, \$1,086 federal, and \$5,333 local. This is an average total funding level of \$10,776 excluding revenues of local bond issues.

Any unallocated Education Finance Act funds at the end of the current fiscal year must be allocated to the school districts for school building aid on a nonmatching basis on the same basis that districts receive Education Finance Act allocations and/or for Summer School.

1.4. (SDE: EFA - Formula) The amount appropriated in Part IA, Section 1 for "Education Finance Act" shall be the maximum paid under the provisions of Act 163 of 1977 (the South Carolina Education Finance Act of 1977) to the aggregate of all recipients. The South Carolina Education Department shall develop formulas to determine the state and required local funding as stipulated in the South Carolina Education Finance Act of 1977. Such formulas shall require the approval of the State Board of Education and the Budget and Control Board. After computing the EFA allocations for all districts, the department shall determine whether any districts' minimum required local revenue exceeds the districts' total EFA Foundation Program. When such instance is found, the department shall adjust the index of taxpaying ability to reflect a local effort equal to the cost of the districts' EFA Foundation Program. The districts' weighted pupil units are to be included in determination of the funds needed for implementation of the Education Finance Act statewide.

In the event that the formulas as devised by the Department of Education and approved by the State Board of Education and the Budget and Control Board should provide for distribution to the various school districts totaling more than the amount appropriated for such purposes, subject to the provisions of this proviso, the Department of Education shall reduce each school district entitlement by an equal amount per weighted pupil so as to bring the total disbursements into conformity with the total funds appropriated for this purpose. If a reduction is required in the state's contribution, the required local funding shall be reduced by the proportionate share of local funds per weighted pupil unit. The Department of Education shall continually monitor the distribution of funds under the provisions of the Education Finance Act and shall make periodic adjustments to disbursements to insure that the aggregate of such disbursements do not exceed the appropriated funds.

Notwithstanding any other provision of law, local districts shall not be mandated or required to inflate the base number in their respective salary schedules by any percentage greater than the percentage by which the appropriated base student cost exceeds the appropriated base student cost of the prior fiscal year.

1.5. (SDE: Employer Contributions/Allocations) It is the intent of the General Assembly that the appropriation contained herein for "Public School Employee Benefits" shall not be utilized to provide employer contributions for any portion of a school district employee's salary which is federally funded.

State funds allocated for school district employer contributions must be allocated by the formula and must be used first by each district to cover the cost of fringe benefits for personnel required by the Defined Program, food service personnel and other personnel required by law. Once a district has expended all state allocated funds for fringe benefits, the district may utilize food service revenues to fund a proportionate share of fringe benefits costs for food service personnel.

The Department of Juvenile Justice and the Department of Corrections' school districts must be allocated funds under the fringe benefits program in accordance with criteria established for all school districts.

1.6. (SDE: Employer Contributions/Obligations) In order to finalize each school district's allocations of Employer Contributions funds for retiree insurance from the prior fiscal year, the Department of Education is authorized to adjust a school district's allocation in the current fiscal year accordingly to reflect actual payroll and payments to the Retirement System from the prior fiscal year. In the event the Department of Education is notified that an educational subdivision has failed to remit proper payments to cover Employee Fringe Benefit obligations, the Department of Education is directed to withhold the educational subdivision's state funds until such obligations are met.

1.7. (SDE: Governor's School for Science & Math) Any unexpended balance on June 30 of the prior fiscal year of funds appropriated to or generated by the Governor's School for Science and Mathematics may be carried forward and expended in the current fiscal year pursuant to the direction of the board of trustees of the school.

1.8. (SDE: Educational Responsibility/Foster Care) Notwithstanding any other provision of law, the responsibility for providing a free and appropriate public education program for all children including disabled students is vested in the public school district wherein a child of lawful school age resides in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental illness or chemical dependence located within the jurisdiction of the school district. The districts concerned may agree upon acceptable local cost reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child last resided before placement in a facility an additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. If a child from out of state is residing in a facility owned and/or operated by a for profit entity, the district providing educational services shall be reimbursed by the for profit entity the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. This also applies to John de la Howe School who also has the authority to seek reimbursement in any situation that the school district has participation in the placement of the student. John de la Howe school shall be reimbursed the local district's local support per weighted pupil above the

statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. Participation will be evidenced by a written agreement from the IEP team or 504 team, written referral, or the school district initiating the placement process. School districts providing the education shall notify the nonresident district in writing within 45 calendar days that a student from the nonresident district is receiving education services pursuant to the provisions of the proviso. The notice shall also contain the student's name, date of birth, and disabling condition if available. If appropriate financial arrangements cannot be effected between institutions of the state and school districts, institutions receiving educational appropriations shall pay the local base student cost multiplied by the appropriate pupil weighting. Children residing in institutions of state agencies shall be educated with nondisabled children in the public school districts if appropriate to their educational needs. Such institutions shall determine, on an individual basis, which children residing in the institution might be eligible to receive appropriate educational services in a public school setting. Once these children are identified, the institution shall convene an IEP meeting with officials of the public school district in which the institution is located. If it is determined by the committee that the least restrictive environment in which to implement the child's IEP is a public school setting, then the school district in which the institution is located must provide the educational services. However, that school district may enter into contractual agreements with any other school district having schools located within a 45 mile radius of the institution. The cost for educating such children shall be allocated in the following manner: the school district where the child last resided before being placed in an institution shall pay to the school district providing the educational services an amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act; the school district providing the educational services shall be able to count the child for all funding sources, both state and federal. The institution and school district, through contractual agreements, will address the special education and related services to be provided to students. Should the school district wherein the institution is located determine that the child cannot be appropriately served in a public school setting, then the institution may request a due process hearing pursuant to the procedures provided for in the Individuals with Disabilities Education Act.

The agreed upon acceptable local cost reimbursement or the additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to out-of-district students, shall be paid within 60 days of billing, provided the billing district has provided a copy of the invoice to both the Superintendent and the finance office of the district being invoiced. Should the district not pay within 60 days, the billing district can seek relief from the Department of Education. The department shall withhold EFA funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the billing school district.

The agency placing a child in any situation that requires changing school districts, must work with the schools to assure that all required school records, including confidential records, are transferred from the sending to the receiving school within three working days. School records to be transferred should include grade transcripts, state birth certificate, certificate of immunization, social security card, attendance records, discipline records, IEP's, psychological reports (or notation in the school records that a psychological report on the child is available at the school district office) and any other records necessary for the appropriate placement of the child in the new school. School districts must release all records upon presentation of a court

order or appropriate permission for confidential release. If evaluation or placement is pending, the receiving school district is responsible to secure information and to complete the placement.

The receiving school will maintain appropriate confidentiality of all records received on a child.

1.9. (SDE: Disabled/Preschool Children) The state funding for free appropriate public education provided for the three and four-year-old disabled children served under Act 86 of 1993, shall be distributed based on the district's index of taxpaying ability as defined in Section 59-20-20(3). Five-year-old disabled children shall continue to be funded under the Education Finance Act of 1977.

1.10. (SDE: Instruction in Juvenile Detention Centers) It shall be the responsibility of the school district where a local juvenile detention center is located to provide adequate teaching staff and to ensure compliance with the educational requirements of this State. Students housed in local detention centers are to be included in the average daily membership count of students for that district and reimbursement by the Department of Education made accordingly.

1.11. (SDE: Revenue Authorization) The State Department of Education is hereby authorized to collect, expend, and carry forward revenues in the following areas to offset the cost of providing such services: the sale of publications, manuals and forms, the sale of Apple Tags, royalties, contributions, donations, foundation funds, special grants and contracts, brochures, photo copies, listings and labels, Directory of South Carolina Schools, student health record cards, items to be recycled, and high school diplomas and certificates; the collection of out-of-state and in-state investigation fees, registration fees for non-SDE employees, recurring facility inspection fees, teacher certification fees; the handling of audio-visual film; the provision of contract computer services to school districts and other state agencies, joint broadcast service to school districts, and education-related statistics through agreement with the National Center for Education Statistics; the lease or sale of programs of television, audio or microcomputer software; the collection of damage fees for instructional materials and the sale of unusable instructional materials; sale of fuel; use and repair of transportation equipment; fees for Medicaid reimbursable transportation; the receipt of insurance and warranty payments on Department of Education equipment and the sale of used school buses and support equipment. The Department of Education is authorized to collect revenue for deposit into the State General Fund for testing material purchases and test rescoring fees. The Department of Education is authorized to expend revenue collected for lost and damaged instructional materials and the sale of unusable instructional materials for the purpose of contracting for the purchase and maintenance of a statewide textbook inventory management system, provided that schools' newly-adopted instructional materials needs are met first.

1.12. (SDE: School District Bank Accounts) Notwithstanding any other provisions of law, each school district in this State, upon the approval of the district's governing body, may maintain its own bank account for the purpose of making disbursement of school district funds as necessary to conduct school district business and each county treasurer is hereby authorized to transfer such amount as needed, upon receipt of a written order certified by the district governing body or their designee. Such order shall contain a statement that such amount is for immediate disbursement for the payment of correct and legal obligation of the school district.

1.13. (SDE: School Lunch Program Aid) The amount appropriated herein for School Lunch Program Aid shall be divided among the District and/or County Boards of Education of the State upon the basis of the number of schools participating in the School Lunch Program in each district during the prior school year. The travel expenses of the District and/or County School Lunch Supervisor shall be paid from this appropriation at the prevailing rate of mileage

allowed by the State. These funds may be used as an aid in improving the School Lunch Program. These funds may not be used to supplement the salaries of school lunch supervisors.

In the absence of a County Board of Education in multi-district counties, the funds will be divided among the school districts of the county on the basis of the number of schools participating in the School Lunch Program in each district during the prior school year.

1.14. (SDE: Teachers/Temporary Certificates) Of the funds provided for teacher salaries funds may be used to pay salaries for those teachers holding temporary certificates which shall remain valid for the current school year if the local board of education so requests. The State Department of Education shall submit to the General Assembly by March 1 of the current fiscal year a report showing by district the number of temporary certificates by category; including an enumeration of the certificates carried forward from the previous year. No temporary certificate shall be continued more than twice.

1.15. (SDE: Travel/Outside of Continental U.S.) School District allocations from General Funds and EIA funds shall not be used for travel outside of the continental United States. The International Baccalaureate Program shall be exempt from this restriction.

1.16. (SDE: Year End Closeout) The State Department of Education is authorized to expend federal and earmarked funds (not including state or EIA funds) in the current fiscal year for expenditures incurred in the prior year; however, state funds appropriated in Part IA, Section 1 XIII, Aid to School Districts, for the Children's Case Resolution System or private placements for services provided to children with disabilities may be used for those expenditures in prior fiscal years. The department is also authorized to use appropriated funds to pay for textbooks shipped in the fourth quarter of the prior fiscal year.

1.17. (SDE: Transportation Collaboration) The Department of Education School Bus Maintenance Shops shall be permitted, on a cost reimbursable-plus basis, to deliver transportation maintenance and services to vehicles owned or operated by public agencies in South Carolina.

School buses operated by school districts, other governmental agencies or head start agencies for the purpose of transporting students for school or school related activities shall not be subject to state motor fuel taxes. Further, that school districts, other governmental agencies or head start agencies may purchase this fuel, on a cost reimbursable-plus basis, from the Department of Education School Bus Maintenance Shops.

1.18. (SDE: Assisting, Developing, and Evaluating Professional Teaching--ADEPT) Funds appropriated in Part IA, Section 1 XIII.A-Aid to School Districts-Aid to Subdivision-APT/ADEPT, may be used for the implementation of the ADEPT system. Of the funds appropriated, ten percent is to be used to pay colleges and universities for ADEPT services. The remaining funds will be distributed to school districts, School for the Deaf and the Blind, John de la Howe School, Governor's School for Arts and Humanities and the Department of Juvenile Justice on a per induction contract teacher basis to offset the costs of implementing the ADEPT program. Governing boards of public institutions of higher education may provide by policy or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public school teachers who serve as supervisors for full-time students completing education degree requirements. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

1.19. (SDE: Summer Exit Exam Cost) Funds appropriated in Part IA, Section 1, III may be used to offset the costs of the summer administration of the Exit Examination. These funds may be expended to cover the costs related to developing, printing, shipping, scoring, and

reporting the results of the assessments. Local school districts may absorb local costs related to administration.

1.20. (SDE: Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.

1.21. (SDE: Mathematics and Science Unit of the Office of Curriculum and Standards) Of the funds appropriated to the Department of Education, \$75,000 must be provided to the Charleston Science and Mathematics Center for curriculum development at the South Carolina Aquarium.

1.22. (SDE: School Bus Insurance) The Department of Education shall maintain comprehensive and collision insurance or self-insure state-owned buses. In no event shall the department charge local school districts for damages to the buses which are commonly covered by insurance.

1.23. (SDE: Teacher Data Collection) Of the non-program funds appropriated to the Department of Education, the department and the Commission on Higher Education shall share data about the teaching profession in South Carolina. The data sharing should ensure (1) a systematic report on teacher supply and demand information and (2) data to determine classes being taught by public school teachers out of field of their preparation. The data collection should include but not be limited to: classes/subjects taught, number of students taught, percentage of teacher education graduates from South Carolina colleges/universities who go into teaching, percentage of teacher education graduates who teach in public schools in South Carolina, percentage of new teachers who leave the South Carolina teaching profession in the first three years of public school teaching due to unsuccessful evaluations, percentage of new teachers who leave the profession in the first three years of public school teaching in South Carolina who have successful evaluations, turnover rate of teachers and certification areas with highest vacancies. All database items should be set up so that it can be disaggregated by ethnicity, gender, geographic location, etc.

1.24. (SDE: Adult Education/Literacy) The General Assembly must appropriate for adult education an amount equal to \$175 per pupil. The per pupil amount shall be adjusted annually by the same percentage as the inflation factor used to adjust the base student cost of the Education Finance Act. The number of pupils shall be determined by counting the number of persons sixteen years or older who attended a minimum of twelve hours in an approved adult education program in the prior fiscal year. Funds may decrease with a decrease in enrollment; however, overall levels of State funding must meet the federal requirement of State maintenance of effort.

From the funds appropriated for adult education, \$150,000 must be used to provide for pilot projects for rural literacy development. In addition, each county shall receive \$50,000 for use by the school districts for adult literacy for service delivery to adult-nonreaders and those reading at

or below the eighth grade level. The North Family Community School shall receive \$2,000 of the funds allocated to Orangeburg County for adult literacy. The school districts may provide this service or may contract to have this service provided. In multi-district counties, the districts must agree on the method of service delivery for the entire county and select one district to serve as the fiscal agent.

1.25. (SDE: Teacher Technology Proficiency) To ensure the effective and efficient use of the funding provided by the General Assembly in Part IA, Section 1 XI.E.3 for school technology in the classroom and internet access, the State Department of Education shall approve teacher technology competency standards and local school districts must require teachers to demonstrate proficiency in these standards as part of each teacher's Professional Development plan. Evidence that districts are meeting the requirement is a prerequisite to expenditure of a district's technology funds.

1.26. (SDE: School Building Aid Allocation) Funds appropriated for School Building Aid shall be transferred to a special trust fund established by the Comptroller General. Funds appropriated shall be distributed to the school districts of the State for use in accordance with Section 59-21-350 of the Code of Laws of 1976. Funds shall be allocated to eligible school districts on a per pupil basis. The allocation must be based on the 135 day count of average daily membership for the second preceding fiscal year.

1.27. (SDE: School Building Aid Funds Expenditure) Funds appropriated in Part IA in this Act or in a previous Appropriation Act for school building aid may be expended by the school district without approval from the State Board of Education. The Department of Education shall require that school districts include in their annual audit a verification of compliance with all applicable State laws associated with the use of these funds.

1.28. (SDE: School Building Aid) Of the funds appropriated in Part IA for School Building Aid, \$500,000 shall be allocated on a K-12 per pupil basis to Multi-District Area Vocational Schools.

1.29. (SDE: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. SDE is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring PACT assessment.

1.30. (SDE: Basic Skill Exam) Any person seeking candidacy in a teacher education program is required to take and pass the Basic Skill Examination pursuant to Sections 59-26-20 and 59-26-40. Any person who fails to achieve a passing score on all sections shall be allowed to retake the test or a portion thereof. All sections of the Basic Skill Examination must be passed before any person is formally admitted into any teacher preparation program in South Carolina. However, any person having attained 1100 or better on the SAT or a comparable ACT score shall be exempt from this requirement.

1.31. (SDE: School Bus Driver CDL) From funds provided in Part IA, Section 1 VII.C., local school districts shall request a criminal record history from the South Carolina Law Enforcement Division for past conviction of any crime before the initial employment of a school bus driver or school bus aide. The Department of Education and the school districts shall be treated as a charitable organization for purposes of the fee charged for the criminal records search.

1.32. (SDE: Parent and Guardian Responsibility) To protect the unwarranted expenditure of funds provided in Part IA, Section 1, VII.C., the parents or guardians of a child being

transported on a school bus are responsible for the safety and conduct of the child prior to the arrival of the school bus at the child's designated school bus stop for pick up and transport to school, and after the school bus drops off the child and departs the child's designated school bus stop when transporting the children from school. The state's responsibility includes the arrival or departure of the school bus, which is defined as the time that the school bus assigned to the school bus stop activates the required pedestrian safety devices, stops and loads or unloads students, and until the school bus deactivates all pedestrian safety devices.

1.33. (SDE: SAT Preparation) From the funds appropriated for SAT Preparation, the State Department of Education shall institute a plan reviewing, on an individual basis, weaknesses of students on actual PSAT administrations, and providing assistance. To accomplish this, the Department shall use reports that analyze student weaknesses and provide guidance to local schools on the effective use of the reports.

1.34. (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State Superintendent of Education. The School Bus Specifications Committee shall allow for input from all school bus chassis and body manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus specifications of Georgia or North Carolina in the procurement of school buses.

1.35. (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program VII.C. and D - Bus Shops may be used to purchase buses, fuel, parts, or other school bus related items. Any funds appropriated or authorized for the purchase of school buses may not be transferred or used for any other purpose. Funds appropriated or authorized for school bus fuel in this Act or any appropriation act supplemental thereto in excess of what is necessary to operate the bus fleet must be used for the purchase of school buses. However, in the event of an emergency fuel situation, the department may seek approval from the Budget and Control Board and the board is authorized to grant such approval, for the expenditure of any non-program appropriated funds for fuel expenditures.

1.36. DELETED

1.37. (SDE: Mitford Transportation Costs) Transportation costs for the transporting of students from the Mitford area of Fairfield County to schools in the Great Falls area of Chester County is not the responsibility of and shall not be borne by the Chester County School District. These transportation costs shall continue to be the responsibility of the State Department of Education.

1.38. (SDE: Refurbishing Science Kits) Funds appropriated for the purchase of textbooks and other instructional materials may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted textbook inventory. The refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs, equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs.

1.39. (SDE: Status Offenders/John de la Howe) The funds appropriated for the Status Offender Program shall be distributed to John de la Howe School to expand residential programs to include court ordered status offenders. Components of such a program shall include collaboration between the home school district and the residential school and treatment or related services to the families of students in placement.

1.40. (SDE: Part-time Benefits) Teachers working less than thirty hours a week, but no

less than fifteen hours a week, shall qualify for state health and dental insurance. The Budget and Control Board is directed to amend its "Plan of Benefits" regarding fringe benefits to conform to the provisions of this section. Teachers and employers shall each contribute toward the cost of these benefits with the employer paying only that portion of the employer's normal cost which is attributable to the time the teacher is working, and the teacher shall pay all remaining costs. However, the employer's contribution shall be no less than half the normal cost.

1.41. (SDE: Governor's School Leave Policy) Notwithstanding any other provision of law, the S.C. Governor's School for the Arts and Humanities and the S.C. Governor's School for Science and Mathematics are authorized to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of their respective board of directors. This policy shall address their respective school calendars in order to comply with the instructional needs of students attending both special schools.

1.42. (SDE: Sale of School District Property) Notwithstanding Section 59-19-250 of the 1976 Code, during the current fiscal year, school trustees of a school district which do not currently have the authority to do so, may sell or lease school property, real or personal, in their school district whenever they deem it expedient to do so and apply the proceeds of the sale or lease to the school fund of the district.

1.43. (SDE: School Facilities Management System) School Districts may use capital improvement bond funds, lapsed funds or any other unexpended appropriated funds or revenues to access the Department of Education's School Facilities Management System database.

1.44. DELETED

1.45. (SDE: School Board Meetings) Of the funds appropriated through the Department of Education for technology related expenses, school districts that have a web site shall place a notice of a regularly scheduled school board meeting twenty-four hours in advance of such meeting. The notice shall include the date, time, and agenda for the board meeting. The school district shall place the minutes of the board meeting on their web site within ten days of the next regularly scheduled board meeting.

1.46. (SDE: Alternative Certification/Displaced Employees) The Department of Education is directed to give priority in the Program for Alternative Certification for Educators (PACE) to the recruitment of qualified state employees impacted by reduction in force actions of agencies. The Student Loan Corporation is directed to give priority in the Career-Changer Loan program to qualified state employees. The Department of Education shall provide information to the Office of Human Resources and the personnel offices of state agencies instituting a reduction in force to advertise and inform employees of this program and state agencies shall work with the department in this effort.

1.47. (SDE: Proviso Allocations) The State Department of Education may reduce by up to 10%, any allocation in Section 1 specifically designated by proviso. No allocation for teacher salaries shall be reduced as a result of this proviso.

1.48. (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer up to one hundred percent of funds between programs to any instructional program provided the funds are utilized for direct classroom instruction.

The South Carolina Department of Education must establish a procedure for the review of all transfers authorized by this provision. The details of such transfers must be provided to members of the General Assembly upon request. School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year to be used for the same purpose. All transfers executed pursuant to this provision must be completed by May first

of the current fiscal year. All school districts and special schools of this State may expend funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, for any instructional program. The Education Oversight Committee shall review the utilization of the flexibility provision to determine how it enhances or detracts from the achievement of the goals of the educational accountability system, including the ways in which school districts and the state organize for maximum benefit to classroom instruction, priorities among existing programs and services, and the impact on short, as well as, long-term objectives. The State Department of Education shall provide the reports on the transfers to the Education Oversight Committee for the comprehensive review. This review shall be provided to the members of the General Assembly annually. Any grant or technical assistance funds allocated directly to an individual school may not be reduced or reallocated within the school district and must be expended by the receiving school only according to the guidelines governing the funds.

1.49. (SDE: Medical Examination and Security Reimbursement) From funds authorized in Part IA, Section 1, VII.C. Other Operating Expenses, the Department of Education may reimburse employees for the cost of a medical examination as required in Part 391, Subpart E of the Federal Motor Carrier Safety Regulations, for employees that are required to operate a state vehicle transporting hazardous materials. Reimbursement may also be provided to employees that are required to undergo a national security background check because of the required Hazmat endorsement to their CDL.

1.50. (SDE: Budget Reduction) In compensating for any reduction in funding, local districts must give priority to preserving classroom teachers and operations. Funding reductions should first be applied to administrative and non-classroom expenses before classroom expenses are affected.

1.51. (SDE: Governor's School for the Arts and Humanities Carry Forward) Any unexpended balance on June 30 of the prior fiscal year of funds appropriated to or generated by the South Carolina Governor's School for the Arts and Humanities may be carried forward and expended in the current fiscal year for the purpose of purchasing instructional materials not funded under the State Adopted Textbook Program.

1.52. (SDE: Governor's Schools' Fees) Notwithstanding any other provision of law, the South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to charge, collect, expend, and carry forward student fees as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality in both academics and residential support. No student will be denied admittance or participation due to financial inability to pay. The respective Board of Directors shall promulgate administrative policy governing the collection of all student fees.

1.53. (SDE: National Board Certification Incentive) Public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards shall be paid a \$7,500 salary supplement in the year of achieving certification.

Teachers employed at the special schools shall be eligible for this \$7,500 salary supplement.

The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the

length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall develop guidelines and administer the programs whereby teachers applying to the National Board for Professional Teaching Standards for certification may receive a loan equal to the amount of the application fee. One-half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the national board. Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the State Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program. In addition, teachers who are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the State Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification.

Teacher specialists remain eligible for state supplement for National Board certification.

1.54. (SDE: National Board Certification Incentive Surplus) National Board Certification Incentive appropriation excess of all obligations to include the national board certification incentive salary supplement, related fringe, loan principal amount and interest forgiven, and the administration funds necessary for the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) and the Department of Education shall be distributed to school districts and allocated based on the Education Finance Act Formula.

1.55. (SDE: School District Furlough) If state funds appropriated for a school district in this State are less than state funds appropriated for that school district in the preceding fiscal year, or if the General Assembly or the Budget and Control Board implements a midyear across-the-board budget reduction, school districts may institute employee furlough programs for district-level and school-level professional staff classified as instructional-related personnel by the State Department of Education. No instructional personnel nor support staff as classified by the State Department of Education may be furloughed. Before any of these employees may be furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

The local school district board of trustees may implement a furlough of these instructional-

related professional staff personnel once certification to the State Superintendent documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall have the authority to authorize furloughs of these employees in the manner in which it sees fit. However, they may not be furloughed for a period exceeding ten days. The local school district board of trustees shall provide for furlough days only on non-instructional days.

During any furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions, including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the district will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under any employee grievance procedure. The district may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs.

This proviso shall not abrogate the terms of any contract between any school district and its employees.

1.56. (SDE: Base Student Cost Funding) Notwithstanding any other provision of law, the funding for particular items and areas in the Department of Education's base budget that have been reduced or eliminated and provisos that directed funding for specific items that have been deleted, shall be redirected to the Base Student Cost.

1.57. DELETED

1.58. DELETED

1.59. (SDE: School Lunch/Attendance Supervisors) For those counties in which an entity other than the school district administers the school lunch supervisor and/or attendance supervisor programs, the school districts in that county shall transfer to the entity the amount available in the previous fiscal year for administration of the school lunch supervisor and/or attendance supervisor programs. Each district shall transfer a pro-rata share of the total cost based upon the percentage of state EFA funds distributed to the districts within the county.

1.60. (SDE: Replacement Facilities) The Department of Education is directed to proceed with the development of a joint-use school transportation maintenance and operations facility in Greenville County. Prior to the availability of this new facility the department shall continue to operate state school bus maintenance services from the existing Greenville School Bus Maintenance Facility located on Halton Road. All proceeds from the sale of the Halton Road Facility and Property shall become pupil transportation operating revenue of the department.

The cost of the State share of the new joint-use facility, the cost of preparing the old Halton Road Facility and Property for disposal, interim relocation/construction financing, all associated relocation expenses, and all other related costs shall be funded from the proceeds received from the sale of the existing Halton Road Facility and Property. The State Treasurer shall make available all necessary interim financing to accomplish the proviso directives.

1.61. (SDE: SCGSAH Certified Teacher Designation) Because of the unique nature of the South Carolina Governor's School for the Arts and Humanities, the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are authorized to employ at its discretion non-certified classroom teachers teaching in the literary, visual and performing arts

subject areas who are otherwise considered to be appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.

1.62. (SDE: Educational Items) In order that resources more closely follow the student, it is the intent to offer spending flexibility to local school districts as has been provided in the prior fiscal year.

1.63. (SDE: No Discrimination Requirement) State funds must not be appropriated to a school that discriminates against or participates with or is a member of an association with policies that discriminate or afford different treatment of students based on race or national origin.

1.64. (SDE: Prohibit Implementation of ECERS Program) The Department of Education is prohibited from utilizing any appropriated or authorized funds to implement the Early Childhood Environment Rating Scores Program. This prohibition does not apply to the Office of First Steps.

In addition, school districts are prohibited from using revenue from any source, including state, federal, and local funds, to implement the Early Childhood Environment Rating Scores Program.

1.65. DELETED

1.66. DELETED

1.67. (SDE: High School Reading Initiative) The funds appropriated for the High School Reading Initiative are to be used to expand the South Carolina Reading Initiative to the high school level by providing research based targeted assistance in improving and accelerating the reading ability of high school students reading below grade level.

1.68. (SDE: Carry Forward Authority) Funds appropriated to the Department of Education, excluding any direct aid to school districts, subdivisions, and other entities; or agencies and special items, not expended during the prior fiscal year may be carried forward and expended during the current fiscal year for fuel.

1.69. DELETED

1.70. DELETED

1.71. DELETED

1.72. (SDE: Medicaid Cash Match Accounting) The department is granted authority to transfer funds between budget lines and object codes to identify, reconcile, reimburse, and remit funds required for Medicaid cash match to the Department of Health and Human Services.

1.73. (SDE: Student Report Card-GPA) For each high school student, school districts shall be required to print the student's individual cumulative grade point average for grades nine through twelve on the student's report card.

1.74. (SDE: Governor's School Reporting) The Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics are required to submit reports as to how the non-recurring funding appropriated in this act is expended. The report must be submitted to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee by the end of the fiscal year.

1.75. (SDE: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program. This program shall be available for the 2006-2007 and 2007-2008 school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

(A) Beginning with the 2006-07 school year and continuing through the 2007-2008 school

year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et. al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3. With any remaining funds available, the pilot shall be expanded to the remaining plaintiff school districts in Abbeville County School District et. al. vs. South Carolina. Priority shall be given to implementing the program in the plaintiff districts having proportionally the largest population of underserved at-risk four-year-old children. While participating in the pilot program, Education Improvement Act funding from the four-year-old early childhood program as authorized pursuant to Section 59-139-70 of the 1976 Code may only be used to fund teacher salary supplements and fringe benefits as required by Section 59-20-50. During the implementation of the pilot program, no funds appropriated by the General Assembly for this purpose shall be used to fund services to at-risk four-year-old children residing outside of the trial or plaintiff districts.

The Education Oversight Committee shall conduct an evaluation of the pilot program and shall issue a report to the General Assembly by January 1, 2008. The report shall include a comparative evaluation of children served in the pilot program and children not served in the pilot program. Additionally, based on the evaluation of the pilot program, the Education Oversight Committee shall include recommendations for the creation of and an implementation plan for phasing in the delivery of services to all four-year-old at-risk children in the state.

Unexpended funds from the prior fiscal year for this program shall be carried forward and used by the First Steps to Readiness Board of Trustees to provide services to children zero to three years of age in the districts outlined in section (A).

(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September 1, of the school year, and meets the at-risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.

The parent of each eligible child may enroll the child in one of the following programs:

- (1) a school-year four-year-old kindergarten program delivered by an approved public provider; or
- (2) a school-year four-year-old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and an appropriate free and reduced lunch application form or statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. This shall consist of 6.5 hours of instructional time daily and 180 days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

(C) Public school providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Office of First Steps. The

application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.

Providers shall:

- (1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;
- (2) comply with all state and local health and safety laws and codes;
- (3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;
- (4) be accountable for meeting the education needs of the child and report regularly to the parent on his progress;
- (5) comply with all program, reporting, and assessment criteria required of providers;
- (6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent and teacher conferences;
- (7) designate whether extended day services will be offered to the parents of children participating in the program; and
- (8) be approved, registered, or licensed by the Department of Social Services.

Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre-kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment.

(D) The Department of Education and the Office of First Steps to School Readiness, in consultation with the Education Oversight Committee shall:

- (1) develop the provider application form;
- (2) develop the child enrollment application form;
- (3) develop a list of approved curricula for use in the program based upon the South Carolina Content Standards;
- (4) develop a list of approved pre-kindergarten readiness assessments to be used in conjunction with the program;
- (5) establish criteria for awarding new classroom equipping grants;
- (6) establish criteria for the parenting education program providers must offer; and
- (7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications.

(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice and a research based preschool curriculum aligned with school success. The program must focus on the developmental and learning support children must have in order to be ready for school.

The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:

- (1) employ a lead teacher with a two-year degree in early childhood education or

related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;

(2) employ an education assistant with pre-service or in-service training in early childhood education;

(3) maintain classrooms with at least 10 four-year-old children, but no more than 20 four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of 10 children, the 1:10 ratio must be a lead teacher to child ratio;

(4) offer a full day, center-based program with 6.5 hours of instruction daily for 180 school days;

(5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;

(6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and

(7) adhere to professional development requirements outlined in this article.

(F) Every classroom providing services to four-year-old children established pursuant to this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire.

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of 15 hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of pre-kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school.

(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:

(1) serve as the fiscal agent;

(2) verify student enrollment eligibility in consultation with the Department of Social Services;

(3) review and approve eligible providers. In considering approval of providers,

consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;

(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;

(5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;

(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;

(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;

(8) maintain a database of the children enrolled in the program; and

(9) promulgate guidelines as necessary for the implementation of the pilot program.

(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:

(1) serve as the fiscal agent;

(2) verify student enrollment eligibility in consultation with the Department of Social Services;

(3) review and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;

(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;

(5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;

(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;

(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;

(8) maintain a database of the children enrolled in the program; and

(9) promulgate guidelines as necessary for the implementation of the pilot program.

(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the 2006-07 school year, the funded cost per child shall be \$3,077. Additionally, a reimbursement rate of \$185 per child will be appropriated to providers if the provider transports children to and from school. Providers who are reimbursed are required to retain records as required by their fiscal agent. For the 2007-2008 school year the funded cost per child shall be the same but shall be increased by the same projected rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act.

With funds appropriated by the General Assembly, the Department of Education shall approve grants for public providers and the Office of First Steps to School Readiness shall approve grants for private providers, of up to \$10,000 per class for the equipping of new classrooms.

(L) Pursuant to this provision, the Department of Social Services shall:

(1) aid the Department of Education and the Office of First Steps to School Readiness in the verification of student enrollment eligibility;

(2) maintain a list of all approved public and private providers; and

(3) provide the Department of Education, the Office of First Steps, and the Education Oversight Committee information necessary to carry out the requirements of this provision.

(M) The Education Oversight Committee shall conduct a comparative evaluation of the South Carolina Child Development Education Pilot Program and issue their findings in a report to the General Assembly by January 1, 2008. Based on information, data, and evaluation results, the Education Oversight Committee shall include as part of their report recommendations for the creation and implementation of a statewide four-year-old kindergarten program for at-risk children. The report shall also include information and recommendations on lead teacher qualifications and options for creating comparable salary schedules for certified teachers employed by private providers.

To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both public and private providers are required to submit the necessary data as a condition of continued participation in and funding of the program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of Education shall issue a unique student identifier for each child receiving services from a private provider. The Department of Education shall be responsible for the collection and maintenance of data on the public state funded full day and half-day four-year-old kindergarten programs.

The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee shall use this data and all other collected and maintained data necessary to conduct a research based review of the program's implementation and assessment of student success in the early elementary grades.

1.76. DELETED

1.77. (SDE: Lost & Damaged Textbook Fees) Fees for lost and damaged textbooks for the prior school year are due no later than December 1st of the current school year when invoiced by the Department of Education. The department may withhold textbook funding from schools that have not paid their fees by the payment deadline.

1.78. DELETED

1.79. (SDE: Service Vehicle Purchase) No more than \$1,500,000 of non-program funds appropriated/authorized, to include EIA cash balances, to the Department of Education may be used for the purchase of school transportation service vehicles.

1.80. (SDE: 0 to 4 Year Old Standards) The First Steps State Office must convene a task force to develop quality standards for programs serving children ages 0 to 4. Membership must include both public and private providers and is to be chaired by the Director of the First Steps State Office. A report must be issued to members of the General Assembly and the Governor's Office by January 9, 2007.

1.81. (SDE: Physical Education Teachers) A school district's allocation from the funds appropriated in Part IA, Section 1, Program III are to be used to increase the number of physical education teachers to the extent possible.

1.82. (SDE: Athletic Event Transportation) For school year 2006-2007, of the funds appropriated to the Department of Education, \$1,000 shall be utilized to ensure that it is the policy of the State of South Carolina that the South Carolina High School League may not impose a waiting period on an entering ninth grade Daniel Island resident Bishop England High School student, if the student is otherwise eligible.

SECTION 1A - H63 - DEPARTMENT OF EDUCATION-EIA

1A.1. (SDE-EIA: XI-Prohibition on Appropriation Transfers) The amounts appropriated herein for aid to subdivisions or allocations to school districts shall not be transferred or reduced and must be expended in accordance with the intent of the appropriation. However, transfers are authorized from allocations to school districts or special line items with projected year-end excess appropriations above requirements, to allocations to school districts or special line items with projected deficits in appropriations.

1A.2. (SDE-EIA: XI.A.1-Advanced Placement) Of the funds appropriated in Part IA, Section 1 XI.A.1. for Advanced Placement, no more than \$500,000 must be made available on a flat rate per class basis to schools offering "singleton" Advanced Placement classes with a student/teacher ratio equal to or less than ten to one. The State Board of Education shall develop guidelines for the distribution of these "singleton" funds. The remaining AP funds must be distributed to the school districts of the state based upon the 135 day count of AP students served. AP funds may be used to defray the testing costs of the International Baccalaureate Program which are incurred by school districts at the same per-test reimbursement rate provided for Advanced Placement examinations. High schools may receive funding for the allowable costs associated with ninth and tenth grade students taking Advanced Placement courses. Funds provided for Advanced Placement may be carried forward into the current fiscal year to be expended for the same purpose.

1A.3. (SDE-EIA: XI.A-Gifted & Talented) Notwithstanding the provisions for Section 59-29-170, at least twelve percent (12%) of the total state dollars appropriated annually for gifted and talented programs shall be set aside for serving artistically gifted and talented students in grades 3-12. School districts shall service students identified as artistically gifted and talented by utilizing approved state guidelines in one or more of the following visual and performing arts areas: dance, drama, music and visual arts areas. Districts may contract with other entities to provide services to students identified as artistically gifted and talented if personnel or facilities are not available in the school district for that service. Of the remaining state dollars appropriated for gifted and talented programs, not more than \$1,000,000 may be used to provide testing and teacher training. Each district receiving funds for the gifted and talented program shall include an accelerated component as a part of its academically gifted and talented program. EIA-Gifted and Talented funds may be carried forward and expended for the same purpose in the current fiscal year.

1A.4. (SDE-EIA: XI.A.1-Gifted & Talented/Jr. Academy of Science) Of the funds appropriated in Part IA, Section 1 XI.A.1. Gifted & Talented, \$100,000 must be provided to the Junior Academy of Science. The Department of Education must provide a report on the effectiveness of the academy to the State Board of Education and the Education Oversight Committee by October 1 annually in a format agreed upon by the Education Oversight Committee and the Department of Education.

1A.5. (SDE-EIA: XI.A.1 Services for Students with Disabilities) The money appropriated in Part IA, Section 1 XI.A.1. for Services for Students with Disabilities shall be used only for educational services for trainable mentally disabled pupils and profoundly mentally disabled pupils.

1A.6. (SDE-EIA: XI.A.1-Junior Scholars) The State Board of Education, through the Department of Education, must provide a report on the effectiveness of the Junior Scholars programs as appropriated in Part IA, Section 1 XI.A.1. to the Education Oversight Committee by October 1. Eligibility for the Junior Scholars program is open to any student who meets the requirements of the program, whether the student attends public school or private school;

provided however, any private school student is responsible for paying the cost of the qualifying examination and, at the option of the Department of Education, any other costs associated with the program.

1A.7. (SDE-EIA: XI.A.4-Academic Assistance/Carry Forward) Any unexpended balance from the prior fiscal year in the EIA appropriations in Part IA, Section 1 XI.A.4. for Academic Assistance may be carried forward to the current fiscal year by school districts to be expended to operate programs in accordance with their academic assistance long range plans.

1A.8. (SDE-EIA: XI.A.4-Academic Assistance/Curriculum Development) Funds appropriated in Part IA, Section 1 XI.A.4. for Act 135 of 1993 Other Operating must be used by the Department of Education to provide schools and school districts with technical assistance on curriculum development, including implementing the grade-by-grade academic standards, and instructional improvement in keeping with the intent of Act 135 of 1993 (Sections 59-139-05 and 59-139-10 of the SC Code of Laws) as provided in regulations promulgated by the State Board of Education. Reports on the use of these funds will be provided to the Senate Education Committee and the House Education and Public Works Committee by September 1, of the current fiscal year, reflecting prior fiscal year expenditures.

1A.9. (SDE-EIA: XI.A.4-Academic Assistance/Early Child Development) A portion of the funds appropriated in Part IA, Section 1 XI.A.4. for Academic Assistance 4-12 may be used to support components for the K-3 academic assistance if such change promotes better coordination of state and federal funds provided for programs for these students. Districts requesting this waiver from the State Board of Education must demonstrate how the use of these funds is in keeping with their long range plan and how the needs of the students in grades 4-12 will be met.

1A.10. (SDE-EIA: XI.A.4-Academic Assistance/Formula Funding & Distribution) Notwithstanding any other provision of law, the total funding in Part IA, Section 1 XI.A.4. for the 4-12 Academic Assistance component of Act 135 of 1993 shall be based on a derived free and reduced lunch eligibility count for grades 4-12 obtained by applying the state percentage of K-3 students eligible for free and reduced lunch to the 4-12 average daily membership; and funding for individual districts shall be based on two equally weighted factors; the district's derived lunch percentage for grades 4-12 and its four year average for the number of 4-12 students "not meeting" standard on the state's testing programs for the years 1990-1993.

1A.11. (SDE-EIA: XI.A-Academic Assistance/Reading Recovery) Of the EIA funds appropriated herein for the Academic Assistance Act 135, \$3,200,000 shall be used for the Reading Recovery programs throughout the State. Of the funds provided for Reading Recovery, up to \$50,000 shall be used for piloting alternative teaching methods for reading. The State Department of Education shall report to the State Board of Education and the Education Oversight Committee on the allocation and expenditure of these funds by October 1 annually in a format agreed upon by the Education Oversight Committee and the Department of Education.

1A.12. (SDE-EIA: XI.A.4-Academic Assistance/Remedial Adult Education) Of funds appropriated in Part IA, Section 1 XI.A.4. for Academic Assistance an amount not to exceed \$1,000,000 must be used for either adult education students failing one or more sections of the HSAP Exit Examination or students preparing for the GED examination at a weight of .114 of the base student cost as defined in the Education Finance Act.

1A.13. (SDE-EIA: XI.B - Half Day Program for Four-Year-Olds) Funds appropriated in Part IA, Section 1 XI.B. for half-day programs for four-year-olds shall be distributed based on the prior year number of students in kindergarten eligible for free and reduce price lunch,

however, no district shall receive less than 90 percent of the amount it received in the prior fiscal year.

1A.14. (SDE-EIA: XI.A.3. African-American History) Funds provided for the development of the African-American History curricula may be carried forward into the current fiscal year to be expended for the same purpose.

1A.15. (SDE-EIA: XI.C.3-Course Reimbursement/Teachers) Funds appropriated for EIA-Critical Teacher needs must be used for courses which support instructional techniques and strategies in keeping with the professional development plans. These funds may be used for courses which support the education of students with disabilities or special needs in the regular classroom. School districts may require and collect a deposit from teachers enrolling in courses that support the areas identified above. Upon completion of the course any deposit collected shall be returned to the teacher having made the deposit.

1A.16. (SDE-EIA: XI.C.3-Critical Teaching Needs/Roper Mountain) Of the funds appropriated in Part IA, Section 1 XI.C.3. for Critical Teaching Needs, \$250,000 shall be disbursed to the Roper Mountain Science Center for summer workshops for public school science teachers. Funds disbursed to the Roper Mountain Science Center may be carried forward.

1A.17. (SDE-EIA: XI.C.2-Teacher Evaluations, XI.E.3- Implementation/Education Oversight) The Department of Education shall provide a review of the evaluation results for teachers employed under induction, annual, and continuing contracts to be presented by September 30, annually, to the State Board of Education and the Education Oversight Committee. The Department of Education is directed to oversee the evaluation of teachers at the School for the Deaf and the Blind, the John de la Howe School and the Department of Juvenile Justice under the ADEPT model.

1A.18. (SDE-EIA: XI.C.3.-Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers salaries of the southeastern states as projected by the Division of Budget and Analyses. For the current school year the Southeastern average teacher salary is projected to be \$43,691. It is the intent of the General Assembly to exceed the Southeastern average teacher salary as projected by \$300. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Funds appropriated in Part IA, Section 1 XI.C.3. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50 (b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state.

1A.19. (SDE-EIA: XI.C.3-Teacher Salaries/State Agencies) Each state agency which does not contain a school district but has instructional personnel shall receive an allocation from the line item "Alloc. EIA - TEACHER/OTHER PAY" in Part IA, Section 1 XI.F.3. for teachers salaries based on the following formula: Each state agency shall receive such funds as are necessary to adjust the pay of all instructional personnel to the appropriate salary provided by the salary schedules of the school district in which the agency is located. Instructional personnel may include all positions which would be eligible for EIA supplements in a public school district, and may at the discretion of the state agency, be defined to cover curriculum development specialists, educational testing psychologists, psychological and guidance

counselors, and principals. The twelve-month agricultural teachers located at Clemson University are to be included in this allocation of funds for base salary increases. The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to increase the salaries of instructional personnel by an amount equal to the percentage increase given by the School District in which they are both located.

The funds appropriated herein in the line item "Alloc. EIA-Teacher/Other Pay" must be distributed to the agencies by the Budget and Control Board.

1A.20. (SDE-EIA: XI.A.1-Tech Prep) Of the funds appropriated in Part IA, Section 1, XI.A.1. for the Tech Prep Program, \$75,000 shall be used by the State Department of Education, through the Tech Prep Consortia, to provide for professional development in applied techniques and integration of curriculum, and professional development in career guidance for teachers and guidance counselors and training mentors. In addition, \$500,000 shall be allocated for Career Counseling Specialists in the Tech Prep Consortia. Each Career Specialist shall (1) be housed within a consortium as determined by the local Tech Prep/School to Work Consortium, (2) provide career development activities throughout all schools within the consortium, (3) be under the program supervision of the Office of Career and Technology Education, State Department of Education, and (4) adhere to an accountability and evaluation plan created by the Office of Career and Technology Education, State Department of Education. The Office of Career and Technology Education, State Department of Education, shall provide a report, in February of the current fiscal year to the Senate Finance Committee and the House Ways and Means Committee on accomplishments of the Career Counseling Specialists. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

1A.21. (SDE-EIA: XI.E.1-Principal Salary Supplements) Funds appropriated in Part IA, Section 1 XI.E.1. for salary supplements for principals and accompanying employer contributions must be distributed to school districts based on average daily membership (ADM). Each school district shall distribute the funds as salary supplements in addition to existing compensation equally among principals and assistant principals employed by the district.

1A.22. (SDE-EIA: XI.E.3.-Evaluation/EIA Programs) Of the funds appropriated in Part IA, Section 1 XI.E.3. for EIA Implementation, Other Operating Expenses, \$349,124 may only be used by the State Department of Education to support its contracted program evaluations and the conduct of the State Board of Education's annual assessment of EIA-funded education reforms and the related report, pursuant to Section 59-6-12. Of the remaining funds appropriated in Part IA, Section 1 XI.E.3. for EIA Implementation, Other Operating Expenses shall be used to support the continuation of program and policy evaluations and studies and to support the state's participation in the Middle Grades Project, at no less than \$100,000. Provided further, for the current fiscal year, \$100,000 shall be provided to the South Carolina Educational Policy Center for collaborative projects with the Department of Education and the Education Oversight Committee to provide research based information and consultation services on technical issues related to establishing a more thorough accountability system for public schools, school districts, and the K-12 education system.

1A.23. (SDE-EIA: XI.F.3-CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1 XI.F.3. for the Teacher Recruitment Program, the S.C. Commission on Higher Education shall distribute a total of \$5,404,014 to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program,

of which \$4,200,000 must be used for the Teaching Fellows Program and of which \$166,302 must be used for specific programs to recruit minority teachers, and shall distribute \$467,000 to S.C. State University to be used only for the operation of a minority teacher recruitment program and therefore shall not be used for the operation of their established general education programs.

Working with districts with an absolute rating of Unsatisfactory or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA will report annually by October 1 to the Education Oversight Committee and the Department of Education on the success of the recruitment and retention efforts in these schools. The S.C. Commission on Higher Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The S.C. State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees, the State Board of Education and the Education Oversight Committee by October 1 annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.

1A.24. (SDE-EIA: XI.F.3-Disbursements/Other Entities) Notwithstanding the provisions of Sections 2-7-66 and 11-3-50, S.C. Code of Laws, it is the intent of the General Assembly that funds appropriated in Part IA, Section 1 XI.F.3. Other State Agencies and Entities shall be disbursed on a quarterly basis by the Department of Revenue directly to the state agencies and entities referenced except for the Teacher Loan Program, Centers of Excellence, the Education Oversight Committee and School Technology, which shall receive their full appropriation at the start of the fiscal year from available revenue. The Comptroller General's Office is authorized to make necessary appropriation reductions in Part IA, Section 1 XI.F.3. to prevent duplicate appropriations. If the Education Improvement Act appropriations in the agency and entity respective sections of the General Appropriations Act at the start of the fiscal year do not agree with the appropriations in Part IA, Section 1 XI.F.3. Other State Agencies and Entities, the "other funds" appropriations in the respective agency and entity sections of the General Appropriations Act will be adjusted by the Comptroller General's Office to conform to the appropriations in Part IA, Section 1 XI.F.3. Other State Agencies and Entities.

1A.25. (SDE-EIA: XI.A.1-Arts in Education) Funds appropriated in Part IA, Section 1 XI.A.1. Arts Curricula shall be used to support arts education curriculum in the visual and performing arts which incorporates strengths from the Arts in Education pilot sites. These funds shall be distributed under a competitive grants program; however, up to 33% of the total amount of the grant fund shall be made available as "Aid to Other Agencies" to facilitate the funding of professional development arts institutes that have been approved by the State Department of Education for S.C. arts teachers and appropriate classroom teachers. Arts Curricular Grants funds may be retained and carried forward into the current fiscal year to be expended in accordance with the proposed award.

1A.26. (SDE-EIA: XI.B-Parenting/Family Literacy) Funds appropriated in Part IA, Section 1 XI.B. for the Parenting/Family Literacy Programs and allocated to the school districts for parenting projects in the prior fiscal year may be retained and expended by the school districts for the same purpose during the current fiscal year. These funds must be allocated only to school districts that provide comprehensive family literacy programs which address

intergenerational cycles of poverty through adult education, early childhood education and parenting programs. Furthermore, any school district that does not provide the evaluation information necessary to determine effective use as required by Section 59-139-10 (A) (1) and by regulation is not eligible to receive additional funding until the requested data is provided.

The minimum amount allocated to a district shall be \$35,000. Of the funds appropriated in Part IA, Section 1 XI.B. for the Parenting/Family Literacy \$200,000 must be used for the Accelerated Schools Project at the College of Charleston and \$100,000 is to be used for the South Carolina Urban Leagues state-wide parental involvement programs.

1A.27. (SDE-EIA: XI.B.-Parenting/Family Literacy/Communities- In-Schools)

Notwithstanding any other provision of law, the State Department of Education shall transfer \$200,000 from the funds appropriated in Part IA, Section 1 XI.B. Parenting/Family Literacy to Communities-In-Schools. These funds are to be utilized to provide technical assistance to local communities in establishing Communities-In-Schools programs statewide. Communities-In-Schools will provide annual reports to the State Department of Education which will include: budget expenditure data, a listing of the communities served and the services provided.

1A.28. (SDE-EIA: XI.C.3-National Board Certification Incentive) Public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards shall be paid a \$7,500 salary supplement in the year of achieving certification. Teachers employed at the special schools shall be eligible for this \$7,500 salary supplement. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall develop guidelines and administer the programs whereby teachers applying to the National Board for Professional Teaching Standards for certification may receive a loan equal to the amount of the application fee. One-half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the national board. Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the State Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program. In addition, teachers who are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the State

Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification.

Teacher specialists remain eligible for state supplement for National Board certification.

1A.29. (SDE-EIA: XI.C.4-CSO Mathematics and Science Unit) The funds appropriated in Part IA, Section 1 XI.C.4. shall be used for Mathematics and Science Centers which support improvements in mathematics and science through resources and professional development in instructional techniques and strategies, use of technology in the classroom, leadership, content in subject areas and assessment. These efforts will be coordinated with programs such as Tech Prep Consortia using applied learning techniques which will improve classroom instruction in mathematics and science.

1A.30. (SDE: XI-Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.

1A.31. (SDE-EIA: XI.A.1-Autism Parent-School Partnership Program) From funds appropriated for Services For Students with Disabilities, \$350,000 shall be provided to the South Carolina Autism Society for the Parent-School Partnership Program.

1A.32. (SDE-EIA: XI.C.4-Professional Development on Standards) These funds shall be used for professional development for certificated instructional and instructional leadership personnel in grades kindergarten through 12 in the academic areas for which SBE standards documents have been approved to better link instruction and lesson plans to the standards and to any state-adopted readiness assessment tests, develop classroom assessments consistent with the standards and PACT-style testing, and analyze PACT results for needed modifications in instructional strategies. Funds may also be expended for certificated instructional and instructional leadership personnel in grades six through twelve to achieve competency in teaching reading to students who score below proficient on the reading assessment of PACT. Provided further, that \$250,000 of the funds allocated to professional development must be provided to the Department of Education to implement successfully the South Carolina Readiness Assessment by creating a validation process for teachers to ensure reliable administration of the assessment, providing professional development on effective utilization and establishing the relationship between the readiness measure and third grade standards-based assessments. Multi-day work sessions shall be provided around the state during the summer and during the fall and winter using staff development days, teacher workdays, two of the remaining professional development days shall be set aside specifically for the preparation and opening of schools. District instructional leaders, regional service centers, consortia, department personnel, university faculty, contracted providers, and the resources of ETV may be used as appropriate to implement this intensive professional development initiative. Teachers participating in this professional development shall receive credit toward recertification according to State Board of Education guidelines. Funds provided for professional development on standards may be carried

forward into the current fiscal year to be expended for the same purpose. No less than twenty-five percent of the funds allocated for professional development should be expended on the teaching of reading which includes teaching reading across content areas in grades three through eight.

1A.33. (SDE-EIA: XI.C.3-Teacher Supplies) From the funds appropriated, all certified public school, certified special school classroom teachers, certified media specialists, and certified guidance counselors who are employed by a school district or a charter school as of November 30 of the current fiscal year, shall receive reimbursement of two hundred fifty dollars each school year to offset expenses incurred by them for teaching supplies and materials. Funds shall be disbursed by the department to School districts by July 15 based on the last reconciled Professional Certified Staff (PCS) listing from the previous year. Any deviation in the PCS and actual teacher count will be reconciled by December 31 or as soon as practicable thereafter.

School districts shall disburse these funds in a manner separate and distinct from their payroll check on the first day teachers, by contract, are required to be in attendance at school for the current contract year. This reimbursement shall not be considered by the state as taxable income.

Special schools include the Governor's School for Science and Math, the Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and Palmetto Unified School District. Funds distributed to school districts or allocated to schools must not supplant existing supply money paid to teachers from other sources. If a school district requires receipts for tax purposes the receipts may not be required before December 31. Districts that do not wish to require receipts may have teachers retain the receipts and certify for the district they have received the \$250 for purchase of teaching supplies and/or materials and that they have purchased or will purchase supplies and/or materials during the fiscal year for the amount of \$250. Districts shall not have an audit exception related to non-retention of receipts in any instances where a similar instrument is utilized. Any district requiring receipts must notify any teacher from whom receipts have not been submitted between November 25 and December 6 that receipts must be submitted to the district. Districts may not add any additional requirement not listed herein related to this reimbursement. The department must withhold Act 135 funds from any district while in non-compliance with this provision. Any funds not disbursed to teachers may not be retained by the districts and must be returned to the department.

1A.34. (SDE-EIA: XI.E.1-Principal Executive/Leadership Institute Carry Forward) Prior fiscal year funds appropriated in Part IA, Section XI.E.1. for the Principal Executive/Leadership Institute may be carried forward into the current fiscal year and expended for the same purpose.

The Institute and all principal evaluation and induction programs must include training for the key role that principals have in supervising the teaching of reading and instilling the importance of literacy in public schools.

1A.35. (SDE-EIA: XI.C.3-Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each district Teacher of the Year shall receive an award of \$1,000. In addition, the State Teacher of the Year shall receive an award of \$25,000, and each of the four Honor Roll Teachers of the Year will receive an award of \$10,000. To be eligible, districts must participate in the State Teacher of the Year Program sponsored by the State Department of Education.

1A.36. (SDE-EIA: XI-State of Emergency District) Notwithstanding any other provision of law, funds may be used for retired educators serving as teacher specialists, principal specialists, principal leaders, or curriculum specialists on site in districts in which a state of

emergency is declared. These educators may be hired as a principal specialist in a state of emergency district for up to four years.

1A.37. (SDE-EIA: Specialists in Unsatisfactory Schools) Notwithstanding any other provision of law, the State Department of Education may assign teacher specialists, principal specialists, principal leaders, and curriculum specialists to schools designated as unsatisfactory or below average according to the enrollment of the school and as recommended by the review team. Teacher specialists may be assigned to kindergarten level, if recommended by the review team. Furthermore, the average number of teacher specialists assigned to schools may not exceed five. Teacher specialists may be placed across grade levels and across core subject areas when placement meets program criteria based on external review team recommendations, need, number of teachers receiving support, and certification and experience of the specialist. A teacher specialist may be assigned to support classroom teachers in the areas of special education and limited English proficiency when warranted by the needs of the student population, recommended by an external review team and approved by the State Board of Education.

Teacher specialists are limited to three years of service at one school unless the specialist submits application for an extension and that application is accepted by the State Department of Education and placement is made. Upon acceptance and placement, the specialist can receive the salary and supplement for two additional years, but is no longer attached to the sending district or guaranteed placement in the sending district following tenure in the program as provided in Section 59-18-1530 (F) of the South Carolina Code of Laws. Teacher specialist funds may be carried forward from the prior fiscal year into the current fiscal year for the Teacher Specialists On-Site Program. A principal specialist may be continued for a third year if requested by the local school board, recommended by the external review team, and approved by the State Board of Education. For the third year, only the principal specialist salary supplement will be paid by the State.

1A.38. (SDE-EIA: XI-Accreditation System) The State Board of Education and Department of Education, in developing the criteria for the new accreditation system mandated by Section 59-18-710, shall consider including as an area the functioning of school improvement councils and other school decision-making groups and their participation in the school planning process in accordance with state requirements.

1A.39. (SDE-EIA: XI.A.3-Institute of Reading) The funds appropriated for the Institute of Reading must be used to implement a comprehensive approach to improving the reading abilities of students in the middle grades and accelerating the learning of middle grade students reading below grade level with strategies based on best practice and providing targeted assistance shown by research to help these students to read at grade level. Funds may also be used in the same manner for high school grades.

1A.40. (SDE-EIA: EOC) The Education Oversight Committee may collect, retain and expend revenue from conference registration and fees; charges for materials supplied to local school districts or other entities not otherwise mandated to be provided by state law; and from other activities or functions sponsored by the committee including public awareness campaign activities. Any unexpended revenue from these sources may be carried forward into the current fiscal year and expended for the same purposes. The Education Oversight Committee is permitted to utilize the funds appropriated to it to fund programs promoting the teaching of economic education in South Carolina.

1A.41. (SDE-EIA: Professional Development) With the funds appropriated for professional development, the Department of Education must disseminate the South Carolina

Professional Development Standards, establish a professional development accountability system, and provide training to school leadership on the professional development standards, also training must be provided to educators on assessing student mastery of the content standards. The State Department of Education shall revise professional development activities and programs, including professional development on the standards, the SC Reading Initiative, and programs for administrators, to include emphasis on strategies and services for students at risk of retention. The State Department of Education shall provide information on the activities and programs and measures to gauge their effectiveness to the State Board of Education and the Education Oversight Committee by January 1.

1A.42. (SDE-EIA: Principal Specialists) For each principal specialist funded and designated to a school district, the school district may designate an apprentice to work with the specialist.

1A.43. (SDE-EIA: Report Card Printing) The State Department of Education is prohibited from printing the Annual School and District Report Card in any other color other than black and white. School districts must advertise the results of their schools' report cards in an audited newspaper of general circulation in their geographic area within 45 days. If the audited newspaper has previously published the entire report card results as a news item, this requirement is waived for the school and district. Notwithstanding Section 59-18-930, the requirement to mail school and district report cards is suspended and report cards may be sent home with the students. The parent survey required by Section 59-28-190 may be sent home with the students and the department must use the results of the parent survey to report parent perceptions on the school report cards.

1A.44. (SDE-EIA: Technical Assistance) Notwithstanding any other provision of law, and in order to best meet the needs of low-performing schools, funds appropriated for homework centers, teacher specialists, principal specialists, retraining grants, technical assistance to below average schools, and principal leaders must be allocated accordingly. Schools receiving an absolute rating of below average must submit to the Department of Education a school renewal plan that includes actions consistent with each of the alternative researched-based technical assistance criteria as approved by the Education Oversight Committee and the Department of Education. Upon approval of the plans by the Department of Education and the State Board of Education, the school will receive an allocation of not less than \$75,000, taking into consideration the enrollment of the schools. The funds must be expended on strategies and activities as expressly outlined in the school renewal plan which may include, but are not limited to, professional development, the Teacher Advancement Program (TAP), homework centers, diagnostic testing, supplement health and social services, or comprehensive school reform efforts. The schools will work with the Department of Education to broker the services of technical assistance personnel as needed and as stipulated in the school renewal plan. Funds not expended in the current fiscal year may be carried forward and expended for the same purpose in the next fiscal year.

Schools receiving an absolute rating of unsatisfactory will be provided an external review team evaluation. Based upon the external review team evaluation, the schools must submit to the Department of Education a school renewal plan that includes actions consistent with the alternative research-based technical assistance criteria as approved by the Education Oversight Committee and the Department of Education. Upon approval of the plan by the Department of Education and the State Board of Education, the schools will receive an allocation of not less than \$250,000, taking into consideration the enrollment of the schools and the recommendations

of the external review team. The funds must be expended on strategies and activities as expressly outlined in the school renewal plan which may include, but are not limited to, professional development, the Teacher Advancement Program (TAP), homework centers, diagnostic testing, supplement health and social services, or comprehensive school reform efforts. The schools will work with the Department of Education to broker the services of technical assistance personnel as needed and as stipulated in the school renewal plan. Funds not expended in the current fiscal year may be carried forward and expended for the same purpose in the next fiscal year.

With the funds appropriated to the Department of Education for technical assistance services, the department will assist schools with an absolute rating of unsatisfactory or below average in designing and implementing school renewal plans and in brokering for technical assistance personnel as needed and as stipulated in the school renewal plan. In addition, the department must monitor the expenditure of funds and the academic achievement in schools receiving these funds and report to the General Assembly and the Education Oversight Committee by January 1 of 2007 and then by January 1 of each fiscal year following as the General Assembly may direct.

1A.45. (SDE-EIA: Proviso Allocations) The State Department of Education may reduce by up to 10%, any allocation in Section 1A specifically designated by proviso in the event an official EIA revenue shortfall is declared by the BEA. No allocation for teacher salaries shall be reduced as a result of this proviso.

1A.46. (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer up to one hundred percent of funds between programs to any instructional program provided the funds are utilized for direct classroom instruction.

The South Carolina Department of Education must establish a procedure for the review of all transfers authorized by this provision. The details of such transfers must be provided to members of the General Assembly upon request. School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year to be used for the same purpose. All transfers executed pursuant to this provision must be completed by May first of the current fiscal year. All school districts and special schools of this State may expend funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, for any instructional program. The Education Oversight Committee shall review the utilization of the flexibility provision to determine how it enhances or detracts from the achievement of the goals of the educational accountability system, including the ways in which school districts and the state organize for maximum benefit to classroom instruction, priorities among existing programs and services, and the impact on short, as well as, long-term objectives. The State Department of Education shall provide the reports on the transfers to the Education Oversight Committee for the comprehensive review. This review shall be provided to the members of the General Assembly annually. Any grant or technical assistance funds allocated directly to an individual school may not be reduced or reallocated within the school district and must be expended by the receiving school only according to the guidelines governing the funds.

1A.47. (SDE-EIA: XI.A.4-Retraining Grants) Funds appropriated for retraining grants in the prior fiscal year may be retained and expended during the current fiscal year by the schools that were awarded the grants during the prior fiscal year for the same purpose. Funds appropriated for Retraining Grants may be used for training for superintendents and school board members. Beginning with the 2004 annual school report card, a school initially designated as

unsatisfactory or below average on the current year's report card must receive by January 1, \$10,000 from the funds appropriated for Retraining Grants and must expend the funds for planning purposes in accordance with Section 59-18-1560. The school is then eligible to receive additional retraining grant allocations in the following three school years in accordance with Section 59-18-1560 provided that the school meets the guidelines developed by the Department.

A school designated as unsatisfactory or below average for consecutive years may combine the additional retraining grants allocations and homework center allocations for professional development or for extended school day in accordance with the school's improvement plan.

Furthermore, any school that does not provide the evaluation information necessary to determine effective use as required by Section 59-18-1560 is not eligible to receive additional funding until the requested data is provided as outlined in the program guidelines.

1A.48. (SDE-EIA: XI.F.3-School Improvement Council Assistance) The School Improvement Council Assistance will coordinate with the department to target schools and school districts designated as unsatisfactory. The department shall coordinate with and monitor the services provided to the schools and districts by the School Improvement Council Assistance.

1A.49. (SDE-EIA: Critical Geographic Area) Notwithstanding the provision of Section 59-26-20 (j) for those students seeking loan cancellation under the Teacher Loan Program after July 1, 2004, "critical geographic area" shall be defined as schools that have an absolute rating of below average or unsatisfactory, schools where the average teacher turnover rate for the past three years is 20 percent or higher, or schools that meet the poverty index criteria at the 70 percent level or higher. The list shall also include special schools, alternative schools, and correctional centers as identified by the State Board of Education. After July 1, 2005, students shall have their loan canceled based on those schools or districts designated as a critical geographic area at the time of employment. The definition of critical geographic area shall not change for those students who are in the process of having a loan canceled, on or before June 30, 2005. Beginning in Fiscal Year 2005-06 the maximum loan amount will be increased to an amount not to exceed \$20,000.

1A.50. (SDE-EIA: Unallocated Funds for Teacher Specialists) The Department of Education shall develop procedures and establish a timeline so schools that receive an unsatisfactory rating or a below average rating on the annual report card are given an option to choose technical assistance offered by the department that includes teacher specialists, principal specialists and other personnel assigned under the tiered system or alternative research-based technical assistance. Criteria for selecting alternative research-based technical assistance are to be approved by the Education Oversight Committee and the Department of Education. For the current school year, the department may utilize a supplemental alternative technical assistance program in a state of emergency school district. The funds appropriated for alternative research-based technical assistance must be allocated to below average and unsatisfactory schools based upon the school's enrollment and school type with no school receiving less than \$100,000 or more than \$300,000 annually. Furthermore, it is the intent that the alternative research-based technical assistance will be provided for a minimum of three years in order to implement fully systemic reform and to provide opportunity for building local education capacity. The Education Oversight Committee, in cooperation with the Department of Education and with the schools and school districts participating in the alternative technical assistance programs, will monitor the effectiveness of the alternative technical assistance program.

1A.51. (SDE-EIA: Teacher Salary Supplement) The department is directed to carry forward prior year unobligated teacher salary supplement and related employer contribution

funds into the current fiscal year to be used for the same purpose.

1A.52. (SDE-EIA: EAA Summer School, Grades 3-8) Funds appropriated for summer school shall be allocated to each local public school district based on the number of academic subject area scores below the basic on the prior year Spring PACT administration for students in grades three through eight and on the number of students entering ninth grade who score below proficient in reading. Individual student scores on the PACT shall not be the sole criterion used to determine whether a student on an academic plan the prior year will be placed on probation or retained. Individual student scores on the PACT shall not be the sole criterion for requiring students to attend summer school. School districts may consider other factors such as student performance, teacher judgment, and social, emotional, and physical development in placing students on academic probation or requiring summer school attendance. Students may not be placed on academic probation or retained based solely on the PACT scores. The State Department of Education working with the Education Oversight Committee must develop a method to supplement the PACT with diagnostic training and materials aligned to the content standards. Current year appropriations may be expended for prior year EAA summer school purposes. Local public school districts shall utilize these funds in accordance with the requirements of Section 59-18-500 of the 1976 Code. The State Department of Education is directed to utilize PACT-like tests aligned with standards to be administered to students on academic probation required to attend summer school. The test shall be a determinate in judging whether the student has the skills to succeed at the next grade level. The State Board of Education shall establish regulations to define the extenuating circumstances including death of an immediate family member or severe long-term student illness, under which the requirements of 59-18-900(D) may be waived. Furthermore, the Department of Education, working with and through the SC Afterschool Alliance, will provide \$250,000 to produce a model of voluntary quality standards for out-of-school time programs, develop a directory of technical assistance, and identify gaps of service.

1A.53. (SDE-EIA: Alternative School Waiver Requirement) Notwithstanding any other provision of law, alternative schools may receive funding if they meet the standards to qualify for a waiver from the Department of Education established in Section 59-63-1310 for site requirements for the current fiscal year.

1A.54. (SDE-EIA: Class Size Reduction-Grade One) School districts which choose to reduce class size to fifteen-to-one in grades one through three shall be eligible for funding for the reduced pupil-teacher ratios from funds provided by the General Assembly for this purpose.

1A.55. (SDE-EIA: National About Face Pilot Program) Of the funds appropriated to the Department of Education for homework centers, \$610,000 shall be used for the National About Face Pilot Program.

1A.56. (SDE-EIA: High Schools That Work Programs) The Department of Education must report annually by December 1st, to the Governor, the Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public Works Committee on the High Schools that Work Programs' progress and effectiveness in providing a better prepared workforce and student success in post-secondary education.

1A.57. DELETED

1A.58. (SDE-EIA: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. The department is authorized to carry forward into the current

fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring PACT assessment.

1A.59. (SDE-EIA: EAA Report Card Criteria) The Education Oversight Committee may base ratings for school districts and high schools on criteria that include graduation from high school with a state high school diploma and ratings may be based on criteria aligned with workforce needs including, but not limited to, exit examination performance and other criteria identified by technical experts and appropriate groups of educators and workforce advocates.

For other schools without standard-based assessments the ratings may be based upon criteria identified by technical experts and appropriate groups of educators. All ratings criteria must be approved by the Education Oversight Committee.

1A.60. DELETED

1A.61. (SDE-EIA: Excellence in Middle School Initiative) Funds appropriated for the Excellence in Middle Schools Initiative shall be used to continue to fund the number of guidance counselors, school safety officers and/or school nurses in middle/junior high schools. The funding allocation shall be based proportionately on the number of middle/junior high schools in each district.

1A.62. (SDE-EIA: After School Program/Homework Centers Allocation) The Department of Education is authorized to allocate after school program/homework center funds first, by establishing an equitable base amount for unsatisfactory schools; second, by establishing an equitable base amount for below average schools; and third, by allocating any remaining funds based on the ADM of below average schools. By November 1 of the fiscal year, schools receiving funds for homework centers must report to the Department of Education and to the Education Oversight Committee on changes in the PACT-English Language Arts scores in both reading and writing of students who were participants in the homework centers during the prior school year.

1A.63. (SDE-EIA: Early Childhood Review) From the funds appropriated for EIA Four-Year Old Early Childhood, the Department of Education shall utilize up to \$300,000 to institute a plan for reviewing, on a district basis, early childhood assets of schools and districts based on 4K entry DIAL 3 scores, and South Carolina Readiness Assessment Reports. To accomplish this, the department shall use reports that analyze program assets and provide guidance to local schools on the effective use of the reports to enhance quality gaps. Children will be tracked from early childhood programs to fifth grade and beyond to study the relationships of strong early childhood programs and increased performance on PACT, decreased drop out scores, decreased referral for special education programs, and increased graduation rates. This review may not be used as a part of the EAA Report Card for school year 2006-07.

1A.64. (SDE-EIA: Credits High School Diploma Distribution) The funds appropriated for Raise Academic Standards-Credits High School Diploma shall be distributed to the school districts of the state based upon the 135 day count of Average Daily Membership.

1A.65. DELETED

1A.66. (SDE-EIA: Teacher Recruitment/Retention Task Force) The Education Oversight Committee shall convene a task force to evaluate current teacher recruitment and retention policies, particularly those that impact on schools that have historically underachieved. Included in the task force will be representatives from the Department of Education, the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina), institutions of higher learning, the Student Loan Corporation, the Commission on Higher Education, and

classroom teachers from throughout South Carolina.

1A.67. (SDE-EIA: Report Card Information) The percentage each school district expended on classroom instruction as defined by the Department of Education's InSite classification for "Instruction" must be printed on the Annual School and District Report Card.

1A.68. (SDE-EIA: PACE Carry Forward) The Department of Education is authorized to carry forward \$976,410 from EIA funds not expended during the prior fiscal year. Of these funds \$871,000 must be used for the purpose of conducting the Program of Alternative Certification for Educators (PACE) in the current fiscal year and \$105,410 to the Department of Juvenile Justice if, after a recount of student enrollment, the Department of Juvenile Justice is determined to be ineligible for additional federal Title II Teacher Quality funds equal to \$105,410.

1A.69. DELETED

1A.70. DELETED

1A.71. (SDE-EIA: Core Curriculum Materials) The funds appropriated in Part IA, Section 1, XI.A.3 for instructional materials for core curriculum shall be expended consistent with the requirements of Section 59-31-600 of the 1976 Code requiring the development of higher order thinking skills and critical thinking which should be integrated throughout the core curriculum instructional materials. Furthermore, the evaluation criteria used to select instructional materials with funds appropriated in Part IA, Section 1, XI.A.3 shall include a weight of up to ten percent of the overall criteria to the development of higher order thinking skills and critical thinking.

SECTION 1AA - H66 -LOTTERY EXPENDITURE ACCOUNT

1AA.2. (LEA: SDE Lottery Carry Forward) The Department of Education is authorized to carry forward and expend any unexpended balances of lottery funds from the prior fiscal year into the current fiscal year for expenditures incurred in the prior fiscal year or to be expended for the same purpose.

1AA.3. (LEA: SDE Transfer Restriction) Funds appropriated from the Education Lottery Account for K-5, Reading, Mathematics, Science, and Social Studies Programs, grants, or technical assistance funds allocated directly to an individual school may not be transferred and may only be expended for the purposes for which these funds have been appropriated. However, all school districts may transfer up to one hundred percent of other lottery funds appropriated to school districts between programs to any instructional program provided the funds are utilized for direct classroom instruction.

1AA.7. (LEA: FY 06-07 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.

The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.

All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings and of those funds, \$30,600,000 shall be used to support the appropriations contained below. After the first \$30,600,000 of lottery funds carried forward from the prior fiscal year are realized, the next \$12,150,000 shall be directed to the State Board of Technical and Comprehensive Education to be used for the Allied Health

Initiative. The next \$500,000 shall be directed to the Arts Partnership of Greater Spartanburg, Inc. for educational programming in the Science Center and History Museum. The programming is to be based on South Carolina K-12 Curriculum and be used to support teachers in their classrooms and for science career development. The remaining balance is directed to the South Carolina State Library for equal distribution to each county for local libraries.

For Fiscal Year 2006-07 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

- (1) Commission on Higher Education--Tuition Assistance Two-Year Institutions, \$45,000,000;
- (2) Commission on Higher Education--LIFE Scholarships as provided in Chapter 149 of Title 59, \$87,911,636;
- (3) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370, \$7,144,909;
- (4) Commission on Higher Education--Palmetto Fellows Scholarships as provided in Section 59-104-20, \$17,830,758;
- (5) Commission on Higher Education--Need-Based Grants, \$11,246,093;
- (6) Tuitions Grants Commission--Tuition Grants, \$7,766,604;
- (7) Commission on Higher Education--National Guard Tuition Repayment Program as provided in Section 59-111-75, \$1,700,000;
- (8) Commission on Higher Education--Endowed Chairs as provided in Chapter 75 of Title 2, \$30,000,000;
- (9) South Carolina State University--\$2,500,000;
- (10) Technology--Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges, \$3,600,000;
- (11) Department of Education--Teacher Specialists, \$11,000,000;
- (12) Department of Education--K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525, \$46,500,000;
- (13) Department of Education--Grades 6-8 Reading, Math, Science & Social Studies Program, \$2,000,000; and
- (14) Commission on Higher Education--Higher Education Excellence Enhancement Program, \$4,700,000.

Fiscal Year 2006-07 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and 2-year institutions as provided in Section 59-150-360.

The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full time students.

Fiscal Year 2006-07 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, Palmetto Fellows, and HOPE scholarships for Fiscal Year 2006-07 are fully funded.

If the lottery revenue received for Fiscal Year 2006-07 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

The Commission on Higher Education is authorized to use up to \$260,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process.

For Fiscal Year 2006-07, \$8,400,000 certified from unclaimed prizes shall be appropriated for Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges.

Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first \$200,000 shall be directed to the S.C. School for the Deaf and the Blind for technology, equipment, and support for multi-disabled students enrolled in education degree and vocational certificate programs. The next \$250,000 will be directed to the Department of Education for Agriculture in the Classroom. The next \$2,600,000 will be directed to the Commission on Higher Education for Tuition Assistance Two-Year Institutions. Any individual item funded by unclaimed prize funds that are available in excess of the Board of Economic Advisors estimate may be partially funded in the order in which it appears, to the extent that revenues are available. The allocations of Section 59-150-230(I) of the 1976 code are suspended for the current fiscal year. All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Higher Education Tuition Grants Commission for Tuition Grants.

Notwithstanding the provisions of Section 59-150-355 of the 1976 Code or any other provision of law, the Budget and Control Board may distribute funds from the Education Lottery Account on a monthly basis during the final quarter of the fiscal year.

SECTION 72 - X90 - GENERAL PROVISIONS

72.1. (GP: Revenues, Deposits Credited to General Fund) For the current fiscal year, except as hereinafter specifically provided, all general state revenues derived from taxation, licenses, fees, or from any other source whatsoever, and all institutional and departmental revenues or collections, including income from taxes, licenses, fees, the sale of commodities and services, and income derived from any other departmental or institutional source of activity, must be remitted to the State Treasurer at least once each week, when practical, and must be credited, unless otherwise directed by law, to the General Fund of the State. Each institution, department or agency, in remitting such income to the State Treasurer, shall attach with each such remittance a report or statement, showing in detail the sources itemized according to standard budget classification from which such income was derived, and shall, at the same time, forward a copy of such report or statement to the Comptroller General and the State Budget and Control Board. In order to facilitate the immediate deposit of collections, refunds of such collections by state institutions where properly approved by the authorities of same, may be made in accordance with directions from the State Comptroller General and State Treasurer.

General fund appropriations herein made for the support of the public school system of the State must be greater than or equal to the revenues derived from the General Retail Sales Tax, the Soft Drinks Tax, and the state's portion of the Alcoholic Liquors Tax and Cable Television Fees as forecasted in the general fund revenue estimate of the Board of Economic Advisors as accounted for in Section 71 of this act. Appropriations in this act for the support of the public school system shall include the following:

- Department of Education;
- State Board for Technical and Comprehensive Education;
- Educational Television Commission;
- Wil Lou Gray Opportunity School;

School for the Deaf and the Blind;
John de la Howe School;
Debt Service on Capital Improvement Bonds Applicable to
Above Agencies;
Debt Service on School Bonds;
Other School Purposes.

Nothing contained herein shall be construed as diminishing the educational funding requirements of this section.

72.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year 2006-07, and for other purposes specifically designated.

72.8. (GP: Fee Increases) (A) No state agency, department, board, committee, commission, or authority, may increase an existing fee for performing any duty, responsibility, or function unless the fee for performing the particular duty, responsibility, or function is authorized by statutory law and set by regulation except as provided in this paragraph.

(B) This paragraph does not apply to:

- (1) state-supported governmental health care facilities;
- (2) state-supported schools, colleges, and universities;
- (3) educational, entertainment, recreational, cultural, and training programs;
- (4) the State Board of Financial Institutions;
- (5) sales by state agencies of goods or tangible products produced for or by these agencies;
- (6) charges by state agencies for room and board provided on state-owned property;
- (7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;
- (8) court fees or fines levied in a judicial or adjudicatory proceeding;
- (9) the South Carolina Public Service Authority or the South Carolina Ports Authority.

(C) This paragraph does not prohibit a state agency, department, board, committee, or commission from increasing fees for services provided to other state agencies, departments, boards, committees, commissions, political subdivisions, or fees for health care and laboratory services regardless of whether the fee is set by statute.

(D) Statutory law for purposes of this paragraph does not include regulations promulgated pursuant to the State Administrative Procedures Act.

72.30. (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior fiscal year into the current fiscal year, up to a maximum of ten percent of its original general fund appropriations less any appropriation reductions for the current fiscal year. Agencies shall not withhold services in order to carry forward general funds.

This provision shall be suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this proviso, the amount of the general fund surplus/deficit must be considered

after all appropriations from the Capital Reserve Fund have been allowed and before any transfers from the General Reserve. The amount of general funds needed to avoid a year-end deficit shall be reduced proportionately from each agency's carry forward amount.

Agencies which have separate general fund carry forward authority must exclude the amount carried forward by such separate authority from their base for purposes of calculating the ten percent carry forward authorized herein. Any funds that are carried forward as a result of this provision are not considered part of the base of appropriations for any succeeding years.

72.37. (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the Department of Education, in consultation with the Budget and Control Board's Office of Information Resources, the State Library and Educational Television Commission shall administer the K-12 technology initiative funds. These funds are intended to provide technology, encourage effective use of technology in K-12 public schools throughout the state, conduct cost/benefit analyses of the various technologies and should, to the maximum extent possible, involve public-private sector collaborative efforts. Funds may also be used to establish pilot projects for new technologies with selected school districts as part of the evaluation process. K-12 technology initiative funds shall be retained and carried forward to be used for the same purpose.

72.44. (GP: PSA Agriculture Teachers Summer Employment) In addition to funds previously established for Clemson University PSA to fund summer employment of agriculture teachers, the Department of Education shall transfer funds appropriated in Part I, Section X.I.F.3, Other State Agencies and Entities, Teacher Pay - Other Agencies to Clemson University PSA to cover state-mandated salary increases on that portion of the agriculture teachers' salaries attributable to summer employment.

72.48. (GP: Alternative Commitment to Truancy) As part of its plan for an alternative school, a school district receiving funds from the Department of Education for an alternative school shall identify available alternatives to commitment for children whose truancy is approaching the level of being referred to family court. When proceeding under S.C. Code Section 59-65-50 to bring an individual case before the family court, the school district must present this plan as well as the district's efforts with respect to the individual child to the court. Each school district's plan under this proviso shall include possible assignment to alternative school for a nonattending child before petitioning the court.

72.88. (GP: Reassessment Implementation) Notwithstanding the provisions of Section 12-43-217 of the 1976 Code, the governing body of a county that pursuant to the provisions of Section 3.SS.1, Act 69 of 2003, postponed implementation of the values determined in a countywide assessment and equalization program until 2004, by ordinance may postpone the implementation for one additional property tax year.

SECTION 73 - X91 - STATEWIDE REVENUE

73.14. (SR: Unobligated FY 05-06 General Fund Revenue) (A) The source of general fund revenue appropriated in this provision is \$449,544,844 of Fiscal Year 2005-06 unobligated general fund revenue as certified by the Board of Economic Advisors. This revenue is deemed

to have occurred and is available for use in Fiscal Year 2006-07 after September 1, 2006, following the Comptroller General's close of the state's books on Fiscal Year 2005-06.

(B) From such Fiscal Year 2005-06 unobligated general fund revenues the appropriations in this provision are listed in priority order beginning with item (1) and each separate appropriation item or subitem must be fully funded before the next item or subitem in order is paid. Provided, however, that any individual item may be partially funded in the order in which it appears to the extent that revenues are available.

The following sums are appropriated for the purposes stated:

- (1) Trust Fund Repayment:
 - (a) D17-Governor's Office OEPP
Subfund 4892 Legacy Trust Fund \$1,801;
 - (b) E12-Comptroller General's Office
Subfund 4007 Unemployment
Compensation \$2,400,000;
 - (c) E16-State Treasurer's Office
 - (i) Subfund 4070 SC Housing
Trust Fund \$6,475,569;
 - (ii) Subfund 4693 Atmc Wste Brl Fd-
Chm Nclr (Barnwell) \$64,634,813;
 - (iii) Subfund 43A8 Barnwell Economic
Development Fund \$596,616;
 - (iv) Subfund 4843 Local Option Sales Tax \$163,568;
 - (v) Subfund 4955 911 Phone Surcharge \$9,408,399;
 - (d) F03-Budget and Control Board
 - (i) Subfund 3774 Reserve Accounts \$2,600,000;
 - (ii) Subfund 4161 Insurance
Reserve Fund \$22,937,800;
 - (iii) Subfund 4161 Insurance
Reserve Fund \$27,900,000;
 - (iv) Subfund 4202 State Life and LTD \$4,099,594;
 - (e) J04-Department of Health and Environmental Control
 - (i) Subfund 3157 Environmental Protection Fnd,
Subfund 4545 Waste Tire Grant Trust Fund,
Subfund 4546 Petroleum Fnd \$4,000,000;
 - (ii) Subfund 3678 County Hazardous Waste
Contingency Fund \$1,000,000;
 - (iii) Subfund 4984 SUPERB Account \$941,340;
 - (f) L32-Housing Finance and Development Authority
Subfund 4797 SHA Program Fund \$1,617,784;
 - (g) R40-Department of Motor Vehicles
Subfund 3264 Operating Revenue \$4,000,000;
 - (h) P28-Department of Parks, Recreation, and Tourism
Subfund 4126 PRT Development Fund \$276,379;
 - (i) R12-State Accident Fund
 - (i) Subfund 4033 Workers'
Compensation Fund \$13,354,722;

- (ii) Subfund 4168 Escrow Funds \$22,257;
 - (j) R04-Public Service Commission
 - Subfund 3035 \$1,900,000;
 - (k) R36-Department of Labor, Licensing, & Regulation:
 - (i) Subfund 3035 Operating Revenue \$500,000;
 - (ii) Subfund 3135 POLA Revenue \$1,997,509;
 - (iii) Subfund 3173 Education & Research Fund \$124,561;
 - (iv) Subfund 3730 Vacation Time Sharing Recognition \$252,980;
 - (v) Subfund 4592 Auctioneer Recovery Fund \$136,899;
 - (l) P32-Department of Commerce-Public Railways Commission:
 - (i) Subfund 4813 E Cooper & Berkeley RR \$2,193,850;
 - (ii) Subfund 4814 Operating & Maintenance \$745,277;
 - (2) Unobligated Surplus in Part 1A \$29,868,957;
 - (3) E24-Adjutant General's Office
 - (a) Disaster Warehouse Supplies/Resources \$2,030,000;
 - (b) Satellite Phones \$70,000;
 - (4) H63-Department of Education
 - (a) Early Childhood - 4 Year Pre-Kindergarten Program \$15,717,104;
 - (b) First Steps Early Childhood - 4 Year Pre-Kindergarten Program \$1,858,576;
 - (c) First Steps Early Childhood Initiative - Pilot Program - Materials, Grants, and Incentives \$4,000,000;
 - (d) School Transportation - Fuel \$9,784,856;
 - (e) Instructional Materials \$3,144,273;
 - (f) Governor's School for Science and Mathematics \$500,000;
 - (g) Governor's School for the Arts and the Humanities \$500,000;
 - (5) J12-Department of Mental Health
 - Veterans Nursing Homes - Colleton County \$2,400,000;
 - (6) F03-Budget and Control Board
 - (a) Veterans' Cemetery \$266,027;
 - (b) Mfg Alliance "Made in South Carolina" \$500,000;
 - (c) EEDA Marketing & Communications \$1,000,000;
- (6.1) The Budget and Control Board shall utilize the \$1,000,000 appropriated for EEDA Marketing & Communications to support marketing and media communication initiatives that promote statewide community and parental involvement of the Education and Economic Development Act. These funds shall not be transferred nor used for any other purpose.
- (7) J02-Department of Health & Human Services
 - Latch Key Incorporated \$9,000;

- (8) J04-Department of Health and Environmental Control
BabyNet \$32,500;
- (9) J16-Department of Disabilities and Special Needs
 - (a) Residential Waiting List \$2,400,000;
 - (b) Crisis Prevention \$6,000,000;
 - (c) Pervasive Developmental Disorder
Pilot Project \$3,000,000;
 - (d) Transit Support \$168,000;

(9.1) The three million dollars appropriated to the Department of Disabilities and Special Needs, as the agency authorized to treat autistic disorder, shall be designated for a Medicaid pilot project to treat children who have been diagnosed by eight years of age with a pervasive developmental disorder. The pilot project must target the youngest ages feasible for treatment effectiveness, treatment for each individual child shall not exceed three years without a special exception as defined in the waiver, and reimbursement for each individual participant may not exceed \$50,000 per year. The Department of Disabilities and Special Needs and the Department of Health and Human Services will determine the areas of the State with the greatest need and availability of providers. Children participating in the pilot project will be selected based upon an application system developed in compliance with the Medicaid waiver. Treatment will be provided as authorized and prescribed by the department according to the degree of the developmental disability. In authorizing and prescribing treatment the department may award grants or negotiate and contract with public or private entities to implement intervention programs for children who have been diagnosed with a pervasive developmental disorder.

"Pervasive developmental disorder" means a neurological condition, including autistic disorder and Asperger's syndrome, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association. By June 30, 2007, the department shall report to the General Assembly and the Governor on the developmental progress of the children participating in the pilot project. This provision does not establish or authorize creation of an entitlement program or benefit.

- (10) H87-State Library
DISCUS Content Enhancement \$250,000;
- (11) H91-Arts Commission
Grants - Education, Arts & Cultural Tourism \$585,000;
- (12) H95-State Museum Commission
Acquisitions/Collections \$200,000;
- (13) H15-University of Charleston
Center for Partnerships to Improve Education \$400,000;
- (14) H59-State Board for Technical and
Comprehensive Education
 - (a) Center for Accelerated
Technology Training \$1,200,000;
 - (b) Allied Health Initiative \$3,706,698;
- (15) K05-Department of Public Safety
Hunley Security \$23,292;
- (16) N04-Department of Corrections
Second Chance Barn \$50,000;
- (17) B04-Judicial Department

- Family & Circuit Court Travel \$1,000,000;
- (18) U12-Department of Transportation
Road and Infrastructure Improvements-
Greenville ICAR \$1,500,000;

(18.1) The Department of Transportation is directed to transfer \$1,500,000 to the City of Greenville for roadway infrastructure and related improvements between Laurens Road to Woodruff Road to facilitate ease of access from ICAR, Millennium Park, and other economic development projects located along this new business corridor and in the surrounding vicinity.

- (19) P16-Department of Agriculture
Marketing & Promotions -
SC Quality Program \$600,000;
- (20) P28-Department of Parks, Recreation, and Tourism
African-American Civil War
Reconstruction Society \$20,000;
- (21) P32-Department of Commerce
Competitiveness Council \$400,000;
- (22) P28-Department of Parks, Recreation, and Tourism
 - (a) Charlestown Landing \$7,000,000;
 - (b) International Advertising \$500,000;
 - (c) Palmetto Trails \$100,000;
- (23) H18-Francis Marion University
Center for the Performing Arts \$7,000,000;
- (24) H12-Clemson University
International Center for Auto Research \$1,500,000;
- (25) H27-University of South Carolina
 - (a) Congaree Initiative \$1,500,000;
 - (b) Palmetto Poison Control Center - Equipment \$200,000;
 - (c) City of Columbia - Incubator Project \$200,000;
 - (d) Small Business Development Centers \$250,000;
- (26) H12-Clemson University
Call Me Mister \$1,300,000;
- (27) H15-University of Charleston
 - (a) Real Estate Program \$612,764;
 - (b) School of Business: Office of
Tourism Analysis \$150,000;
- (28) H24-South Carolina State University
 - (a) Transportation Center \$748,365;
 - (b) Obesity Program \$300,000;
- (29) H15-University of Charleston
MRR Parity \$524,238;
- (30) H09-The Citadel
MRR Parity \$141,326;
- (31) H17-Coastal Carolina University
MRR Parity \$2,358,122;
- (32) H18-Francis Marion University
MRR Parity \$172,989;

- (33) H21-Lander University
MRR Parity \$174,252;
- (34) H24-South Carolina State University
MRR Parity \$263,347;
- (35) H29-University of South Carolina-Aiken
MRR Parity \$599,237;
- (36) H34-University of South Carolina-Upstate
MRR Parity \$1,877,675;
- (37) H36-University of South Carolina-Beaufort
MRR Parity \$502,175;
- (38) H37-University of South Carolina-Lancaster
 - (a) MRR Parity \$650,000;
 - (b) Repair/Renovation \$200,000;
- (39) H38-University of South Carolina-Salkehatchie
MRR Parity \$100,000;
- (40) H39-University of South Carolina-Sumter
MRR Parity \$51,269;
- (41) H40-University of South Carolina-Union
MRR Parity \$16,206;
- (42) H47-Winthrop University
MRR Parity \$1,172,423;
- (43) H51-Medical University of South Carolina
MRR Parity \$2,545,904;
- (44) H53-Consortium Teaching Hospitals
MRR Parity \$511,979;
- (45) H03-Commission on Higher Education
 - (a) GEAR-UP \$600,000;
 - (b) Statewide Electronic Library \$2,000,000;
- (46) E21-Prosecution Coordination Commission
Victims and Witness Assistance Programs \$1,800,000;
- (46.1) The \$1,800,000 appropriated for Solicitors Victim/Witness Assistance Programs must be apportioned among the circuits on a per capita basis and based upon the official census of 2000. Payment must be made as soon after the beginning of each quarter as practical.
- (47) J04-Department of Health and Environmental Control
 - (a) SC Birth Defects Program \$244,250;
 - (b) Vaccine Purchases for the Underinsured \$2,357,390;
 - (c) Beach Renourishment \$5,000,000;
 - (d) Lakelands Rural Health Network -
Electronic Records \$98,000;
- (48) L04-Department of Social Services
Boys & Girls Clubs \$1,000,000;
- (49) H71-Wil Lou Gray Opportunity School
 - (a) Software Update \$68,000;
 - (b) Operating Expenses \$275,000;
- (50) H79-Department of Archives and History
Civil War Sesquicentennial Commission \$65,000;

- (51) H95-State Museum Commission
Observatory, Planetarium, Theater (OPT) \$5,000,000;
- (52) P20-Clemson University-PSA
Edisto Research and Education Center \$1,000,000;
- (53) P24-Department of Natural Resources
Vehicles for New Law Enforcement Officers \$505,000;
- (54) P32-Department of Commerce
 - (a) Closing Fund Competitive Recruitment \$7,000,000;
 - (b) Capital Access Program \$3,000,000;
- (55) J12-Department of Mental Health
 - (a) Patient Care Buildings Safety Renovations \$4,400,000;
 - (b) Crafts Farrow Renovation for
Forensic Capacity \$2,560,000;
 - (c) Bryan Renovation for Crisis Capacity \$1,250,000;
- (56) B04-Judicial Department
Center for Fathers & Families Initiative \$500,000;

(56.1) The \$500,000 appropriated to the Judicial Department for the South Carolina Center for Fathers and Families must be used by that organization to provide a pilot program for low-income fathers as an alternative to incarceration for nonpayment of child support. The center shall use these funds to administer the program for unemployed or underemployed low-income fathers in six fatherhood program sites around the state. These sites shall include any of the following: Conway, Richland County, Lexington County, North Charleston, Georgetown, Lancaster, Great Falls, Bennettsville, Florence, Greenville, Spartanburg, and Winnsboro. The pilot program shall assist low-income fathers in the current fiscal year with securing livable wage employment within forty-five days of their admission into the program and provide other core fatherhood services, including parenting and job retention skills. Fathers who are admitted into the program must be required to consistently make their monthly child support payments, pay any monthly arrearage payments which are due, and attend weekly fatherhood meetings.

The Center for Fathers and Families shall submit to the Senate Finance Committee and House Ways and Means Committee a complete detailed accounting for the expenditures of these funds by April 30, 2007. At a minimum the report shall consist of a line item listing of expenditures, personnel, site locations, the number program participants, and the number who successfully complete the program.

- (57) E21-Prosecution Coordination Commission
Drug Court - 12th Circuit \$150,000;
- (58) E23-Commission on Indigent Defense
Operations & Maintenance \$200,000;
- (59) J04-Department of Health and Environmental Control
Smoking Prevention and Cessation \$2,000,000;

(59.1) The Department of Health and Environmental Control shall utilize the funds appropriated for Smoking Prevention and Cessation to implement such a program based upon the Center for Disease Control and Prevention's best practices. These funds shall not be transferred to other programs within the agency and when instructed by the Budget and Control Board or the General Assembly to reduce funds within the department by a certain percentage, the department may not act unilaterally to reduce the funds for the Smoking Prevention and Cessation Program provided for herein greater than such stipulated percentage.

- (60) L36-Human Affairs Commission
Legal - Other Operating \$9,591;
- (61) H91-Arts Commission
Arts Facility Project \$378,636;
- (62) H03-Commission on Higher Education
(a) Manufacturing Extension Partnership \$1,200,000;
(b) SREB \$269,000;
- (63) H59-State Board for Technical and Comprehensive Education
(a) Technical College of the Lowcountry
Nursing Program \$250,000;
(b) Williamsburg - Repair/Renovation \$300,000;
- (64) D10-Governor's Office-State Law Enforcement Division
(a) Vehicles & Equipment for 10 new
VICE Agents \$399,000;
(b) Vehicles & Equipment for 14 new Agents to
Investigate Criminal Abuse at Residential
Care Facilities \$558,600;
- (65) K05-Department of Public Safety
Replacement of High Mileage Highway
Patrol Vehicles \$4,149,243;
- (66) U12-Department of Transportation
Mass Transit \$1,300,000;
- (67) P12-Forestry Commission
Mission Critical Functions \$1,000,000;
- (68) U12-Department of Transportation
Port Access Road \$5,000,000;
- (69) P28-Department of Parks, Recreation, and Tourism
(a) Advertising \$5,500,000;
(b) Regional Tourism Districts \$550,000;
- (70) R28-Department of Consumer Affairs
Computer Services \$200,000;
- (71) E24-Adjutant General's Office
State Regional District Operations Program \$203,088;
- (72) P32-Department of Commerce
Hydrogen/Fuel Cell Coalition and Equipment \$81,230;
- (73) F03-Budget and Control Board
RFP & Study of Statewide Assessments \$1,000,000;

(73.1) The Budget and Control Board shall issue a request for proposal for the purpose of conducting a study on the feasibility and cost of converting the state assessment program to a computer-based or computer-adaptive format. Funds appropriated herein for the Statewide Assessment System shall be used to cover the cost of conducting the study.

- (74) J04-Department of Health and Environmental Control
Trauma Center Fund \$2,000,000;

(74.1) Of the funds appropriated to the Department of Health and Environmental Control for the South Carolina State Trauma Care Fund, \$2,000,000 shall be utilized for increasing the reimbursement rates for trauma hospitals, for trauma specialists' professional fee, for increasing

the capability of EMS trauma care providers from counties with a high rate of traumatic injury deaths to care for injury patients, and for support of the trauma system, based on a methodology as determined by the department with guidance and input from the Trauma Council as established in Section 44-61-530 of the South Carolina Code of Laws. The methodology to be developed will include a breakdown of disbursement of funds by percentage, with a proposed 77% disbursed to hospitals and trauma physician fees, 11% of the 21% must be disbursed to EMS providers for training EMTs, Advanced EMTs and paramedics by the four regional councils of this state and the remaining 10% must be disbursed to EMS providers in counties with high trauma mortality rates, and 2% allocated to the department for administration of the fund and support of the trauma system. The Department of Health and Environmental Control shall promulgate regulations as required in Section 44-61-540 of the 1976 Code for the administration and oversight of the Trauma Care Fund.

- (75) H63-Department of Education
 - Interpreter Recruitment and Training Program \$50,000;
- (76) H15-University of Charleston
 - Marine Genomics \$603,000;
- (77) F03-Budget and Control Board
 - (a) Confederate Relic Room \$410,435;
 - (b) Operating Expenses \$1,298,973;
- (78) E04-Lieutenant Governor's Office
 - Community Based Support Services - Office on Aging \$2,900,000;
- (79) J02-Department of Health and Human Services
 - (a) Physician Reimbursements \$3,000,000;
 - (b) Rural Hospital Grants \$6,500,000;
 - (c) Health Care Information Referral Network \$336,000;
- (80) J12-Department of Mental Health
 - Charleston Center Administration Addition \$1,500,000;
- (81) N04-Department of Corrections
 - Medical Department Technology Upgrades \$489,850;
- (82) E23-Commission on Indigent Defense
 - (a) Conflict Fund \$500,000;
 - (b) Criminal Domestic Violence Defense \$460,000;
- (83) F03-Budget and Control Board
 - (a) SC National Heritage Corridor \$250,000;
 - (b) Geodetic Mapping \$250,000;
 - (c) Demolition of Park Buildings \$470,750;
 - (d) Facilities Management - Other Operating \$35,000;
 - (e) SE Regional Settlement \$395,000;

(83.1) The Budget and Control Board shall utilize the \$470,750 appropriated for "Demolition of Park Buildings" to contract for the demolition of dilapidated buildings at the State Park area which have been determined to be unsafe. Any funds remaining after the project has been completed shall be transferred to the General Fund.

(83.2) The Budget and Control Board shall transfer \$35,000 to the Newberry County Sheriff's Office for public safety enhancements.

- (84) F27-Budget and Control Board, State Auditor's Office

- (a) Other Operating \$681,654;
- (b) Contractual Services \$39,550;
- (85) X22-Aid to Subdivisions - State Treasurer
Aid Planning Districts \$110,000;
- (86) H95-State Museum Commission
 - (a) Cherokee County Museum \$450,000;
 - (b) York County Museum \$450,000;
 - (c) Chapman Cultural Center \$500,000;
 - (d) Spartanburg Memorial Auditorium \$500,000;
 - (e) Coastal Discovery Museum \$400,000;
 - (f) Mauldin Cultural Center \$100,000;
 - (g) African-American Museum in Charleston \$500,000;
 - (h) Myrtle Beach Children's Museum \$750,000;
 - (i) Imagine Nation: Children's Museum
of the Upstate \$700,000;
 - (j) Greer Museum \$100,000;
 - (k) Cayce Museum \$50,000;
- (87) J02-Department of Health and Human Services
 - (a) Hemingway Health Complex \$465,000;
 - (b) Foothills Information Network \$500,000;
 - (c) Federally Qualified Community
Health Centers \$1,000,000;
 - (d) Midlands Community Health Center \$675,000;
- (88) J12-Department of Mental Health
 - (a) Nurturing Center \$90,000;
 - (b) Crisis Center of Marion, Florence,
Darlington \$500,000;
- (89) H87-State Library
 - (a) Barnwell County Library \$250,000;
 - (b) Boiling Springs Library Expansion \$200,000;
 - (c) Society Hill Library \$250,000;
 - (d) Public Library Construction Grants \$100,000;
- (90) F03-Budget and Control Board
Statehouse Grounds and Complex
Upgrades and Improvements \$6,000,000;
- (91) N12-Department of Juvenile Justice
Coalition to Prevent Juvenile Crime-After School &
Summer Programs \$500,000;
- (91.1) The Department of Juvenile Justice is directed to transfer \$500,000 to the Coalition to Prevent Juvenile Crime for use in expanding after-school programs and establishing summer programs to combat gang activities, improve drop out statistics, and prevent juvenile crime.
- (92) U12-Department of Transportation
 - (a) Expansion Work on Hard Scrabble Road \$200,000;
 - (b) Greenville County Street
Drainage Improvements \$300,000;
- (93) P24-Department of Natural Resources

- (a) Savannah River Basin Compact \$250,000;
- (b) Infrastructure Repairs \$600,000;
- (94) P28-Department of Parks, Recreation, and Tourism
 - (a) H. Cooper Black Field Trial & Recreation Area \$531,300;
 - (b) Dorchester County Youth and Senior Renovation Project \$180,000;
 - (c) National Historic Register Site - Randolph Cemetery \$175,000;
 - (d) Marion County Tourism Resource and Education Center \$250,000;
- (95) F03-Budget and Control Board
 - (a) Weldon Auditorium \$500,000;
 - (b) Success Center Building \$100,000;
 - (c) City of Georgetown - Business Revitalization & Promotion \$23,460;
 - (d) Georgetown Marina \$1,000,000;
 - (e) City of Columbia - Streetscape \$1,000,000;
 - (f) Columbia Black Expo \$200,000;
 - (g) Camden First Community Development Program \$150,000;
 - (h) Lexington County Water and Sewer \$250,000;
 - (i) East Camden Sewer System \$250,000;
 - (j) Police Substation Screaming Eagle Road \$100,000;
 - (k) Drummond Center Erskine College Program Support \$700,000;
- (96) H47-Winthrop University
 - Tillman Hall Repair \$6,700,000;
- (97) H51-Medical University of South Carolina
 - (a) Hollings Cancer Center \$500,000;
 - (b) College of Dental Medicine \$7,000,000;
- (98) J20-Department of Alcohol and Other Drug Abuse Services
 - The Phoenix Center \$6,200,000;
- (99) F03-Budget and Control Board
 - Tobacco Arbitration Settlement \$1,200,000;
- (100) E23-Commission on Indigent Defense
 - Civil Appointments Fund \$1,500,000;
- (101) H15-University of Charleston
 - Grice Marine Biology Laboratory \$4,000,000;
- (102) P32-Department of Commerce
 - Competitive Grants \$500,000;
- (103) F03-Budget and Control Board
 - Competitive Grants \$3,000,000;
- (104) J04-Department of Health and Environmental Control
 - Competitive Grants \$2,800,000;
- (105) P28-Department of Parks, Recreation, and Tourism

- Competitive Grants \$3,000,000;
- (106) E28-Election Commission
 - HAVA Training for Voters \$500,000;
- (107) F03-Budget and Control Board
 - (a) Marion County Senior Center \$250,000;
 - (b) Old Springfield High School Renovations \$75,000;
- (108) U12-Department of Transportation
 - Smart Ride Program - Newberry and Camden \$380,000;
- (109) P28-Department of Parks, Recreation, and Tourism
 - Brookgreen Gardens Maintenance and Transportation \$108,000;
- (110) F03-Budget and Control Board
 - Lake City Senior Center \$200,000;
- (111) H37-University of South Carolina-Lancaster
 - Repaving \$100,000;
- (112) P21-South Carolina State University-PSA
 - (a) Lower Orangeburg/Upper Dorchester Community Development Corporation \$150,000;
 - (b) Historical Analysis Study - African American Community Wealth Creation \$150,000;
- (113) P28-Department of Parks, Recreation, and Tourism
 - Marion County Recreation Facility \$100,000;
- (114) H87-State Library
 - Olanta Library \$250,000;
- (115) K05-Department of Public Safety
 - Sumter County Justice Assistance Grant \$52,572;
- (116) H63-Department of Education
 - First Steps Centers of Excellence \$2,000,000;
- (116.1) Expand First Steps Centers Of Excellence child development centers through a two year pilot program serving at-risk children ages zero to four beginning in the trial districts and expanding to the plaintiff districts.
- (117) P32-Department of Commerce
 - Hartsville Railroad Project \$250,000;
- (118) F03-Budget and Control Board
 - Hartsville Drainage Project \$200,000; and
- (119) P16-Department of Agriculture
 - Jasper County Farmers Market \$200,000.

Entities that receive funding through item (95) subitems a) through k) listed under the Budget and Control Board are required to submit a report to the Budget and Control Board, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee which contains a complete accounting for the expenditure of the funds received.

Reports shall be transmitted no later than 90 days after the close of the fiscal year in which funds were distributed.

Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

73.15. (A) There is created in the State Treasury a fund separate and distinct from the general fund of the State, the Capital Reserve Fund, and all other funds entitled the Contingency Reserve Fund. All general fund revenues accumulated in a fiscal year in excess of general appropriations and supplemental appropriations must be credited to this fund. Revenues credited to this fund in a fiscal year may be appropriated by the General Assembly in its regular session in the year following the close of the applicable fiscal year. Revenues in this fund may be appropriated only for the purposes provided in subsection (B).

(B)(1) If the balance in the general reserve fund established pursuant to Article III, Section 36 of the Constitution of this State and Section 11-11-310 of the 1976 Code is less than the required balance, there must be appropriated to it all amounts in the Contingency Reserve Fund up to the total necessary to replenish the general reserve fund. This amount does not replace or supplant the minimum replenishment amount otherwise required to be made to the general reserve fund.

(2) After the appropriation of amounts required pursuant to item (1) of this subsection, any remaining balance may be appropriated for or used to offset revenue reductions for:

(a) infrastructure improvements; and for purposes of this item, infrastructure includes, but is not limited to, fixed transportation facilities, to include highway, rail, water, and air, and the basic facilities, services, and installations needed for the functioning of government, to include water, sewer, and public sector communications;

(b) school buildings;

(c) school buses; and

(d) expenses incurred by this State as a result of natural or other disasters declared by the President of the United States. Should the General Assembly not be in session during a declared disaster, the Budget and Control Board may, by unanimous approval of its members, utilize the Contingency Reserve Fund to underwrite state government costs directly associated with the disaster. Eligible costs include those costs associated with public safety personnel and equipment as well as funding match requirements with the Federal Emergency Management Agency.

(3) Appropriations from the Fund must be made by means of a joint resolution.

H 3620; ACT NO. 117 - FY 2007-08 APPROPRIATIONS ACT

SECTION 1 - H63 - DEPARTMENT OF EDUCATION

1.1. (SDE: Appropriation Transfer Prohibition) The amounts appropriated herein for aid to subdivisions, allocations to school districts, or special line items shall not be transferred and must be expended in accordance with the intent of the appropriation, except that the department may transfer funds that are deducted and retained from a school district's transportation allocation to reimburse the department for the cost of unauthorized mileage. This transfer must be agreed upon by both the school district and the department. Those funds may be transferred into the department's school bus transportation operating account.

1.2. (SDE: DHEC - Comprehensive Health Assessment) All school districts shall participate, to the fullest extent possible, in the Medicaid program by seeking appropriate reimbursement for services and administration of health and social services. Reimbursements to the school districts shall not be used to supplant funds currently being spent on health and social services.

1.3. (SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for 100 percent of full implementation of the Education Finance Act to include an inflation factor projected by the Division of Budget and Analyses to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be \$2,476. In Fiscal Year 2007-08, the total pupil count is projected to be 683,601. The average per pupil funding is projected to be \$4,571 state, \$1,066 federal, and \$4,929 local. This is an average total funding level of \$10,566 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Abbeville School District total pupil count is projected to be 3,503. The per pupil funding is projected to be \$5,666 state, \$1,080 federal, and \$2,970 local. This is a total projected funding level of \$9,716 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Aiken School District total pupil count is projected to be 24,460. The per pupil funding is projected to be \$4,437 state, \$985 federal, and \$3,116 local. This is a total projected funding level of \$8,538 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Allendale School District total pupil count is projected to be 1,578. The per pupil funding is projected to be \$10,359 state, \$1,902 federal, and \$4,275 local. This is a total projected funding level of \$16,536 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Anderson School District 1 total pupil count is projected to be 8,742. The per pupil funding is projected to be \$4,117 state, \$641 federal, and \$3,685 local. This is a total projected funding level of \$8,443 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Anderson School District 2 total pupil count is projected to be 3,671. The per pupil funding is projected to be \$4,914 state, \$1,327 federal, and \$4,250 local. This is a total projected funding level of \$10,491 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Anderson School District 3 total pupil count is projected to be 2,572. The per pupil funding is projected to be \$4,927 state, \$974 federal, and \$3,170 local. This is a total projected funding level of \$9,071 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Anderson School District 4 total pupil count is projected to be 2,786. The per pupil funding is projected to be \$4,285 state, \$962 federal, and \$6,661 local. This is a total projected funding level of \$11,909 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Anderson School District 5 total pupil count is projected to be

11,942. The per pupil funding is projected to be \$4,509 state, \$999 federal, and \$4,497 local. This is a total projected funding level of \$9,716 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Bamberg School District 1 total pupil count is projected to be 1,593. The per pupil funding is projected to be \$5,266 state, \$1,650 federal, and \$2,663 local. This is a total projected funding level of \$9,579 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Bamberg School District 2 total pupil count is projected to be 905. The per pupil funding is projected to be \$7,849 state, \$2,959 federal, and \$4,889 local. This is a total projected funding level of \$15,697 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Barnwell School District 19 total pupil count is projected to be 856. The per pupil funding is projected to be \$6,007 state, \$1,986 federal, and \$3,346 local. This is a total projected funding level of \$11,339 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Barnwell School District 29 total pupil count is projected to be 961. The per pupil funding is projected to be \$5,320 state, \$1,456 federal, and \$2,838 local. This is a total projected funding level of \$9,614 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Barnwell School District 45 total pupil count is projected to be 2,571. The per pupil funding is projected to be \$5,500 state, \$1,081 federal, and \$2,111 local. This is a total projected funding level of \$8,692 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Beaufort School District total pupil count is projected to be 18,522. The per pupil funding is projected to be \$2,656 state, \$1,167 federal, and \$9,188 local. This is a total projected funding level of \$13,011 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Berkeley School District total pupil count is projected to be 27,481. The per pupil funding is projected to be \$4,388 state, \$1,067 federal, and \$4,975 local. This is a total projected funding level of \$10,430 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Calhoun School District total pupil count is projected to be 1,667. The per pupil funding is projected to be \$5,871 state, \$1,693 federal, and \$5,451 local. This is a total projected funding level of \$13,015 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Charleston School District total pupil count is projected to be 41,013. The per pupil funding is projected to be \$3,549 state, \$1,456 federal, and \$9,660 local. This is a total projected funding level of \$14,665 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Cherokee School District total pupil count is projected to be 8,956. The per pupil funding is projected to be \$4,663 state, \$982 federal, and \$4,292 local. This is a total projected funding level of \$9,938 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Chester School District total pupil count is projected to be 5,812. The per pupil funding is projected to be \$5,123 state, \$1,134 federal, and \$3,858 local. This is a total projected funding level of \$10,115 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Chesterfield School District total pupil count is projected to be 7,860. The per pupil funding is projected to be \$4,837 state, \$1,101 federal, and \$2,912 local. This is a total projected funding level of \$8,849 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Clarendon School District 1 total pupil count is projected to be 965. The per pupil funding is projected to be \$7,146 state, \$2,829 federal, and \$3,658 local. This is a total projected funding level of \$13,633 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Clarendon School District 2 total pupil count is projected to be 3,160. The per pupil funding is projected to be \$4,744 state, \$1,670 federal, and \$2,616 local. This is a total projected funding level of \$9,030 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Clarendon School District 3 total pupil count is projected to be 1,261. The per pupil funding is projected to be \$4,924 state, \$1,116 federal, and \$2,548 local.

This is a total projected funding level of \$8,588 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Colleton School District total pupil count is projected to be 6,211. The per pupil funding is projected to be \$4,542 state, \$1,586 federal, and \$2,492 local. This is a total projected funding level of \$8,620 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Darlington School District total pupil count is projected to be 11,060. The per pupil funding is projected to be \$5,014 state, \$1,289 federal, and \$4,010 local. This is a total projected funding level of \$10,313 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Dillon School District 1 total pupil count is projected to be 812. The per pupil funding is projected to be \$5,214 state, \$3,090 federal, and \$1,649 local. This is a total projected funding level of \$9,952 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Dillon School District 2 total pupil count is projected to be 3,477. The per pupil funding is projected to be \$4,772 state, \$1,575 federal, and \$1,543 local. This is a total projected funding level of \$7,889 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Dillon School District 3 total pupil count is projected to be 1,551. The per pupil funding is projected to be \$4,482 state, \$1,286 federal, and \$1,788 local. This is a total projected funding level of \$7,556 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Dorchester School District 2 total pupil count is projected to be 19,868. The per pupil funding is projected to be \$4,331 state, \$581 federal, and \$3,515 local. This is a total projected funding level of \$8,427 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Dorchester School District 4 total pupil count is projected to be 2,187. The per pupil funding is projected to be \$5,801 state, \$1,504 federal, and \$6,440 local. This is a total projected funding level of \$13,744 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Edgefield School District total pupil count is projected to be 4,002. The per pupil funding is projected to be \$4,960 state, \$1,018 federal, and \$3,167 local. This is a total projected funding level of \$9,144 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Fairfield School District total pupil count is projected to be 3,283. The per pupil funding is projected to be \$6,310 state, \$1,482 federal, and \$6,562 local. This is a total projected funding level of \$14,354 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Florence School District 1 total pupil count is projected to be 15,023. The per pupil funding is projected to be \$4,201 state, \$995 federal, and \$4,163 local. This is a total projected funding level of \$9,360 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Florence School District 2 total pupil count is projected to be 1,179. The per pupil funding is projected to be \$4,934 state, \$1,368 federal, and \$2,656 local. This is a total projected funding level of \$8,959 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Florence School District 3 total pupil count is projected to be 3,637. The per pupil funding is projected to be \$5,213 state, \$2,189 federal, and \$2,405 local. This is a total projected funding level of \$9,807 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Florence School District 4 total pupil count is projected to be 992. The per pupil funding is projected to be \$7,085 state, \$1,591 federal, and \$3,210 local. This is a total projected funding level of \$11,886 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Florence School District 5 total pupil count is projected to be 1,432. The per pupil funding is projected to be \$5,509 state, \$1,114 federal, and \$4,366 local. This is a total projected funding level of \$10,989 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Georgetown School District total pupil count is projected to be 9,867. The per pupil funding is projected to be \$4,064 state, \$1,253 federal, and \$5,124 local. This is a total projected funding level of \$10,441 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Greenville School District total pupil count is projected to be 66,539. The per pupil funding is projected to be \$4,198 state, \$927 federal, and \$5,832 local. This is a total projected funding level of \$10,957 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Greenwood School District 50 total pupil count is projected to be 9,150. The per pupil funding is projected to be \$4,596 state, \$966 federal, and \$4,559 local. This is a total projected funding level of \$10,121 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Greenwood School District 51 total pupil count is projected to be 1,109. The per pupil funding is projected to be \$5,610 state, \$1,038 federal, and \$3,531 local. This is a total projected funding level of \$10,179 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Greenwood School District 52 total pupil count is projected to be 1,635. The per pupil funding is projected to be \$3,017 state, \$624 federal, and \$5,826 local. This is a total projected funding level of \$9,466 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Hampton School District 1 total pupil count is projected to be 2,642. The per pupil funding is projected to be \$5,209 state, \$1,328 federal, and \$2,796 local. This is a total projected funding level of \$9,332 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Hampton School District 2 total pupil count is projected to be 1,275. The per pupil funding is projected to be \$6,623 state, \$2,169 federal, and \$3,052 local. This is a total projected funding level of \$11,844 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Horry School District total pupil count is projected to be 34,966. The per pupil funding is projected to be \$3,655 state, \$844 federal, and \$5,480 local. This is a total projected funding level of \$9,979 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Jasper School District total pupil count is projected to be 3,027. The per pupil funding is projected to be \$5,178 state, \$1,895 federal, and \$3,706 local. This is a total projected funding level of \$10,780 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Kershaw School District total pupil count is projected to be 10,235. The per pupil funding is projected to be \$5,063 state, \$891 federal, and \$3,074 local. This is a total projected funding level of \$9,028 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Lancaster School District total pupil count is projected to be 11,217. The per pupil funding is projected to be \$4,572 state, \$1,121 federal, and \$3,351 local. This is a total projected funding level of \$9,044 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Laurens School District 55 total pupil count is projected to be 5,665. The per pupil funding is projected to be \$5,017 state, \$1,170 federal, and \$3,250 local. This is a total projected funding level of \$9,436 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Laurens School District 56 total pupil count is projected to be 3,142. The per pupil funding is projected to be \$5,316 state, \$1,463 federal, and \$2,833 local. This is a total projected funding level of \$9,611 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Lee School District total pupil count is projected to be 2,569. The per pupil funding is projected to be \$5,997 state, \$2,075 federal, and \$118 local. This is a total projected funding level of \$8,191 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Lexington School District 1 total pupil count is projected to be 19,791. The per pupil funding is projected to be \$5,084 state, \$638 federal, and \$4,935 local. This is a total projected funding level of \$10,657 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Lexington School District 2 total pupil count is projected to be 8,704. The per pupil funding is projected to be \$5,108 state, \$587 federal, and \$3,472 local. This is a total projected funding level of \$9,167 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Lexington School District 3 total pupil count is projected to be

2,080. The per pupil funding is projected to be \$5,517 state, \$1,271 federal, and \$4,738 local. This is a total projected funding level of \$11,526 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Lexington School District 4 total pupil count is projected to be 3,449. The per pupil funding is projected to be \$5,456 state, \$1,281 federal, and \$3,224 local. This is a total projected funding level of \$9,960 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Lexington School District 5 total pupil count is projected to be 16,628. The per pupil funding is projected to be \$5,083 state, \$822 federal, and \$5,125 local. This is a total projected funding level of \$11,031 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Marion School District 1 total pupil count is projected to be 2,919. The per pupil funding is projected to be \$4,984 state, \$2,521 federal, and \$2,206 local. This is a total projected funding level of \$9,711 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Marion School District 2 total pupil count is projected to be 1,967. The per pupil funding is projected to be \$4,860 state, \$1,725 federal, and \$2,051 local. This is a total projected funding level of \$8,636 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Marion School District 7 total pupil count is projected to be 800. The per pupil funding is projected to be \$7,340 state, \$3,939 federal, and \$2,403 local. This is a total projected funding level of \$13,682 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Marlboro School District total pupil count is projected to be 4,693. The per pupil funding is projected to be \$5,254 state, \$1,601 federal, and \$2,736 local. This is a total projected funding level of \$9,591 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the McCormick School District total pupil count is projected to be 893. The per pupil funding is projected to be \$5,137 state, \$2,306 federal, and \$7,021 local. This is a total projected funding level of \$14,464 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Newberry School District total pupil count is projected to be 5,777. The per pupil funding is projected to be \$5,165 state, \$1,201 federal, and \$4,134 local. This is a total projected funding level of \$10,499 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Oconee School District total pupil count is projected to be 10,437. The per pupil funding is projected to be \$4,454 state, \$950 federal, and \$5,749 local. This is a total projected funding level of \$11,154 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Orangeburg School District 3 total pupil count is projected to be 3,182. The per pupil funding is projected to be \$5,495 state, \$1,613 federal, and \$5,275 local. This is a total projected funding level of \$12,382 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Orangeburg School District 4 total pupil count is projected to be 4,079. The per pupil funding is projected to be \$4,730 state, \$1,144 federal, and \$4,630 local. This is a total projected funding level of \$10,504 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Orangeburg School District 5 total pupil count is projected to be 6,775. The per pupil funding is projected to be \$5,976 state, \$1,418 federal, and \$4,945 local. This is a total projected funding level of \$12,339 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Pickens School District total pupil count is projected to be 16,225. The per pupil funding is projected to be \$4,530 state, \$779 federal, and \$3,076 local. This is a total projected funding level of \$8,384 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Richland School District 1 total pupil count is projected to be 23,839. The per pupil funding is projected to be \$5,290 state, \$1,388 federal, and \$8,322 local. This is a total projected funding level of \$15,001 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Richland School District 2 total pupil count is projected to be 22,055. The per pupil funding is projected to be \$4,483 state, \$677 federal, and \$5,349 local.

This is a total projected funding level of \$10,509 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Saluda School District total pupil count is projected to be 2,137. The per pupil funding is projected to be \$4,914 state, \$1,169 federal, and \$3,415 local. This is a total projected funding level of \$9,498 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Spartanburg School District 1 total pupil count is projected to be 4,767. The per pupil funding is projected to be \$4,834 state, \$747 federal, and \$3,825 local. This is a total projected funding level of \$9,405 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Spartanburg School District 2 total pupil count is projected to be 9,274. The per pupil funding is projected to be \$4,351 state, \$587 federal, and \$2,903 local. This is a total projected funding level of \$7,840 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Spartanburg School District 3 total pupil count is projected to be 3,016. The per pupil funding is projected to be \$4,767 state, \$961 federal, and \$4,740 local. This is a total projected funding level of \$10,468 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Spartanburg School District 4 total pupil count is projected to be 2,878. The per pupil funding is projected to be \$4,636 state, \$708 federal, and \$3,113 local. This is a total projected funding level of \$8,457 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Spartanburg School District 5 total pupil count is projected to be 6,841. The per pupil funding is projected to be \$4,196 state, \$793 federal, and \$5,482 local. This is a total projected funding level of \$10,471 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Spartanburg School District 6 total pupil count is projected to be 9,734. The per pupil funding is projected to be \$4,409 state, \$716 federal, and \$4,239 local. This is a total projected funding level of \$9,364 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Spartanburg School District 7 total pupil count is projected to be 7,454. The per pupil funding is projected to be \$6,418 state, \$1,431 federal, and \$6,048 local. This is a total projected funding level of \$13,896 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Sumter School District 2 total pupil count is projected to be 8,727. The per pupil funding is projected to be \$4,721 state, \$1,421 federal, and \$2,727 local. This is a total projected funding level of \$8,870 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Sumter School District 17 total pupil count is projected to be 8,667. The per pupil funding is projected to be \$4,737 state, \$1,383 federal, and \$2,737 local. This is a total projected funding level of \$8,858 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Union School District total pupil count is projected to be 4,644. The per pupil funding is projected to be \$5,494 state, \$1,285 federal, and \$2,258 local. This is a total projected funding level of \$9,037 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the Williamsburg School District total pupil count is projected to be 5,373. The per pupil funding is projected to be \$5,046 state, \$1,751 federal, and \$2,121 local. This is a total projected funding level of \$8,918 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the York School District 1 total pupil count is projected to be 4,984. The per pupil funding is projected to be \$5,012 state, \$926 federal, and \$3,541 local. This is a total projected funding level of \$9,479 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the York School District 2 total pupil count is projected to be 5,691. The per pupil funding is projected to be \$3,699 state, \$537 federal, and \$7,824 local. This is a total projected funding level of \$12,060 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the York School District 3 total pupil count is projected to be 16,724. The per pupil funding is projected to be \$4,941 state, \$761 federal, and \$4,465 local. This is a total projected funding level of \$10,167 excluding revenues of local bond issues.

In Fiscal Year 2007-08, the York School District 4 total pupil count is projected to be 7,804. The per pupil funding is projected to be \$4,309 state, \$445 federal, and \$6,447 local. This is a total projected funding level of \$11,201 excluding revenues of local bond issues.

1.4. (SDE: EFA - Formula) The amount appropriated in Part IA, Section 1 for "Education Finance Act" shall be the maximum paid under the provisions of Act 163 of 1977 (the South Carolina Education Finance Act of 1977) to the aggregate of all recipients. The South Carolina Education Department shall develop formulas to determine the state and required local funding as stipulated in the South Carolina Education Finance Act of 1977. Such formulas shall require the approval of the State Board of Education and the Budget and Control Board. After computing the EFA allocations for all districts, the department shall determine whether any districts' minimum required local revenue exceeds the districts' total EFA Foundation Program. When such instance is found, the department shall adjust the index of taxpaying ability to reflect a local effort equal to the cost of the districts' EFA Foundation Program. The districts' weighted pupil units are to be included in determination of the funds needed for implementation of the Education Finance Act statewide.

In the event that the formulas as devised by the Department of Education and approved by the State Board of Education and the Budget and Control Board should provide for distribution to the various school districts totaling more than the amount appropriated for such purposes, subject to the provisions of this proviso, the Department of Education shall reduce each school district entitlement by an equal amount per weighted pupil so as to bring the total disbursements into conformity with the total funds appropriated for this purpose. If a reduction is required in the state's contribution, the required local funding shall be reduced by the proportionate share of local funds per weighted pupil unit. The Department of Education shall continually monitor the distribution of funds under the provisions of the Education Finance Act and shall make periodic adjustments to disbursements to insure that the aggregate of such disbursements do not exceed the appropriated funds.

Notwithstanding any other provision of law, local districts shall not be mandated or required to inflate the base number in their respective salary schedules by any percentage greater than the percentage by which the appropriated base student cost exceeds the appropriated base student cost of the prior fiscal year.

1.5. (SDE: Employer Contributions/Allocations) It is the intent of the General Assembly that the appropriation contained herein for "Public School Employee Benefits" shall not be utilized to provide employer contributions for any portion of a school district employee's salary which is federally funded.

State funds allocated for school district employer contributions must be allocated by the formula and must be used first by each district to cover the cost of fringe benefits for personnel required by the Defined Program, food service personnel and other personnel required by law. Once a district has expended all state allocated funds for fringe benefits, the district may utilize food service revenues to fund a proportionate share of fringe benefits costs for food service personnel.

The Department of Juvenile Justice and the Department of Corrections' school districts must be allocated funds under the fringe benefits program in accordance with criteria established for all school districts.

1.6. (SDE: Employer Contributions/Obligations) In order to finalize each school district's allocations of Employer Contributions funds for retiree insurance from the prior fiscal year, the Department of Education is authorized to adjust a school district's allocation in the current fiscal

year accordingly to reflect actual payroll and payments to the Retirement System from the prior fiscal year. In the event the Department of Education is notified that an educational subdivision has failed to remit proper payments to cover Employee Fringe Benefit obligations, the Department of Education is directed to withhold the educational subdivision's state funds until such obligations are met.

1.7. (SDE: Governor's School for Science & Math) Any unexpended balance on June 30 of the prior fiscal year of funds appropriated to or generated by the Governor's School for Science and Mathematics may be carried forward and expended in the current fiscal year pursuant to the direction of the board of trustees of the school.

1.8. (SDE: Educational Responsibility/Foster Care) Notwithstanding any other provision of law, the responsibility for providing a free and appropriate public education program for all children including disabled students is vested in the public school district wherein a child of lawful school age resides in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental illness or chemical dependence and habilitation centers for mentally retarded persons or persons with related conditions located within the jurisdiction of the school district. The districts concerned may agree upon acceptable local cost reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child last resided before placement in a facility an additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. If a child from out of state is residing in a facility owned and/or operated by a for profit entity, the district providing educational services shall be reimbursed by the for profit entity the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. This also applies to John de la Howe School who also has the authority to seek reimbursement in any situation that the school district has participation in the placement of the student. John de la Howe school shall be reimbursed the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. Participation will be evidenced by a written agreement from the IEP team or 504 team, written referral, or the school district initiating the placement process. School districts providing the education shall notify the nonresident district in writing within 45 calendar days that a student from the nonresident district is receiving education services pursuant to the provisions of the proviso. The notice shall also contain the student's name, date of birth, and disabling condition if available. If appropriate financial arrangements cannot be effected between institutions of the state, including independent school districts under the authority of the Department of Disabilities and Special Needs, and school districts, institutions receiving educational appropriations shall pay the local base student cost multiplied by the appropriate pupil weighting. Children residing in institutions of state agencies shall be educated with nondisabled children in the public school districts if appropriate to their educational needs. Such institutions shall determine, on an individual basis, which children residing in the institution might be eligible to receive appropriate educational services in a public school setting. Once these children are identified, the institution shall convene an IEP meeting with officials of the public school district in which the institution is located. If it is determined by the committee that the least restrictive environment in which to implement the child's IEP is a public school setting, then the school district in which the institution is located must provide the educational services. However, that school district may enter into contractual agreements with

any other school district having schools located within a 45 mile radius of the institution. The cost for educating such children shall be allocated in the following manner: the school district where the child last resided before being placed in an institution shall pay to the school district providing the educational services an amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act; the school district providing the educational services shall be able to count the child for all funding sources, both state and federal. The institution and school district, through contractual agreements, will address the special education and related services to be provided to students. Should the school district wherein the institution is located determine that the child cannot be appropriately served in a public school setting, then the institution may request a due process hearing pursuant to the procedures provided for in the Individuals with Disabilities Education Act.

The agreed upon acceptable local cost reimbursement or the additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to out-of-district students, shall be paid within 60 days of billing, provided the billing district has provided a copy of the invoice to both the Superintendent and the finance office of the district being invoiced. Should the district not pay within 60 days, the billing district can seek relief from the Department of Education. The department shall withhold EFA funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the billing school district.

The agency placing a child in any situation that requires changing school districts, must work with the schools to assure that all required school records, including confidential records, are transferred from the sending to the receiving school within three working days. School records to be transferred should include grade transcripts, state birth certificate, certificate of immunization, social security card, attendance records, discipline records, IEP's, psychological reports (or notation in the school records that a psychological report on the child is available at the school district office) and any other records necessary for the appropriate placement of the child in the new school. School districts must release all records upon presentation of a court order or appropriate permission for confidential release. If evaluation or placement is pending, the receiving school district is responsible to secure information and to complete the placement.

The receiving school will maintain appropriate confidentiality of all records received on a child.

1.9. (SDE: Disabled/Preschool Children) The state funding for free appropriate public education provided for the three and four-year-old disabled children served under Act 86 of 1993, shall be distributed based on the district's index of taxpaying ability as defined in Section 59-20-20(3). Five-year-old disabled children shall continue to be funded under the Education Finance Act of 1977.

1.10. (SDE: Instruction in Juvenile Detention Centers) It shall be the responsibility of the school district where a local juvenile detention center is located to provide adequate teaching staff and to ensure compliance with the educational requirements of this State. Students housed in local detention centers are to be included in the average daily membership count of students for that district and reimbursement by the Department of Education made accordingly.

1.11. (SDE: Revenue Authorization) The State Department of Education is hereby authorized to collect, expend, and carry forward revenues in the following areas to offset the cost of providing such services: the sale of publications, manuals and forms, the sale of Apple Tags, royalties, contributions, donations, foundation funds, special grants and contracts, brochures, photo copies, listings and labels, Directory of South Carolina Schools, student health record

cards, items to be recycled, and high school diplomas and certificates; the collection of out-of-state and in-state investigation fees, registration fees for non-SDE employees, recurring facility inspection fees, teacher certification fees; the handling of audio-visual film; the provision of contract computer services to school districts and other state agencies, joint broadcast service to school districts, and education-related statistics through agreement with the National Center for Education Statistics; the lease or sale of programs of television, audio or microcomputer software; the collection of damage fees for instructional materials and the sale of unusable instructional materials; sale of fuel; use and repair of transportation equipment; fees for Medicaid reimbursable transportation; the receipt of insurance and warranty payments on Department of Education equipment and the sale of used school buses and support equipment. The Department of Education is authorized to collect revenue for deposit into the State General Fund for testing material purchases and test rescoring fees. The Department of Education is authorized to expend revenue collected for lost and damaged instructional materials and the sale of unusable instructional materials for the purpose of contracting for the purchase and maintenance of a statewide textbook inventory management system, provided that schools' newly-adopted instructional materials needs are met first.

1.12. (SDE: School District Bank Accounts) Notwithstanding any other provisions of law, each school district in this State, upon the approval of the district's governing body, may maintain its own bank account for the purpose of making disbursement of school district funds as necessary to conduct school district business and each county treasurer is hereby authorized to transfer such amount as needed, upon receipt of a written order certified by the district governing body or their designee. Such order shall contain a statement that such amount is for immediate disbursement for the payment of correct and legal obligation of the school district.

1.13. (SDE: School Lunch Program Aid) The amount appropriated herein for School Lunch Program Aid shall be divided among the District and/or County Boards of Education of the State upon the basis of the number of schools participating in the School Lunch Program in each district during the prior school year. The travel expenses of the District and/or County School Lunch Supervisor shall be paid from this appropriation at the prevailing rate of mileage allowed by the State. These funds may be used as an aid in improving the School Lunch Program. These funds may not be used to supplement the salaries of school lunch supervisors. In the absence of a County Board of Education in multi-district counties, the funds will be divided among the school districts of the county on the basis of the number of schools participating in the School Lunch Program in each district during the prior school year.

1.14. (SDE: Teachers/Temporary Certificates) Of the funds provided for teacher salaries funds may be used to pay salaries for those teachers holding temporary certificates which shall remain valid for the current school year if the local board of education so requests. The State Department of Education shall submit to the General Assembly by March 1 of the current fiscal year a report showing by district the number of temporary certificates by category; including an enumeration of the certificates carried forward from the previous year. No temporary certificate shall be continued more than twice.

1.15. (SDE: Travel/Outside of Continental U.S.) School District allocations from General Funds and EIA funds shall not be used for travel outside of the continental United States. The International Baccalaureate Program shall be exempt from this restriction.

1.16. (SDE: Year End Closeout) The State Department of Education is authorized to expend federal and earmarked funds (not including state or EIA funds) in the current fiscal year for expenditures incurred in the prior year; however, state funds appropriated in Part IA, Section

1, XIII, Aid to School Districts, for the Children's Case Resolution System or private placements for services provided to children with disabilities may be used for those expenditures in prior fiscal years. The department is also authorized to use appropriated funds to pay for textbooks shipped in the fourth quarter of the prior fiscal year.

1.17. (SDE: Transportation Collaboration) The Department of Education School Bus Maintenance Shops shall be permitted, on a cost reimbursable-plus basis, to deliver transportation maintenance and services to vehicles owned or operated by public agencies in South Carolina.

School buses operated by school districts, other governmental agencies or head start agencies for the purpose of transporting students for school or school related activities shall not be subject to state motor fuel taxes. Further, that school districts, other governmental agencies or head start agencies may purchase this fuel, on a cost reimbursable-plus basis, from the Department of Education School Bus Maintenance Shops.

1.18. (SDE: Assisting, Developing, and Evaluating Professional Teaching--ADEPT) Funds appropriated in Part IA, Section 1, XIII.A-Aid to School Districts-Aid to Subdivision-APT/ADEPT, may be used for the implementation of the ADEPT system. Of the funds appropriated, ten percent is to be used to pay colleges and universities for ADEPT services. The remaining funds will be distributed to school districts, School for the Deaf and the Blind, John de la Howe School, Governor's School for Arts and Humanities and the Department of Juvenile Justice on a per induction contract teacher basis to offset the costs of implementing the ADEPT program. Governing boards of public institutions of higher education may provide by policy or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public school teachers who serve as supervisors for full-time students completing education degree requirements. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

1.19. (SDE: Summer Exit Exam Cost) Funds appropriated in Part IA, Section 1, III may be used to offset the costs of the summer administration of the Exit Examination. These funds may be expended to cover the costs related to developing, printing, shipping, scoring, and reporting the results of the assessments. Local school districts may absorb local costs related to administration.

1.20. (SDE: Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.

****1.21.** (SDE: *Mathematics and Science Unit of the Office of Curriculum and Standards*) *Of the funds appropriated to the Department of Education, \$75,000 must be provided to the Charleston Science and Mathematics Center for curriculum development at the South Carolina Aquarium.*

Text printed in *italic*, boldface indicates sections vetoed by the Governor on June 27, 2007.

******Indicates those vetoes overridden by the General Assembly on June 28 or June 29, 2007.

1.22. (SDE: School Bus Insurance) The Department of Education shall maintain comprehensive and collision insurance or self-insure state-owned buses. In no event shall the department charge local school districts for damages to the buses which are commonly covered by insurance.

1.23. (SDE: Teacher Data Collection) Of the non-program funds appropriated to the Department of Education, the department and the Commission on Higher Education shall share data about the teaching profession in South Carolina. The data sharing should ensure (1) a systematic report on teacher supply and demand information and (2) data to determine classes being taught by public school teachers out of field of their preparation. The data collection should include but not be limited to: classes/subjects taught, number of students taught, percentage of teacher education graduates from South Carolina colleges/universities who go into teaching, percentage of teacher education graduates who teach in public schools in South Carolina, percentage of new teachers who leave the South Carolina teaching profession in the first three years of public school teaching due to unsuccessful evaluations, percentage of new teachers who leave the profession in the first three years of public school teaching in South Carolina who have successful evaluations, turnover rate of teachers and certification areas with highest vacancies. All database items should be set up so that it can be disaggregated by ethnicity, gender, geographic location, etc.

1.24. (SDE: Adult Education/Literacy) The General Assembly must appropriate for adult education an amount equal to \$175 per pupil. The per pupil amount shall be adjusted annually by the same percentage as the inflation factor used to adjust the base student cost of the Education Finance Act. The number of pupils shall be determined by counting the number of persons sixteen years or older who attended a minimum of twelve hours in an approved adult education program in the prior fiscal year. Funds may decrease with a decrease in enrollment; however, overall levels of State funding must meet the federal requirement of State maintenance of effort.

From the funds appropriated for adult education, \$150,000 must be used to provide for pilot projects for rural literacy development. In addition, each county shall receive \$50,000 for use by the school districts for adult literacy for service delivery to adult-nonreaders and those reading at or below the eighth grade level. The North Family Community School shall receive \$2,000 of the funds allocated to Orangeburg County for adult literacy. The school districts may provide this service or may contract to have this service provided. In multi-district counties, the districts must agree on the method of service delivery for the entire county and select one district to serve as the fiscal agent.

1.25. DELETED

1.26. (SDE: School Building Aid Allocation) Funds appropriated for School Building Aid shall be transferred to a special trust fund established by the Comptroller General. Funds appropriated shall be distributed to the school districts of the State for use in accordance with Section 59-21-350 of the Code of Laws of 1976. Funds shall be allocated to eligible school districts on a per pupil basis. The allocation must be based on the 135 day count of average daily membership for the second preceding fiscal year.

1.27. (SDE: School Building Aid Funds Expenditure) Funds appropriated in Part IA in this act or in a previous Appropriation Act for school building aid may be expended by the school district without approval from the State Board of Education. The Department of

Education shall require that school districts include in their annual audit a verification of compliance with all applicable State laws associated with the use of these funds.

1.28. (SDE: School Building Aid) Of the funds appropriated in Part IA for School Building Aid, \$500,000 shall be allocated on a K-12 per pupil basis to Multi-District Area Vocational Schools.

1.29. (SDE: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. SDE is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring PACT assessment.

1.30. (SDE: Basic Skill Exam) Any person seeking candidacy in an undergraduate teacher education program is required to take and pass the Basic Skill Examination pursuant to Sections 59-26-20 and 59-26-40. Any person who fails to achieve a passing score on all sections shall be allowed to retake the test or a portion thereof. All sections of the Basic Skill Examination must be passed before any person is formally admitted into any undergraduate teacher preparation program in South Carolina. However, any person having attained 1650 or better on the SAT or a comparable ACT score shall be exempt from this requirement.

1.31. (SDE: School Bus Driver CDL) From funds provided in Part IA, Section 1, IX.B., local school districts shall request a criminal record history from the South Carolina Law Enforcement Division for past conviction of any crime before the initial employment of a school bus driver or school bus aide. The Department of Education and the school districts shall be treated as a charitable organization for purposes of the fee charged for the criminal records search.

1.32. (SDE: Parent and Guardian Responsibility) To protect the unwarranted expenditure of funds provided in Part IA, Section 1, IX.B., the parents or guardians of a child being transported on a school bus are responsible for the safety and conduct of the child prior to the arrival of the school bus at the child's designated school bus stop for pick up and transport to school, and after the school bus drops off the child and departs the child's designated school bus stop when transporting the children from school. The state's responsibility includes the arrival or departure of the school bus, which is defined as the time that the school bus assigned to the school bus stop activates the required pedestrian safety devices, stops and loads or unloads students, and until the school bus deactivates all pedestrian safety devices.

1.33. (SDE: SAT Preparation) From the funds appropriated for SAT Preparation, the State Department of Education shall institute a plan reviewing, on an individual basis, weaknesses of students on actual PSAT administrations, and providing assistance. To accomplish this, the Department shall use reports that analyze student weaknesses and provide guidance to local schools on the effective use of the reports.

1.34. (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State Superintendent of Education.

The School Bus Specifications Committee shall allow for input from all school bus chassis and body manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus specifications of Georgia or North Carolina in the procurement of school buses.

1.35. (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program IX.B. - Bus Shops may be used to purchase buses, fuel, parts, or other school bus related items.

Any funds appropriated or authorized for the purchase of school buses may not be transferred or used for any other purpose, except that up to \$1,500,000 may be used to purchase school bus service vehicles. Funds appropriated or authorized for school bus fuel in this act or any appropriation act supplemental thereto in excess of what is necessary to operate the bus fleet must be used for the purchase of school buses. However, in the event of an emergency fuel situation, the department may seek approval from the Budget and Control Board and the board is authorized to grant such approval, for the expenditure of any non-program appropriated funds for fuel expenditures.

1.36. (SDE: Mitford Transportation Costs) Transportation costs for the transporting of students from the Mitford area of Fairfield County to schools in the Great Falls area of Chester County is not the responsibility of and shall not be borne by the Chester County School District. These transportation costs shall continue to be the responsibility of the State Department of Education.

1.37. (SDE: Refurbishing Science Kits) Funds appropriated for the purchase of textbooks and other instructional materials may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted textbook inventory, purchasing new kits from the central textbook depository, or a combination of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs, equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs.

1.38. (SDE: Status Offenders/John de la Howe) The funds appropriated for the Status Offender Program shall be distributed to John de la Howe School to expand residential programs to include court ordered status offenders. Components of such a program shall include collaboration between the home school district and the residential school and treatment or related services to the families of students in placement.

1.39. (SDE: Part-time Benefits) Teachers working less than thirty hours a week, but no less than fifteen hours a week, shall qualify for state health and dental insurance. The Budget and Control Board is directed to amend its "Plan of Benefits" regarding fringe benefits to conform to the provisions of this section. Teachers and employers shall each contribute toward the cost of these benefits with the employer paying only that portion of the employer's normal cost which is attributable to the time the teacher is working, and the teacher shall pay all remaining costs. However, the employer's contribution shall be no less than half the normal cost.

1.40. (SDE: Governor's School Leave Policy) Notwithstanding any other provision of law, the S.C. Governor's School for the Arts and Humanities and the S.C. Governor's School for Science and Mathematics are authorized to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of their respective board of directors. This policy shall address their respective school calendars in order to comply with the instructional needs of students attending both special schools.

1.41. (SDE: Sale of School District Property) Notwithstanding Section 59-19-250 of the 1976 Code, during the current fiscal year, school trustees of a school district which do not currently have the authority to do so, may sell or lease school property, real or personal, in their school district whenever they deem it expedient to do so and apply the proceeds of the sale or lease to the school fund of the district.

1.42. (SDE: School Facilities Management System) School Districts may use capital improvement bond funds, lapsed funds or any other unexpended appropriated funds or revenues

to access the Department of Education's School Facilities Management System database.

1.43. (SDE: School Board Meetings) Of the funds appropriated through the Department of Education for technology related expenses, school districts that have a web site shall place a notice of a regularly scheduled school board meeting twenty-four hours in advance of such meeting. The notice shall include the date, time, and agenda for the board meeting. The school district shall place the minutes of the board meeting on their web site within ten days of the next regularly scheduled board meeting.

1.44. (SDE: Alternative Certification/Displaced Employees) The Department of Education is directed to give priority in the Program for Alternative Certification for Educators (PACE) to the recruitment of qualified state employees impacted by reduction in force actions of agencies. The Student Loan Corporation is directed to give priority in the Career-Changer Loan program to qualified state employees. The Department of Education shall provide information to the Office of Human Resources and the personnel offices of state agencies instituting a reduction in force to advertise and inform employees of this program and state agencies shall work with the department in this effort.

1.45. (SDE: Proviso Allocations) The State Department of Education may reduce by up to 10%, any allocation in Section 1 specifically designated by proviso. No allocation for teacher salaries shall be reduced as a result of this proviso.

1.46. (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer up to one hundred percent of funds between programs to any instructional program provided the funds are utilized for direct classroom instruction.

The South Carolina Department of Education must establish a procedure for the review of all transfers authorized by this provision. The details of such transfers must be provided to members of the General Assembly upon request. School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year to be used for the same purpose. All transfers executed pursuant to this provision must be completed by May first of the current fiscal year. All school districts and special schools of this State may expend funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, for any instructional program. The Education Oversight Committee shall review the utilization of the flexibility provision to determine how it enhances or detracts from the achievement of the goals of the educational accountability system, including the ways in which school districts and the state organize for maximum benefit to classroom instruction, priorities among existing programs and services, and the impact on short, as well as, long-term objectives. The State Department of Education shall provide the reports on the transfers to the Education Oversight Committee for the comprehensive review. This review shall be provided to the members of the General Assembly annually. Any grant or technical assistance funds allocated directly to an individual school may not be reduced or reallocated within the school district and must be expended by the receiving school only according to the guidelines governing the funds.

1.47. (SDE: Medical Examination and Security Reimbursement) From funds authorized in Part IA, Section 1, IX.B. Other Operating Expenses, the Department of Education may reimburse employees for the cost of a medical examination as required in Part 391, Subpart E of the Federal Motor Carrier Safety Regulations, for employees that are required to operate a state vehicle transporting hazardous materials. Reimbursement may also be provided to employees that are required to undergo a national security background check because of the required Hazmat endorsement to their CDL.

1.48. (SDE: Budget Reduction) In compensating for any reduction in funding, local districts must give priority to preserving classroom teachers and operations. Funding reductions should first be applied to administrative and non-classroom expenses before classroom expenses are affected.

1.49. (SDE: Governor's School for the Arts and Humanities Carry Forward) Any unexpended balance on June 30 of the prior fiscal year of funds appropriated to or generated by the Governor's School for the Arts and Humanities may be carried forward and expended in the current fiscal year pursuant to the discretion of the Board of Trustees of the School.

1.50. (SDE: Governor's Schools' Fees) Notwithstanding any other provision of law, the South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to charge, collect, expend, and carry forward student fees as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality in both academics and residential support. No student will be denied admittance or participation due to financial inability to pay. The respective Board of Directors shall promulgate administrative policy governing the collection of all student fees.

*****1.51. (SDE: National Board Certification Incentive) Public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards shall be paid a \$7,500 salary supplement in the year of achieving certification. Teachers employed at the special schools shall be eligible for this \$7,500 salary supplement. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall develop guidelines and administer the programs whereby teachers applying to the National Board for Professional Teaching Standards for certification may receive a loan equal to the amount of the application fee. One-half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the national board. Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the State Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program. In addition, teachers who are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their***

recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the State Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification. Teacher specialists remain eligible for state supplement for National Board certification.

Teachers who begin the application process after July 1, 2007 and who teach in schools which have an absolute rating of below average or unsatisfactory shall be eligible for full forgiveness of all assessment fees upon submission of all required materials for certification, regardless of whether certification is obtained. The forgiveness of all assessment fees will be at the rate of 33% for each year of full time teaching in the schools which have an absolute rating of below average or unsatisfactory.

Text printed in italic, boldface indicates sections vetoed by the Governor on June 27, 2007.

**Indicates those vetoes overridden by the General Assembly on June 28 or June 29, 2007.

****1.52. (SDE: National Board Certification Incentive Surplus) National Board Certification Incentive appropriation excess of all obligations to include the national board certification incentive salary supplement, related fringe, loan principal amount and interest forgiven, and the administration funds necessary for the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) and the Department of Education shall be distributed to school districts and allocated based on the Education Finance Act Formula.**

Text printed in italic, boldface indicates sections vetoed by the Governor on June 27, 2007.

**Indicates those vetoes overridden by the General Assembly on June 28 or June 29, 2007.

1.53. (SDE: School District Furlough) If state funds appropriated for a school district in this State are less than state funds appropriated for that school district in the preceding fiscal year, or if the General Assembly or the Budget and Control Board implements a midyear across-the-board budget reduction, school districts may institute employee furlough programs for district-level and school-level professional staff classified as instructional-related personnel by the State Department of Education. No instructional personnel nor support staff as classified by the State Department of Education may be furloughed. Before any of these employees may be furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

The local school district board of trustees may implement a furlough of these instructional-related professional staff personnel once certification to the State Superintendent documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall have the authority to authorize furloughs of these employees in the manner in which it sees fit. However, they may not be furloughed for a period exceeding ten days. The local school district board of trustees shall provide for furlough days only on non-instructional days.

During any furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them except for receiving their salaries. As to those benefits that

require employer and employee contributions, including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the district will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under any employee grievance procedure. The district may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs.

This proviso shall not abrogate the terms of any contract between any school district and its employees.

1.54. (SDE: Base Student Cost Funding) Notwithstanding any other provision of law, the funding for particular items and areas in the Department of Education's base budget that have been reduced or eliminated and provisos that directed funding for specific items that have been deleted, shall be redirected to the Base Student Cost.

1.55. (SDE: School Lunch/Attendance Supervisors) For those counties in which an entity other than the school district administers the school lunch supervisor and/or attendance supervisor programs, the school districts in that county shall transfer to the entity the amount available in the previous fiscal year for administration of the school lunch supervisor and/or attendance supervisor programs. Each district shall transfer a pro-rata share of the total cost based upon the percentage of state EFA funds distributed to the districts within the county.

1.56. (SDE: Replacement Facilities) The Department of Education is directed to proceed with the development of a joint-use school transportation maintenance and operations facility in Greenville County. Prior to the availability of this new facility the department shall continue to operate state school bus maintenance services from the existing Greenville School Bus Maintenance Facility located on Halton Road. All proceeds from the sale of the Halton Road Facility and Property shall become pupil transportation operating revenue of the department.

The cost of the State share of the new joint-use facility, the cost of preparing the old Halton Road Facility and Property for disposal, interim relocation/construction financing, all associated relocation expenses, and all other related costs shall be funded from the proceeds received from the sale of the existing Halton Road Facility and Property. The State Treasurer shall make available all necessary interim financing to accomplish the proviso directives.

1.57. (SDE: SCGSAH Certified Teacher Designation) Because of the unique nature of the South Carolina Governor's School for the Arts and Humanities, the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are authorized to employ at its discretion non-certified classroom teachers teaching in the literary, visual and performing arts subject areas who are otherwise considered to be appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.

1.58. (SDE: Educational Items) In order that resources more closely follow the student, it is the intent to offer spending flexibility to local school districts as has been provided in the prior fiscal year.

1.59. (SDE: No Discrimination Requirement) State funds must not be appropriated to a school that discriminates against or participates with or is a member of an association with policies that discriminate or afford different treatment of students based on race or national origin.

1.60. (SDE: Prohibit Implementation of ECERS Program) The Department of Education

is prohibited from utilizing any appropriated or authorized funds to implement the Early Childhood Environment Rating Scores Program. This prohibition does not apply to the Office of First Steps.

In addition, school districts are prohibited from using revenue from any source, including state, federal, and local funds, to implement the Early Childhood Environment Rating Scores Program.

1.61. (SDE: High School Reading Initiative) The funds appropriated for the High School Reading Initiative are to be used to expand the South Carolina Reading Initiative to the high school level by providing research based targeted assistance in improving and accelerating the reading ability of high school students reading below grade level.

1.62. DELETED

1.63. (SDE: Medicaid Cash Match Accounting) The department is granted authority to transfer funds between budget lines and object codes to identify, reconcile, reimburse, and remit funds required for Medicaid cash match to the Department of Health and Human Services.

1.64. (SDE: Student Report Card-GPA) For each high school student, school districts shall be required to print the student's individual cumulative grade point average for grades nine through twelve on the student's report card.

1.65. (SDE: Governor's School Reporting) The Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics are required to submit reports as to how the non-recurring funding appropriated in this act is expended. The report must be submitted to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee by the end of the fiscal year.

1.66. (SDE: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program. This program shall be available for the 2007-2008 school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

(A) For the 2007-2008 school year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et. al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3. With any remaining funds available, the pilot shall be expanded to the remaining plaintiff school districts in Abbeville County School District et. al. vs. South Carolina. Priority shall be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at-risk four-year-old children.

During the implementation of the pilot program, no funds appropriated by the General Assembly for this purpose shall be used to fund services to at-risk four-year-old children residing outside of the trial or plaintiff districts.

The Education Oversight Committee shall conduct an evaluation of the pilot program and shall issue a report to the General Assembly by January 1, 2008. The report shall include a comparative evaluation of children served in the pilot program and children not served in the pilot program. Additionally, based on the evaluation of the pilot program, the Education Oversight Committee shall include recommendations for the creation of and an implementation plan for phasing in the delivery of services to all at-risk four-year-old children in the state.

Unexpended funds from the prior fiscal year for this program shall be carried forward and

shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September 1, of the school year, and meets the at-risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.

The parent of each eligible child may enroll the child in one of the following programs:

- (1) a school-year four-year-old kindergarten program delivered by an approved public provider; or
- (2) a school-year four-year-old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and documentation of the student's eligibility as evidenced by family income documentation showing an annual family income of 185% or less of the federal poverty guidelines as promulgated annually by the U.S. Department of Health and Human Services or a statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of 6.5 hours of instructional time daily and operates for a period of not less than 180 days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

(C) Public school providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.

Providers shall:

- (1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;
- (2) comply with all state and local health and safety laws and codes;
- (3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;
- (4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;
- (5) comply with all program, reporting, and assessment criteria required of providers;

(6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;

(7) designate whether extended day services will be offered to the parents/guardians of children participating in the program;

(8) be approved, registered, or licensed by the Department of Social Services; and

(9) comply with all state and federal laws and requirements specific to program providers.

Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre-kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment.

However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

(D) The Department of Education and the Office of First Steps to School Readiness shall:

(1) develop the provider application form;

(2) develop the child enrollment application form;

(3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;

(4) develop a list of approved pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;

(5) establish criteria for awarding new classroom equipping grants;

(6) establish criteria for the parenting education program providers must offer;

(7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;

(8) develop a list of data collection needs to be used in implementation and evaluation of the program;

(9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;

(10) establish criteria for granting student retention waivers; and

(11) establish criteria for granting classroom size requirements waivers.

(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice and a research based preschool curriculum aligned with school success. The program must focus on the developmental and learning support children must have in order to be ready for school.

The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:

(1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;

(2) employ an education assistant with pre-service or in-service training in early

childhood education;

(3) maintain classrooms with at least 10 four-year-old children, but no more than 20 four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of 10 children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;

(4) offer a full day, center-based program with 6.5 hours of instruction daily for 180 school days;

(5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;

(6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and

(7) adhere to professional development requirements outlined in this article.

(F) Every classroom providing services to four-year-old children established pursuant to this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire.

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of 15 hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of pre-kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than \$185 per student shall be retained by the Department of Education for the purposes of transporting four-year-old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act.

(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the 2007-08 school year, the funded cost per child shall be \$3,931 increased annually by the rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro-rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall be eligible for a reimbursement of \$550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. With funds appropriated by the General Assembly, the Department of Education shall approve grants for public providers and the Office of First Steps to School Readiness shall approve grants for private providers, of up to \$10,000 per class for the equipping of new classrooms. Funding of up to two thousand five hundred dollars may be provided annually for

the procurement of consumable and other materials in established classrooms.

(L) Pursuant to this provision, the Department of Social Services shall:

- (1) maintain a list of all approved public and private providers; and
- (2) provide the Department of Education, the Office of First Steps, and the Education Oversight Committee information necessary to carry out the requirements of this provision.

(M) The Education Oversight Committee shall conduct a comparative evaluation of the South Carolina Child Development Education Pilot Program and issue their findings in a report to the General Assembly by January 1, 2008. Based on information, data, and evaluation results, the Education Oversight Committee shall include as part of their report recommendations for the creation and implementation of a statewide four-year-old kindergarten program for at-risk children. The report shall also include information and recommendations on lead teacher qualifications and options for creating comparable salary schedules for certified teachers employed by private providers. In the current fiscal year, the Education Oversight Committee shall use funds appropriated by the General Assembly for four-year-old evaluation to support the annual collection of and continuous evaluation of data.

The report shall also include an assessment, by county, on the availability and use of existing public and private classroom capacity approved for at-risk four-year-old kindergarten students.

The report shall include, by county, the estimated four-year-old population, the total number of CDEPP approved four-year-old kindergarten spaces available, the number of four-year-old children enrolled in both public and private CDEPP approved facilities, and the number of children on waiting lists for either public or private providers during the reporting period. Where possible, the report shall also include anticipated four-year-old kindergarten enrollment projections for the two years following the report.

To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both public and private providers are required to submit the necessary data as a condition of continued participation in and funding of the program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of Education shall issue a unique student identifier for each child receiving services from a private provider. The Department of Education shall be responsible for the collection and maintenance of data on the public state funded full day and half-day four-year-old kindergarten programs.

The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee shall use this data and all other collected and maintained data necessary to conduct a research based review of the program's implementation and assessment of student success in the early elementary grades.

1.67. (SDE: Lost & Damaged Textbook Fees) Fees for lost and damaged textbooks for the prior school year are due no later than December 1 of the current school year when invoiced by the Department of Education. The department may withhold textbook funding from schools that have not paid their fees by the payment deadline.

1.68. DELETED

1.69. (SDE: 0 to 4 Year Old Standards) The First Steps State Office must convene a task force to develop quality standards for programs serving children ages 0 to 4, excluding the 4K Child Development Education Program. Membership must include both public and private providers and is to be chaired by the Director of the First Steps State Office. A report must be issued to members of the General Assembly and the Governor's Office.

1.70. (SDE: Physical Education Teachers) A school district's allocation from the funds

appropriated in Part IA, Section 1, Program III are to be used to increase the number of physical education teachers to the extent possible.

1.71. DELETED

1.72. (SDE: Education and Economic Development Act Carry Forward) Funds provided for the Education and Economic Development Act may be carried forward into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools.

1.73. (SDE: High Schools That Work Carry Forward) Funds provided for High Schools That Work may be carried forward into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools.

1.74. DELETED

1.75. (SDE: Career Cluster Industry Partnerships) From the funds appropriated to the Department of Education, \$800,000 must be provided as grants to the private sector statewide trade association or educational foundation providing nationally certified programs in career and technology education representing the automotive, construction, engineering, healthcare, mechanical contracting/construction, and hospitality tourism career clusters. Organizations applying for a grant must do so by July 1 and the Department of Education must award a minimum of one grant of at least \$150,000 in at least four of these specified career clusters to be used exclusively for career and technology education. The recipient industry organization must conduct end-of-course exams graded by a national industry organization and must include in their grant request how the money will be spent to further industry-specific career technology education; a description and history of their program nationally and within South Carolina; estimates of future employment growth in their industry; and the national scope of their program. By August 1 of the following year, the organization must submit to the department a report detailing how the grant increased industry/employer awareness; the number of increased schools using the industry-based curriculum and partnered with the industry organization; the increased number of students in the program; and an overview and analysis of the organization's statewide student competition. The grant must be used for career awareness programs for that industry cluster; statewide student competitions leading to national competitions; teacher development and training; post-secondary scholarships in industry-specific degree programs; student recruitment into that career cluster programs; programs to educate middle and high school Career or Guidance Counselors about the industry; service to disadvantaged youth; and administering business/employer awareness and partnerships which help lead to experience-based, career-oriented experiences including internships, apprenticeships, mentoring, co-op education and service learning. The Office of Career and Technology Education of the department will develop goals with each career cluster on the number of new schools using the industry-based curriculum and partnered with that career cluster organization. These funds may not be used to supplant existing funds currently being used for these purposes. Organizations may carry-over grants for up to three years when a large project is identified in the grant application to be used at a future date; otherwise excess funds must be returned to the state.

1.76. (SDE: Education Finance Act Reserve Fund) (A) There is created in the State Treasury a fund separate and distinct from the General Fund of the State and all other funds entitled the Education Finance Act Reserve Fund. All unexpended general funds appropriated to the Department of Education for the Education Finance Act in the current fiscal year shall be transferred to the Education Finance Act Reserve Fund. In the event that the amount appropriated for the Education Finance Act is insufficient to fully fund the base student cost as

established by this act, revenues from the Education Finance Act Reserve Fund may be used to supplement the funds appropriated. The General Assembly may make direct appropriations to this fund. All unexpended funds in the Education Finance Act Reserve Fund and any interest accrued by the fund must remain in the fund and may be carried forward into the current fiscal year.

(B) The Department of Education must notify the State Treasurer in the event that any school district in this State is projected to receive less state EFA Funds than the prior fiscal year. Upon notification, the Treasurer must disburse to the Department of Education a sufficient amount of reserve funds to compensate for the difference that any district is projected to receive as compared to the prior fiscal year. The department must use these funds to supplement the school district's monthly disbursement of state EFA Funds so that the district's monthly disbursement is equivalent to the prior fiscal year.

1.77. (SDE: Formative Reading Assessment) Beginning with the 2007-08 school year, for grades one and two, schools will use a State Board approved developmentally appropriate formative reading assessment. However, districts that are currently using other formative reading assessments because of the districts' participation in grant programs may use those assessments in the schools within their districts in lieu of using the State Board approved assessment. By August 1, 2007, those districts shall be required to inform the Office of Assessment what equivalent assessment for grades one and two will be used. To the extent that funds are available, the Department of Education may provide funds for districts to offset the assessment costs for non-grant schools within those districts.

1.78. DELETED

1.79. (SDE: Child Development Education Pilot Program-4 Year Olds) \$4,000,000 of the funds carried forward from the prior fiscal year from the South Carolina Child Development Education Pilot Program are designated for services to zero to three year olds by the Office of First Steps, the remaining funds shall be redirected for use by the Department of Education for services to four year olds participating in the Child Development Education Pilot Program during the current fiscal year. At the discretion of the First Steps Board of Trustees, funds carried forward by the Office of First Steps may be also be used to match philanthropic gifts targeting low income 0-3 year olds statewide.

1.80. (SDE: Physical Education Assessment Program) For Fiscal Year 2007-2008 the South Carolina Physical Education Assessment program is suspended. Of the funds appropriated to the Department of Education, the department is directed to collect input from physical education teachers throughout the state and submit a report outlining proposed changes to the program based on the data collected and nationally published research on the assessment of physical education programs by January 1, 2008.

1.81. (SDE: GSAH Human Resources Annual Report) Of the funds appropriated to the Governor's School for the Arts and the Humanities, the school shall provide to the Senate Finance Committee, the House Ways and Means Committee, the Budget and Control Board Office of Human Resources, and the Commission on Human Affairs an annual report detailing the school's human resource statistics for both filled and vacant positions. The report shall include specifics as to advertising, applicants, and selections as well as the composition of the selection team. In addition, an annual report of recruiting activities that address the school's Access Plan shall be required. A comprehensive enrollment report must be furnished annually.

****1.82.** (SDE: STAR Academy Match Requirement) *The funds appropriated in Part IA for the Star Academy Drop Out Prevention Program are directed to the Aiken County Public*

School System to fund the Star Academy public/private partnership. Receipt of this funding is contingent upon the Aiken County Public School System or a private member of the partnership securing a commitment for at least \$10 million dollars of private funding.

Text printed in italic, boldface indicates sections vetoed by the Governor on June 27, 2007.

**Indicates those vetoes overridden by the General Assembly on June 28 or June 29, 2007.

SECTION 1A - H63 - DEPARTMENT OF EDUCATION-EIA

1A.1. (SDE-EIA: XI-Prohibition on Appropriation Transfers) The amounts appropriated herein for aid to subdivisions or allocations to school districts shall not be transferred or reduced and must be expended in accordance with the intent of the appropriation. However, transfers are authorized from allocations to school districts or special line items with projected year-end excess appropriations above requirements, to allocations to school districts or special line items with projected deficits in appropriations.

1A.2. (SDE-EIA: XI.A.1-Advanced Placement) Of the funds appropriated in Part IA, Section 1, XI.A.1. for Advanced Placement, no more than \$500,000 must be made available on a flat rate per class basis to schools offering "singleton" Advanced Placement classes with a student/teacher ratio equal to or less than ten to one. The State Board of Education shall develop guidelines for the distribution of these "singleton" funds. The remaining AP funds must be distributed to the school districts of the state based upon the 135 day count of AP students served. AP funds may be used to defray the testing costs of the International Baccalaureate Program which are incurred by school districts at the same per-test reimbursement rate provided for Advanced Placement examinations. High schools may receive funding for the allowable costs associated with ninth and tenth grade students taking Advanced Placement courses. Funds provided for Advanced Placement may be carried forward into the current fiscal year to be expended for the same purpose.

1A.3. (SDE-EIA: XI.A-Gifted & Talented) Notwithstanding the provisions for Section 59-29-170, at least twelve percent (12%) of the total state dollars appropriated annually for gifted and talented programs shall be set aside for serving artistically gifted and talented students in grades 3-12. School districts shall service students identified as artistically gifted and talented by utilizing approved state guidelines in one or more of the following visual and performing arts areas: dance, drama, music and visual arts areas. Districts may contract with other entities to provide services to students identified as artistically gifted and talented if personnel or facilities are not available in the school district for that service. Of the remaining state dollars appropriated for gifted and talented programs, not more than \$1,000,000 may be used to provide testing and teacher training. Each district receiving funds for the gifted and talented program shall include an accelerated component as a part of its academically gifted and talented program. EIA-Gifted and Talented funds may be carried forward and expended for the same purpose in the current fiscal year.

1A.4. (SDE-EIA: XI.A.1-Gifted & Talented/Jr. Academy of Science) Of the funds appropriated in Part IA, Section 1, XI.A.1. Gifted & Talented, \$100,000 must be provided to the Junior Academy of Science. The Department of Education must provide a report on the effectiveness of the academy to the State Board of Education and the Education Oversight Committee by October 1 annually in a format agreed upon by the Education Oversight Committee and the Department of Education.

1A.5. (SDE-EIA: XI.A.1 Services for Students with Disabilities) The money appropriated in Part IA, Section 1, XI.A.1. for Services for Students with Disabilities shall be used only for

educational services for trainable mentally disabled pupils and profoundly mentally disabled pupils.

1A.6. (SDE-EIA: XI.A.1-Junior Scholars) The State Board of Education, through the Department of Education, must provide a report on the effectiveness of the Junior Scholars programs as appropriated in Part IA, Section 1, XI.A.1. to the Education Oversight Committee by October 1. Eligibility for the Junior Scholars program is open to any student who meets the requirements of the program, whether the student attends public school or private school; provided however, any private school student is responsible for paying the cost of the qualifying examination and, at the option of the Department of Education, any other costs associated with the program.

1A.7. (SDE-EIA: XI.A.4-Academic Assistance/Carry Forward) Any unexpended balance from the prior fiscal year in the EIA appropriations in Part IA, Section 1, XI.A.4. for Academic Assistance may be carried forward to the current fiscal year by school districts to be expended to operate programs in accordance with their academic assistance long range plans.

1A.8. (SDE-EIA: XI.A.4-Academic Assistance/Curriculum Development) Funds appropriated in Part IA, Section 1, XI.A.4. for Act 135 of 1993 Other Operating must be used by the Department of Education to provide schools and school districts with technical assistance on curriculum development, including implementing the grade-by-grade academic standards, and instructional improvement in keeping with the intent of Act 135 of 1993 (Sections 59-139-05 and 59-139-10 of the SC Code of Laws) as provided in regulations promulgated by the State Board of Education. Reports on the use of these funds will be provided to the Senate Education Committee and the House Education and Public Works Committee by September 1, of the current fiscal year, reflecting prior fiscal year expenditures.

1A.9. (SDE-EIA: XI.A.4-Academic Assistance/Early Child Development) A portion of the funds appropriated in Part IA, Section 1, XI.A.4. for Academic Assistance 4-12 may be used to support components for the K-3 academic assistance if such change promotes better coordination of state and federal funds provided for programs for these students. Districts requesting this waiver from the State Board of Education must demonstrate how the use of these funds is in keeping with their long range plan and how the needs of the students in grades 4-12 will be met.

1A.10. (SDE-EIA: XI.A.4-Academic Assistance/Formula Funding & Distribution) Notwithstanding any other provision of law, the total funding in Part IA, Section 1, XI.A.4. for the 4-12 Academic Assistance component of Act 135 of 1993 shall be based on a derived free and reduced lunch eligibility count for grades 4-12 obtained by applying the state percentage of K-3 students eligible for free and reduced lunch to the 4-12 average daily membership; and funding for individual districts shall be based on two equally weighted factors; the district's derived lunch percentage for grades 4-12 and its four year average for the number of 4-12 students "not meeting" standard on the state's testing programs for the years 1990-1993.

1A.11. (SDE-EIA: XI.A-Academic Assistance/Reading Recovery) Of the EIA funds appropriated herein for the Academic Assistance Act 135, \$3,200,000 shall be used for the Reading Recovery programs throughout the State. Of the funds provided for Reading Recovery, up to \$50,000 shall be used for piloting alternative teaching methods for reading. The State Department of Education shall report to the State Board of Education and the Education Oversight Committee on the allocation and expenditure of these funds by October 1 annually in a format agreed upon by the Education Oversight Committee and the Department of Education.

1A.12. (SDE-EIA: XI.A.4-Academic Assistance/Remedial Adult Education) Of funds

appropriated in Part IA, Section 1, XI.A.4. for Academic Assistance an amount not to exceed \$1,000,000 must be used for either adult education students failing one or more sections of the HSAP Exit Examination or students preparing for the GED examination at a weight of .114 of the base student cost as defined in the Education Finance Act.

1A.13. (SDE-EIA: XI.B - Half Day Program for Four-Year-Olds) Funds appropriated in Part IA, Section 1, XI.B. for half-day programs for four-year-olds shall be distributed based on the prior year number of students in kindergarten eligible for free and reduce price lunch, however, no district shall receive less than 90 percent of the amount it received in the prior fiscal year.

1A.14. (SDE-EIA: XI.A.3. African-American History) Funds provided for the development of the African-American History curricula may be carried forward into the current fiscal year to be expended for the same purpose.

1A.15. (SDE-EIA: XI.C.3-Course Reimbursement/Teachers) Funds appropriated for EIA-Critical Teacher needs must be used for courses which support instructional techniques and strategies in keeping with the professional development plans. These funds may be used for courses which support the education of students with disabilities or special needs in the regular classroom. School districts may require and collect a deposit from teachers enrolling in courses that support the areas identified above. Upon completion of the course any deposit collected shall be returned to the teacher having made the deposit.

1A.16. (SDE-EIA: XI.C.2-Critical Teaching Needs/Roper Mountain) Of the funds appropriated in Part IA, Section 1, XI.C.2. for Critical Teaching Needs, \$250,000 shall be disbursed to the Roper Mountain Science Center for summer workshops for public school science teachers. Funds disbursed to the Roper Mountain Science Center may be carried forward.

1A.17. (SDE-EIA: XI.C.2-Teacher Evaluations, XI.F.2- Implementation/Education Oversight) The Department of Education shall provide a review of the evaluation results for teachers employed under induction, annual, and continuing contracts to be presented by September 30, annually, to the State Board of Education and the Education Oversight Committee. The Department of Education is directed to oversee the evaluation of teachers at the School for the Deaf and the Blind, the John de la Howe School and the Department of Juvenile Justice under the ADEPT model.

1A.18. (SDE-EIA: XI.C.2.-Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers salaries of the southeastern states as projected by the Division of Budget and Analyses. For the current school year the Southeastern average teacher salary is projected to be \$45,179. It is the intent of the General Assembly to exceed the Southeastern average teacher salary as projected by \$300. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Funds appropriated in Part IA, Section 1, XI.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50 (b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state.

1A.19. (SDE-EIA: XI.F.2-Teacher Salaries/State Agencies) Each state agency which does not contain a school district but has instructional personnel shall receive an allocation from the

line item "Alloc. EIA - Teacher/Other Pay" in Part IA, Section 1, XI.F.2. for teachers salaries based on the following formula: Each state agency shall receive such funds as are necessary to adjust the pay of all instructional personnel to the appropriate salary provided by the salary schedules of the school district in which the agency is located. Instructional personnel may include all positions which would be eligible for EIA supplements in a public school district, and may at the discretion of the state agency, be defined to cover curriculum development specialists, educational testing psychologists, psychological and guidance counselors, and principals. The twelve-month agricultural teachers located at Clemson University are to be included in this allocation of funds for base salary increases. The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to increase the salaries of instructional personnel by an amount equal to the percentage increase given by the School District in which they are both located.

The funds appropriated herein in the line item "Alloc. EIA-Teacher/Other Pay" must be distributed to the agencies by the Budget and Control Board.

1A.20. (SDE-EIA: XI.A.1-Work-Based Learning) Of the funds appropriated in Part IA, Section 1, XI.A.1. for the Work-based Learning Program, \$75,000 shall be used by the State Department of Education, through the Regional Education Centers mandated by the Education and Economic Development Act, to provide for professional development in applied techniques and integration of curriculum, and professional development in career guidance for teachers and guidance counselors and training mentors. In addition, \$500,000 shall be allocated for Career Counseling Specialists in the Regional Education Centers. Each Career Specialist shall (1) be housed within the regional centers geographic area, (2) provide career development activities throughout all schools within the region, (3) be under the program supervision of the Office of Career and Technology Education, State Department of Education, and (4) adhere to an accountability and evaluation plan created by the Office of Career and Technology Education, State Department of Education. The Office of Career and Technology Education, State Department of Education, shall provide a report, in February of the current fiscal year to the Senate Finance Committee and the House Ways and Means Committee on accomplishments of the Career Counseling Specialists. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

1A.21. (SDE-EIA: XI.E.1-Principal Salary Supplements) Funds appropriated in Part IA, Section 1, XI.E.1. for salary supplements for principals and accompanying employer contributions must be distributed to school districts based on average daily membership (ADM). Each school district shall distribute the funds as salary supplements in addition to existing compensation equally among principals and assistant principals employed by the district.

1A.22. (SDE-EIA: XI.E.2.-Evaluation/EIA Programs) Of the funds appropriated in Part IA, Section 1, XI.E.2. for EIA Implementation, Other Operating Expenses, \$349,124 may only be used by the State Department of Education to support its contracted program evaluations and the conduct of the State Board of Education's annual assessment of EIA-funded education reforms and the related report, pursuant to Section 59-6-12. Of the remaining funds appropriated in Part IA, Section 1, XI.E.2. for EIA Implementation, Other Operating Expenses shall be used to support the continuation of program and policy evaluations and studies and to support the state's participation in the Middle Grades Project, at no less than \$100,000. Provided further, for the current fiscal year, \$100,000 shall be provided to the South Carolina Educational Policy Center for collaborative projects with the Department of Education and the Education Oversight Committee to provide research based information and consultation services on technical issues

related to establishing a more thorough accountability system for public schools, school districts, and the K-12 education system.

1A.23. (SDE-EIA: XI.F.2-CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, XI.F.2. for the Teacher Recruitment Program, the S.C. Commission on Higher Education shall distribute a total of \$5,404,014 to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which \$4,200,000 must be used for the Teaching Fellows Program and of which \$166,302 must be used for specific programs to recruit minority teachers, and shall distribute \$467,000 to S.C. State University to be used only for the operation of a minority teacher recruitment program and therefore shall not be used for the operation of their established general education programs. Working with districts with an absolute rating of Unsatisfactory or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA will report annually by October 1 to the Education Oversight Committee and the Department of Education on the success of the recruitment and retention efforts in these schools. The S.C. Commission on Higher Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The S.C. State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees, the State Board of Education and the Education Oversight Committee by October 1 annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.

1A.24. (SDE-EIA: XI.F.2-Disbursements/Other Entities) Notwithstanding the provisions of Sections 2-7-66 and 11-3-50, S.C. Code of Laws, it is the intent of the General Assembly that funds appropriated in Part IA, Section 1, XI.F.2. Other State Agencies and Entities shall be disbursed on a quarterly basis by the Department of Revenue directly to the state agencies and entities referenced except for the Teacher Loan Program, Centers of Excellence, the Education Oversight Committee and School Technology, which shall receive their full appropriation at the start of the fiscal year from available revenue. The Comptroller General's Office is authorized to make necessary appropriation reductions in Part IA, Section 1, XI.F.2. to prevent duplicate appropriations. If the Education Improvement Act appropriations in the agency and entity respective sections of the General Appropriations Act at the start of the fiscal year do not agree with the appropriations in Part IA, Section 1, XI.F.2. Other State Agencies and Entities, the "other funds" appropriations in the respective agency and entity sections of the General Appropriations Act will be adjusted by the Comptroller General's Office to conform to the appropriations in Part IA, Section 1, XI.F.2. Other State Agencies and Entities.

1A.25. (SDE-EIA: XI.A.1-Arts in Education) Funds appropriated in Part IA, Section 1, XI.A.1. Arts Curricula shall be used to support arts education curriculum in the visual and performing arts which incorporates strengths from the Arts in Education pilot sites. These funds shall be distributed under a competitive grants program; however, up to 33% of the total amount of the grant fund shall be made available as "Aid to Other Agencies" to facilitate the funding of professional development arts institutes that have been approved by the State Department of Education for S.C. arts teachers and appropriate classroom teachers. Arts Curricular Grants funds may be retained and carried forward into the current fiscal year to be expended in

accordance with the proposed award.

1A.26. (SDE-EIA: XI.B-Parenting/Family Literacy) Funds appropriated in Part IA, Section 1, XI.B. for the Parenting/Family Literacy Programs and allocated to the school districts for parenting projects in the prior fiscal year may be retained and expended by the school districts for the same purpose during the current fiscal year. These funds must be allocated only to school districts that provide comprehensive family literacy programs which address intergenerational cycles of poverty through adult education, early childhood education and parenting programs. Furthermore, any school district that does not provide the evaluation information necessary to determine effective use as required by Section 59-139-10(A)(1) and by regulation is not eligible to receive additional funding until the requested data is provided. The minimum amount allocated to a district shall be \$35,000. Of the funds appropriated in Part IA, Section 1, XI.B. for the Parenting/Family Literacy \$200,000 must be used for the Accelerated Schools Project at the College of Charleston and \$100,000 is to be used for the South Carolina Urban Leagues state-wide parental involvement programs.

1A.27. (SDE-EIA: XI.B.-Parenting/Family Literacy/Communities- In-Schools) Notwithstanding any other provision of law, the State Department of Education shall transfer \$200,000 from the funds appropriated in Part IA, Section 1, XI.B. Parenting/Family Literacy to Communities-In-Schools. These funds are to be utilized to provide technical assistance to local communities in establishing Communities-In-Schools programs statewide. Communities-In-Schools will provide annual reports to the State Department of Education which will include: budget expenditure data, a listing of the communities served and the services provided.

1A.28. (SDE-EIA: XI.C.2-National Board Certification Incentive) Public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards shall be paid a \$7,500 salary supplement in the year of achieving certification. Teachers employed at the special schools shall be eligible for this \$7,500 salary supplement. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall develop guidelines and administer the programs whereby teachers applying to the National Board for Professional Teaching Standards for certification may receive a loan equal to the amount of the application fee. One-half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the national board. Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the State Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program. In addition, teachers who are certified by the National Board for Professional Teaching Standards shall enter a

recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the State Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification.

Teacher specialists remain eligible for state supplement for National Board certification.

Teachers who begin the application process after July 1, 2007 and who teach in schools which have an absolute rating of below average or unsatisfactory shall be eligible for full forgiveness of all assessment fees upon submission of all required materials for certification, regardless of whether certification is obtained. The forgiveness of all assessment fees will be at the rate of 33% for each year of full time teaching in the schools which have an absolute rating of below average or unsatisfactory.

1A.29. (SDE-EIA: XI.C.3-CSO Mathematics and Science Unit) The funds appropriated in Part IA, Section 1, XI.C.3. shall be used for Mathematics and Science Centers which support improvements in mathematics and science through resources and professional development in instructional techniques and strategies, use of technology in the classroom, leadership, content in subject areas and assessment. These efforts will be coordinated with programs such as Tech Prep Consortia using applied learning techniques which will improve classroom instruction in mathematics and science.

1A.30. (SDE: XI-Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.

1A.31. (SDE-EIA: XI.A.1-Autism Parent-School Partnership Program) From funds appropriated for Services For Students with Disabilities, \$350,000 shall be provided to the South Carolina Autism Society for the Parent-School Partnership Program.

1A.32. (SDE-EIA: XI.C.3-Professional Development on Standards) These funds shall be used for professional development for certificated instructional and instructional leadership personnel in grades kindergarten through 12 in the academic areas for which SBE standards documents have been approved to better link instruction and lesson plans to the standards and to any state-adopted readiness assessment tests, develop classroom assessments consistent with the standards and PACT-style testing, and analyze PACT results for needed modifications in instructional strategies. No more than five percent of the funds appropriated for professional development may be retained by the Department of Education for administration of the program; however, with the funds allocated to districts for professional development, districts may choose to purchase professional development services provided by the Department of Education. Funds

may also be expended for certificated instructional and instructional leadership personnel in grades six through twelve to achieve competency in teaching reading to students who score below proficient on the reading assessment of PACT. Provided further, that \$250,000 of the funds allocated to professional development must be provided to the Department of Education to implement successfully the South Carolina Readiness Assessment by creating a validation process for teachers to ensure reliable administration of the assessment, providing professional development on effective utilization and establishing the relationship between the readiness measure and third grade standards-based assessments. Multi-day work sessions shall be provided around the state during the summer and during the fall and winter using staff development days, teacher workdays, two of the remaining professional development days shall be set aside specifically for the preparation and opening of schools. District instructional leaders, regional service centers, consortia, department personnel, university faculty, contracted providers, and the resources of ETV may be used as appropriate to implement this intensive professional development initiative. Teachers participating in this professional development shall receive credit toward recertification according to State Board of Education guidelines. Funds provided for professional development on standards may be carried forward into the current fiscal year to be expended for the same purpose. No less than twenty-five percent of the funds allocated for professional development should be expended on the teaching of reading which includes teaching reading across content areas in grades three through eight.

1A.33. (SDE-EIA: XI.C.2-Teacher Supplies) From the funds appropriated, all certified public school, certified special school classroom teachers, certified media specialists, and certified guidance counselors who are employed by a school district or a charter school as of November 30 of the current fiscal year, shall receive reimbursement of two hundred fifty dollars each school year to offset expenses incurred by them for teaching supplies and materials. Funds shall be disbursed by the department to School districts by July 15 based on the last reconciled Professional Certified Staff (PCS) listing from the previous year. Any deviation in the PCS and actual teacher count will be reconciled by December 31 or as soon as practicable thereafter.

School districts shall disburse these funds in a manner separate and distinct from their payroll check on the first day teachers, by contract, are required to be in attendance at school for the current contract year. This reimbursement shall not be considered by the state as taxable income. Special schools include the Governor's School for Science and Math, the Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and Palmetto Unified School District. Funds distributed to school districts or allocated to schools must not supplant existing supply money paid to teachers from other sources. If a school district requires receipts for tax purposes the receipts may not be required before December 31. Districts that do not wish to require receipts may have teachers retain the receipts and certify for the district they have received the \$250 for purchase of teaching supplies and/or materials and that they have purchased or will purchase supplies and/or materials during the fiscal year for the amount of \$250. Districts shall not have an audit exception related to non-retention of receipts in any instances where a similar instrument is utilized. Any district requiring receipts must notify any teacher from whom receipts have not been submitted between November 25 and December 6 that receipts must be submitted to the district. Districts may not add any additional requirement not listed herein related to this reimbursement. The department must withhold Act 135 funds from any district while in non-compliance with this provision. Any funds not disbursed to teachers may not be retained by the districts and must be returned to the department.

1A.34. (SDE-EIA: XI.E.1-Principal Executive/Leadership Institute Carry Forward) Prior fiscal year funds appropriated in Part IA, Section 1, XI.E.1. for the Principal Executive/Leadership Institute may be carried forward into the current fiscal year and expended for the same purpose. The Institute and all principal evaluation and induction programs must include training for the key role that principals have in supervising the teaching of reading and instilling the importance of literacy in public schools.

1A.35. (SDE-EIA: XI.C.2-Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each district Teacher of the Year shall receive an award of \$1,000. In addition, the State Teacher of the Year shall receive an award of \$25,000, and each of the four Honor Roll Teachers of the Year will receive an award of \$10,000. To be eligible, districts must participate in the State Teacher of the Year Program sponsored by the State Department of Education.

1A.36. (SDE-EIA: XI-State of Emergency District) Notwithstanding any other provision of law, funds may be used for retired educators serving as teacher specialists, principal specialists, principal leaders, or curriculum specialists on site in districts in which a state of emergency is declared. These educators may be hired as a principal specialist in a state of emergency district for up to four years.

1A.37. DELETED

1A.38. (SDE-EIA: XI-Accreditation System) The State Board of Education and Department of Education, in developing the criteria for the new accreditation system mandated by Section 59-18-710, shall consider including as an area the functioning of school improvement councils and other school decision-making groups and their participation in the school planning process in accordance with state requirements.

1A.39. (SDE-EIA: XI.A.3-Institute of Reading) The funds appropriated for the Institute of Reading must be used to implement a comprehensive approach to improving the reading abilities of students in the middle grades and accelerating the learning of middle grade students reading below grade level with strategies based on best practice and providing targeted assistance shown by research to help these students to read at grade level. Funds may also be used in the same manner for high school grades.

1A.40. (SDE-EIA: EOC) The Education Oversight Committee may collect, retain and expend revenue from conference registration and fees; charges for materials supplied to local school districts or other entities not otherwise mandated to be provided by state law; and from other activities or functions sponsored by the committee including public awareness campaign activities. Any unexpended revenue from these sources may be carried forward into the current fiscal year and expended for the same purposes. The Education Oversight Committee is permitted to utilize the funds appropriated to it to fund programs promoting the teaching of economic education in South Carolina.

1A.41. (SDE-EIA: Professional Development) With the funds appropriated for professional development, the Department of Education must disseminate the South Carolina Professional Development Standards, establish a professional development accountability system, and provide training to school leadership on the professional development standards, also training must be provided to educators on assessing student mastery of the content standards. The State Department of Education shall revise professional development activities and programs, including professional development on the standards, the SC Reading Initiative, and programs for administrators, to include emphasis on strategies and services for students at risk of retention. The State Department of Education shall provide information on the activities

and programs and measures to gauge their effectiveness to the State Board of Education and the Education Oversight Committee by January 1.

1A.42. DELETED

1A.43. (SDE-EIA: Report Card Printing) The State Department of Education is prohibited from printing the Annual School and District Report Card in any other color other than black and white. School districts must advertise the results of their schools' report cards in an audited newspaper of general circulation in their geographic area within 45 days. If the audited newspaper has previously published the entire report card results as a news item, this requirement is waived for the school and district. Notwithstanding Section 59-18-930, the requirement to mail school and district report cards is suspended and report cards may be sent home with the students. The parent survey required by Section 59-28-190 may be sent home with the students and the department must use the results of the parent survey to report parent perceptions on the school report cards.

1A.44. (SDE-EIA: Technical Assistance) Notwithstanding any other provision of law, and in order to best meet the needs of low-performing schools, funds appropriated for technical assistance to schools with an absolute rating of below average or unsatisfactory on the most recent annual school report card must be allocated accordingly. First, a school initially designated as unsatisfactory or below average on the current year's report card must receive by January 1, up to \$10,000 from the funds appropriated for technical assistance and must expend the funds for planning purposes in accordance with Section 59-18-1560 of the 1976 Code.

Furthermore, any school that does not provide the evaluation information necessary to determine effective use as required by Section 59-18-1560 of the 1976 Code, is not eligible to receive additional funding until the requested data is provided. Schools receiving an absolute rating of below average must submit to the Department of Education a school renewal plan that includes actions consistent with each of the alternative researched-based technical assistance criteria as approved by the Education Oversight Committee and the Department of Education. The school renewal plans may include compensation incentives to provide salary supplements to classroom teachers who are certified by the State Board of Education and who have obtained an Advanced Degree. The purpose of these compensation packages is to improve the recruitment and retention of teachers with Advanced Degrees in underperforming schools. If the school renewal plans are approved, schools would be permitted to use technical assistance funds to provide these salary supplements. Upon approval of the plans by the Department of Education and the State Board of Education, the school will receive an allocation of not less than \$75,000, taking into consideration the enrollment of the schools. The funds must be expended on strategies and activities as expressly outlined in the school renewal plan which may include, but are not limited to, professional development, the Teacher Advancement Program (TAP), homework centers, diagnostic testing, supplemental health and social services, or comprehensive school reform efforts. The schools will work with the Department of Education to broker the services of technical assistance personnel as needed and as stipulated in the school renewal plan. Funds not expended in the prior fiscal year may be carried forward and expended for the same purpose in the current fiscal year. It is intended that the technical assistance will be provided for a minimum of three years in order to implement fully systemic reform and to provide opportunity for building local education capacity. Furthermore, schools and school districts must use these technical assistance funds to augment or increase, not to replace local or state revenues that would have been used if the technical assistance funds had not been made available. Schools and school districts may use technical assistance funds only to supplement, and to the extent

practical, increase the level of funds that would be made available from other revenue sources for these schools. A school or district may not use these technical assistance funds to supplant funds from other sources.

Schools receiving an absolute rating of unsatisfactory will be provided an external review team evaluation. Based upon the external review team evaluation, the schools must submit to the Department of Education a school renewal plan that includes actions consistent with the alternative research-based technical assistance criteria as approved by the Education Oversight Committee and the Department of Education. Upon approval of the plan by the Department of Education and the State Board of Education, the schools will receive an allocation of not less than \$250,000, taking into consideration the enrollment of the schools and the recommendations of the external review team. The funds must be expended on strategies and activities as expressly outlined in the school renewal plan which may include, but are not limited to, professional development, the Teacher Advancement Program (TAP), homework centers, diagnostic testing, supplemental health and social services, or comprehensive school reform efforts. The schools will work with the Department of Education to broker the services of technical assistance personnel as needed and as stipulated in the school renewal plan. Funds not expended in the prior fiscal year may be carried forward and expended for the same purpose in the current fiscal year. It is intended that the technical assistance will be provided for a minimum of three years in order to implement fully systemic reform and to provide opportunity for building local education capacity.

With the funds appropriated to the Department of Education for technical assistance services, the department will assist schools with an absolute rating of unsatisfactory or below average in designing and implementing school renewal plans and in brokering for technical assistance personnel as needed and as stipulated in the school renewal plan. Teacher specialists may be placed across grade levels and across core subject areas when placement meets program criteria based on external review team recommendations, need, number of teachers receiving support, and certification and experience of the specialist. Teacher specialists are limited to three years of service at one school unless the specialist submits application for an extension and that application is accepted by the Department of Education and placement is made. Upon acceptance and placement, the specialist can receive the salary and supplement for two additional years, but is no longer attached to the sending district or guaranteed placement in the sending district following tenure in the program as provided in Section 59-18-1530(F) of the 1976 Code.

The criteria for selecting alternate research-based technical assistance are to be those previously approved by the Education Oversight Committee and the Department of Education. The School Improvement Council Assistance will coordinate with the department to target schools and school districts designated as unsatisfactory. The department shall coordinate with and monitor the services provided to the schools and districts by the School Improvement Council Assistance.

In addition, the department must monitor the expenditure of funds and the academic achievement in schools receiving these funds and report to the General Assembly and the Education Oversight Committee by January 1 of each fiscal year as the General Assembly may direct. No more than five percent of the total amount appropriated for technical assistance services to schools with an absolute rating of Unsatisfactory or Below Average may be retained and expended by the department for implementation of technical assistance services.

Furthermore, of the funds appropriated for technical assistance, \$930,000 shall be used for the National About Face Pilot Program.

1A.45. (SDE-EIA: Proviso Allocations) The State Department of Education may reduce

by up to 10%, any allocation in Section 1A specifically designated by proviso in the event an official EIA revenue shortfall is declared by the BEA. No allocation for teacher salaries shall be reduced as a result of this proviso.

1A.46. (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer up to one hundred percent of funds between programs to any instructional program provided the funds are utilized for direct classroom instruction.

The South Carolina Department of Education must establish a procedure for the review of all transfers authorized by this provision. The details of such transfers must be provided to members of the General Assembly upon request. School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year to be used for the same purpose. All transfers executed pursuant to this provision must be completed by May first of the current fiscal year. All school districts and special schools of this State may expend funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, for any instructional program. The Education Oversight Committee shall review the utilization of the flexibility provision to determine how it enhances or detracts from the achievement of the goals of the educational accountability system, including the ways in which school districts and the state organize for maximum benefit to classroom instruction, priorities among existing programs and services, and the impact on short, as well as, long-term objectives. The State Department of Education shall provide the reports on the transfers to the Education Oversight Committee for the comprehensive review. This review shall be provided to the members of the General Assembly annually. Any grant or technical assistance funds allocated directly to an individual school may not be reduced or reallocated within the school district and must be expended by the receiving school only according to the guidelines governing the funds.

1A.47. DELETED

1A.48. DELETED

1A.49. (SDE-EIA: Critical Geographic Area) Notwithstanding the provision of Section 59-26-20(j) for those students seeking loan cancellation under the Teacher Loan Program after July 1, 2004, "critical geographic area" shall be defined as schools that have an absolute rating of below average or unsatisfactory, schools where the average teacher turnover rate for the past three years is 20 percent or higher, or schools that meet the poverty index criteria at the 70 percent level or higher. The list shall also include special schools, alternative schools, and correctional centers as identified by the State Board of Education. After July 1, 2005, students shall have their loan canceled based on those schools or districts designated as a critical geographic area at the time of employment. The definition of critical geographic area shall not change for those students who are in the process of having a loan canceled, on or before June 30, 2005. Beginning in Fiscal Year 2005-06 the maximum loan amount will be increased to an amount not to exceed \$20,000.

1A.50. DELETED

1A.51. (SDE-EIA: Teacher Salary Supplement) The department is directed to carry forward prior year unobligated teacher salary supplement and related employer contribution funds into the current fiscal year to be used for the same purpose.

1A.52. (SDE-EIA: EAA Summer School, Grades 3-8) Funds appropriated for summer school shall be allocated to each local public school district based on the number of academic subject area scores below the basic on the prior year Spring PACT administration for students in

grades three through eight and on the number of students entering ninth grade who score below proficient in reading. Individual student scores on the PACT shall not be the sole criterion used to determine whether a student on an academic plan the prior year will be placed on probation or retained. Individual student scores on the PACT shall not be the sole criterion for requiring students to attend summer school. School districts may consider other factors such as student performance, teacher judgment, and social, emotional, and physical development in placing students on academic probation or requiring summer school attendance. Students may not be placed on academic probation or retained based solely on the PACT scores. The State Department of Education working with the Education Oversight Committee must develop a method to supplement the PACT with diagnostic training and materials aligned to the content standards. Current year appropriations may be expended for prior year EAA summer school purposes. Local public school districts shall utilize these funds in accordance with the requirements of Section 59-18-500 of the 1976 Code. The State Department of Education is directed to utilize PACT-like tests aligned with standards to be administered to students on academic probation required to attend summer school. The test shall be a determinate in judging whether the student has the skills to succeed at the next grade level. The State Board of Education shall establish regulations to define the extenuating circumstances including death of an immediate family member or severe long-term student illness, under which the requirements of Section 59-18-900(D) may be waived. Furthermore, the Department of Education, working with and through the SC Afterschool Alliance, will provide \$250,000 to produce a model of voluntary quality standards for out-of-school time programs, develop a directory of technical assistance, and identify gaps of service.

1A.53. (SDE-EIA: Alternative School Waiver Requirement) Notwithstanding any other provision of law, alternative schools may receive funding if they meet the standards to qualify for a waiver from the Department of Education established in Section 59-63-1310 for site requirements for the current fiscal year.

1A.54. (SDE-EIA: Class Size Reduction-Grade One) School districts which choose to reduce class size to fifteen-to-one in grades one through three shall be eligible for funding for the reduced pupil-teacher ratios from funds provided by the General Assembly for this purpose.

1A.55. DELETED

1A.56. (SDE-EIA: High Schools That Work Programs) The Department of Education must report annually by December 1, to the Governor, the Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public Works Committee on the High Schools that Work Programs' progress and effectiveness in providing a better prepared workforce and student success in post-secondary education. The department, school districts, and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal that were allocated for High Schools That Work.

1A.57. (SDE-EIA: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. The department is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring PACT assessment.

1A.58. (SDE-EIA: EAA Report Card Criteria) The Education Oversight Committee may base ratings for school districts and high schools on criteria that include graduation from high

school with a state high school diploma and ratings may be based on criteria aligned with workforce needs including, but not limited to, exit examination performance and other criteria identified by technical experts and appropriate groups of educators and workforce advocates.

For other schools without standard-based assessments the ratings may be based upon criteria identified by technical experts and appropriate groups of educators. All ratings criteria must be approved by the Education Oversight Committee.

1A.59. (SDE-EIA: Excellence in Middle School Initiative) Funds appropriated for the Excellence in Middle Schools Initiative shall be used to continue to fund the number of guidance counselors, school safety officers and/or school nurses in middle/junior high schools. The funding allocation shall be based proportionately on the number of middle/junior high schools in each district.

1A.60. DELETED

1A.61. (SDE-EIA: Early Childhood Review) From the funds appropriated for EIA Four-Year-Old Early Childhood, the Department of Education shall utilize up to \$300,000 to institute a plan for reviewing, on a district basis, early childhood assets of schools and districts based on 4K entry DIAL 3 scores, and South Carolina Readiness Assessment Reports. To accomplish this, the department shall use reports that analyze program assets and provide guidance to local schools on the effective use of the reports to enhance quality gaps. Children will be tracked from early childhood programs to fifth grade and beyond to study the relationships of strong early childhood programs and increased performance on PACT, decreased drop out scores, decreased referral for special education programs, and increased graduation rates. This review may not be used as a part of the EAA Report Card for the current fiscal year.

1A.62. (SDE-EIA: Credits High School Diploma Distribution) The funds appropriated for Raise Academic Standards-Credits High School Diploma shall be distributed to the school districts of the state based upon the 135 day count of Average Daily Membership.

1A.63. (SDE-EIA: Teacher Recruitment/Retention Task Force) The Education Oversight Committee shall convene a task force to evaluate current teacher recruitment and retention policies, particularly those that impact on schools that have historically underachieved. Included in the task force will be representatives from the Department of Education, the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina), institutions of higher learning, the Student Loan Corporation, the Commission on Higher Education, and classroom teachers from throughout South Carolina.

1A.64. (SDE-EIA: Report Card Information) The percentage each school district expended on classroom instruction as defined by the Department of Education's In\$ite classification for "Instruction" must be printed on the Annual School and District Report Card.

1A.65. DELETED

1A.66. (SDE-EIA: Core Curriculum Materials) The funds appropriated in Part IA, Section 1, XI.A.3 for instructional materials for core curriculum shall be expended consistent with the requirements of Section 59-31-600 of the 1976 Code requiring the development of higher order thinking skills and critical thinking which should be integrated throughout the core curriculum instructional materials. Furthermore, the evaluation criteria used to select instructional materials with funds appropriated in Part IA, Section 1, XI.A.3 shall include a weight of up to ten percent of the overall criteria to the development of higher order thinking skills and critical thinking.

1A.67. (SDE-EIA: Formative Reading Assessment) Beginning with the 2007-08 school year, for grades one and two, schools will use a State Board approved developmentally appropriate formative reading assessment. However, districts that are currently using other

formative reading assessments because of the districts' participation in grant programs may use those assessments in the schools within their districts in lieu of using the State Board approved assessment. By August 1, 2007, those districts shall be required to inform the Office of Assessment what equivalent assessment for grades one and two will be used. To the extent that funds are available, the Department of Education may provide funds for districts to offset the assessment costs for non-grant schools within those districts.

1A.68. (SDE-EIA: 3 Year Technical Assistance Plan) No school that received technical assistance funding in Fiscal Year 2006-07 and that implemented a three-year technical assistance plan approved by the Department of Education shall receive a reduction in those funds in Fiscal Year 2007-08.

1A.69. (SDE-EIA: XI.E.1-Public Choice Innovation Schools) With the funds provided, a grant program will be established to support the creation of Public Choice Innovation Schools in South Carolina and to provide for their evaluation. These schools are public choice alternatives for grade 4-8 students enrolled in the public schools rated Unsatisfactory or Below Average or students enrolled in public schools rated Average or above and who scored Basic or below on any two or more subject area grade level PACT assessments in grades 3-7 during the most recent school year. The goal of Public Choice Innovation Schools is to demonstrate leadership in instructional, administrative or personnel practices yielding strong student academic achievement.

To assist entities in operating innovation schools, a grants program would be established by the State Board of Education. The grant would be for a minimum of five years with the first year of funding for planning and equipping purposes and the remaining years of supplemental funding for operation of the innovation school. Entities eligible to receive a grant include public and private partnerships. Partnerships include an educational management organization, a private corporation, an institution of higher education, a consortium of public schools districts and/or a contractual relationship between a private entity and a public school district. In the application process, partnerships must demonstrate at least one of the following strategies in improving leadership and academic achievement: changes in teacher compensation to address geographic or certification barriers and/or to offer performance incentives; utilization of novel leadership and administrative policies and procedures, to include preparation and certification of administrators, operational procedures and costs shared with other entities; continuous progress of students between grades 4-8; virtual delivery of substantial portions of the curriculum; and novel or non-traditional uses of time, space and technology in the instructional delivery of state academic content standards; or a combination of these strategies. The first year planning grant to each proposed school would be \$100,000 with innovation schools also eligible to receive additional grant funds for equipment and facilities not to exceed \$400,000 per partnership. In year two of the grant the partnership would receive funds for operation of the school to include a maximum grant of \$300,000 in supplement of the per pupil revenues from federal, state and local sources. In years three through five the school would continue to receive grant funds but at the maximum level of eighty percent of each previous year's grant. Funding per innovation school would be dependent upon: state per pupil allocations; supplementary allocations equal to local spending levels in the sending school; transportation allowance equivalent to the state per pupil transportation expenditure; and federal funds as applicable to the student population. In year six and beyond, the innovation school would receive a minimum supplement of \$100,000.

Eligible to attend the Public Choice Innovation schools are students who meet one of the following conditions: (1) are enrolled in grades 4 through 8 and are assigned to a school rated

Below Average or Unsatisfactory; or (2) are enrolled in schools with an absolute rating of Average or above and scored Basic or below on any two or more subject area grade level PACT assessments in grades 3 through 7 during the most recent school year. Students are not required to attend a Public Choice Innovation School in their district of residence. As long as no eligible student is denied admission, the Public Choice Innovation School may accept other students as their parents choose to enroll them and receive funded as previously defined. Once a student is enrolled in a Public Choice Innovation School, the child is guaranteed enrollment in the appropriate grades as long as the school remains in operation, unless the student violates behavioral expectations, or the parents choose to transfer the student to another school for which the student is eligible. An innovation school may not discriminate against any student on the basis of race, color, national origin, gender, disability or prior academic performance.

Public Choice Innovation Schools are required to participate in the statewide testing program; however, the schools shall not receive Education Accountability Act ratings until the third year of operation. The initial rating addresses student performance in the third year of operations.

An independent longitudinal evaluation of Public Choice Innovation Schools is to be conducted or contracted by the Education Oversight Committee and must include a value-added component so that valid comparisons can be made to student performance in traditional public schools and public charter schools.

Of the funds provided herein, the first \$200,000 will be directed to the South Carolina Public Charter School District Board of Trustees which shall be authorized to use these funds for administrative costs to make the district operational.

1A.70. (SDE-EIA: EIA Cash Balance) The Department of Education is authorized to carry forward the amount necessary from EIA funds not expended in the prior fiscal year to increase the teacher supply allocation, as provided for elsewhere in this Act, to \$275.

\$105,410 of the FY 2005-06 cash balance is to be utilized by the Department of Juvenile Justice if, after a recount of student enrollment, the Department of Juvenile Justice is determined to be ineligible for additional federal Title II Teacher Quality funds equal to \$105,410.

\$224,000 of the FY 2005-06 EIA cash balance is to be utilized by Clemson University for the purpose of contracting the Center of Agricultural and Environmental Research Training to develop standards for the secondary agriculture programs in South Carolina as well as provide support material for Agricultural Education teachers to assist with its implementation.

The Department may utilize no more than \$100,000 of FY 2005-06 EIA cash balance to reimburse travel expenses and per diem for the advisory group established to develop implementation strategies for school district shared administration units.

\$5,000,000 of the FY 2005-06 EIA cash balance is to be utilized by the Department of Education, Budget and Control Board's Chief Information Office, State Library, and Education Television Commission for the implementation and awarding of not more than 6 individual public school grants for the piloting of the "iAm" Statewide Student Laptop Program. Grant awards are to be designed to enhance the educational opportunities, increase workforce competitiveness, and engage ninth grade students to take ownership and responsibility for their future and the future of South Carolina. All grants shall be used to purchase laptops for ninth grade students, additional equipment, and infrastructure to support the implementation of the "iAm" program, professional staff and faculty training, service and maintenance for the program. Schools receiving the awards must provide for matching resources at a ratio determined by the percentage of ninth grade students receiving free or reduced lunch. For schools in the top ten percent of schools with students receiving free or reduced lunch, grants will be provided at no

matching resource requirement by the grant receiving school. For schools in the next thirty percent of schools with students receiving free or reduced lunch, grants will be provided at a ratio of three iAm program dollars for each dollar invested by the grant receiving school. For schools in the second thirty percent of schools with students receiving free or reduced lunch, grants will be provided at a ratio of two iAm program dollars for each dollar invested by the grant receiving school. For schools in the lowest thirty percent of schools with students receiving free or reduced lunch, grants will be provided at a ratio of one iAm program dollar for each dollar invested by the grant receiving school. For FY 2007-08 the first fifty percent of "iAm" grant awards must be for public schools whose ninth grade students scored unsatisfactory or below average on the most recent EAA school report card; that have free and reduced lunch student counts that exceed the statewide average; and have the technological capacity necessary to fully implement the program. The "iAm" program's efficacy must be evaluated starting at the time of its initial implementation by an independent party. The evaluation must include the program's impact on retention rates and student achievement. A copy of the evaluation report shall be provided to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee no later than December 1, 2009. Schools may carry forward "iAm" program funds to be used for the same purpose.

1A.71. (SDE-EIA: XI-E.2.-Teacher Technology Proficiency) To ensure the effective and efficient use of the funding provided by the General Assembly in Part IA, Section 1 XI.E.2 for school technology in the classroom and internet access, the State Department of Education shall approve district technology plans that specifically address and incorporate teacher technology competency standards and local school districts must require teachers to demonstrate proficiency in these standards as part of each teacher's Professional Development plan. The Department of Education's professional development tracking, prescriptive and electronic portfolio system for teachers is the preferred method for demonstrating technology proficiency as this system is aligned to the International Society for Technology in Education (ISTE) teacher standards.

Evidence that districts are meeting the requirement is a prerequisite to expenditure of a district's technology funds.

1A.72. DELETED

SECTION 1AA - H66 -LOTTERY EXPENDITURE ACCOUNT

1AA.2. (LEA: SDE Lottery Carry Forward) The Department of Education is authorized to carry forward and expend any unexpended balances of lottery funds from the prior fiscal year into the current fiscal year for expenditures incurred in the prior fiscal year or to be expended for the same purpose.

1AA.3. (LEA: SDE Transfer Restriction) Funds appropriated from the Education Lottery Account for K-5, Reading, Mathematics, Science, and Social Studies Programs, grants, or technical assistance funds allocated directly to an individual school may not be transferred and may only be expended for the purposes for which these funds have been appropriated. However, all school districts may transfer up to one hundred percent of other lottery funds appropriated to school districts between programs to any instructional program provided the funds are utilized for direct classroom instruction.

1AA.7. (LEA: FY 07-08 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these

programs and purposes shall be transferred by the Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.

The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.

All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.

For Fiscal Year 2007-08 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

- (1) Commission on Higher Education--Tuition Assistance
Two-Year Institutions \$ 47,000,000;
- (2) Commission on Higher Education--LIFE Scholarships
as provided in Chapter 149 of Title 59 \$ 62,604,207;
- (3) Commission on Higher Education--HOPE Scholarships
as provided in Section 59-150-370 \$ 7,767,606;
- (4) Commission on Higher Education--Palmetto Fellows
Scholarships as provided in Section 59-104-20 \$ 28,915,490;
- (5) Commission on Higher Education--Need-Based
Grants \$ 11,631,566;
- (6) Tuitions Grants Commission--Tuition Grants \$ 7,766,604;
- (7) Commission on Higher Education--National Guard Tuition
Repayment Program as provided in
Section 59-111-75 \$ 1,700,000;
- (8) Commission on Higher Education--Endowed Chairs as
provided in Chapter 75 of Title 2 \$ 30,000,000;
- (9) South Carolina State University \$ 2,500,000;
- (10) Technology--Public 4-Year Universities, 2-Year Institutions,
and State Technical Colleges \$ 3,600,000;
- (11) Department of Education--K-5 Reading, Math, Science &
Social Studies Program as provided in
Section 59-1-525 \$ 47,614,527;
- (12) Department of Education--Grades 6-8 Reading, Math,
Science & Social Studies Program \$ 2,000,000;
- (13) Commission on Higher Education--Higher Education
Excellence Enhancement Program \$ 4,700,000;
- and
- (14) School for the Deaf and the Blind--Technology
Replacement \$ 200,000.

Fiscal Year 2007-08 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and 2-year institutions as provided in Section 59-150-360.

The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full time students.

Fiscal Year 2007-08 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, Palmetto Fellows, and HOPE scholarships for Fiscal Year 2007-08 are fully funded.

If the lottery revenue received for Fiscal Year 2007-08 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

The Commission on Higher Education is authorized to use up to \$260,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process.

For Fiscal Year 2007-08, \$8,400,000 certified from unclaimed prizes shall be appropriated for Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. The allocations of Section 59-150-230(I) of the 1976 code are suspended for the current fiscal year.

Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first \$1,000,000 shall be directed to the State Library to be distributed to local libraries for operating expenses. The next \$500,000 shall be directed to the Department of Education to implement the Schools Attuned program. The next \$500,000 shall be directed to the Department of Alcohol and Other Drug Abuse Services for services assisting in the prevention and treatment of gambling disorders as specified in Section 59-150-230(I) of the 1976 Code. The next \$250,000 shall be distributed for education excellence enhancement to a non-profit or public two-year institution where sixty percent or more of the enrolled students are low-income and educationally disadvantaged, the institution is qualified under Part B, Subchapter III, Chapter 28, Title 20 of the United States Code and has been established in this state since 1894.

All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher Education for Need-Based Grants.

Notwithstanding the provisions of Section 59-150-355 of the 1976 Code or any other provision of law, the Budget and Control Board may distribute funds from the Education Lottery Account on a monthly basis during the final quarter of the fiscal year.

SECTION 72 - X90 - GENERAL PROVISIONS

72.1. (GP: Revenues, Deposits Credited to General Fund) For the current fiscal year, except as hereinafter specifically provided, all general state revenues derived from taxation, licenses, fees, or from any other source whatsoever, and all institutional and departmental revenues or collections, including income from taxes, licenses, fees, the sale of commodities and services, and income derived from any other departmental or institutional source of activity, must be remitted to the State Treasurer at least once each week, when practical, and must be credited, unless otherwise directed by law, to the General Fund of the State. Each institution, department or agency, in remitting such income to the State Treasurer, shall attach with each such remittance a report or statement, showing in detail the sources itemized according to standard budget classification from which such income was derived, and shall, at the same time, forward a copy of such report or statement to the Comptroller General and the State Budget and Control Board. In order to facilitate the immediate deposit of collections, refunds of such collections by state institutions where properly approved by the authorities of same, may be

made in accordance with directions from the State Comptroller General and State Treasurer.

General fund appropriations herein made for the support of the public school system of the State must be greater than or equal to the revenues derived from the General Retail Sales Tax, the Soft Drinks Tax, and the state's portion of the Alcoholic Liquors Tax and Cable Television Fees as forecasted in the general fund revenue estimate of the Board of Economic Advisors as accounted for in Section 71 of this act. Appropriations in this act for the support of the public school system shall include the following:

- Department of Education;
- State Board for Technical and Comprehensive Education;
- Educational Television Commission;
- Wil Lou Gray Opportunity School;
- School for the Deaf and the Blind;
- John de la Howe School;
- Debt Service on Capital Improvement Bonds Applicable to Above Agencies;
- Debt Service on School Bonds;
- Other School Purposes:

Nothing contained herein shall be construed as diminishing the educational funding requirements of this section.

72.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year 2007-08, and for other purposes specifically designated.

72.10. (GP: Transfers of Appropriations) Agencies and institutions shall be authorized to transfer appropriations within programs and within the agency with notification to the Division of Budget and Analyses and Comptroller General. No such transfer may exceed twenty percent of the program budget. Upon request, details of such transfers may be provided to members of the General Assembly on an agency by agency basis. Transfers of appropriations from personal service accounts to other operating accounts or from other operating accounts to personal service accounts may be restricted to any established standard level set by the Budget and Control Board upon formal approval by a majority of the members of the Budget and Control Board.

72.29. (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior fiscal year into the current fiscal year, up to a maximum of ten percent of its original general fund appropriations less any appropriation reductions for the current fiscal year. Agencies shall not withhold services in order to carry forward general funds.

This provision shall be suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this proviso, the amount of the general fund surplus/deficit must be considered after all appropriations from the Capital Reserve Fund have been allowed and before any transfers from the General Reserve. The amount of general funds needed to avoid a year-end deficit shall be reduced proportionately from each agency's carry forward amount.

Agencies which have separate general fund carry forward authority must exclude the amount carried forward by such separate authority from their base for purposes of calculating the ten

percent carry forward authorized herein. Any funds that are carried forward as a result of this provision are not considered part of the base of appropriations for any succeeding years.

72.35. (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the Department of Education, in consultation with the Budget and Control Board's Chief Information Office, the State Library and Educational Television Commission shall administer the K-12 technology initiative funds. These funds are intended to provide technology, encourage effective use of technology in K-12 public schools throughout the state, conduct cost/benefit analyses of the various technologies and should, to the maximum extent possible, involve public-private sector collaborative efforts. Funds may also be used to establish pilot projects for new technologies with selected school districts as part of the evaluation process. K-12 technology initiative funds shall be retained and carried forward to be used for the same purpose.

72.42. (GP: PSA Agriculture Teachers Summer Employment) In addition to funds previously established for Clemson University PSA to fund summer employment of agriculture teachers, the Department of Education shall transfer funds appropriated in Part IA, Section XI.F3 of this document, Other State Agencies and Entities, Teacher Pay - Other Agencies to Clemson University PSA to cover state-mandated salary increases on that portion of the agriculture teachers' salaries attributable to summer employment.

72.45. (GP: Alternative Commitment to Truancy) As part of its plan for an alternative school, a school district receiving funds from the Department of Education for an alternative school shall identify available alternatives to commitment for children whose truancy is approaching the level of being referred to family court. When proceeding under S.C. Code Section 59-65-50 to bring an individual case before the family court, the school district must present this plan as well as the district's efforts with respect to the individual child to the court. Each school district's plan under this proviso shall include possible assignment to alternative school for a nonattending child before petitioning the court.

SECTION 73 - X91 - STATEWIDE REVENUE

73.10. (SR: Contingency Reserve Fund) (A) There is created in the State Treasury a fund separate and distinct from the general fund of the State, the Capital Reserve Fund, and all other funds entitled the Contingency Reserve Fund. All general fund revenues accumulated in a fiscal year in excess of general appropriations and supplemental appropriations must be credited to this fund. Revenues credited to this fund in a fiscal year may be appropriated by the General Assembly. Upon determination by the Comptroller General as to the amount to be deposited in the Contingency Reserve Fund, the Comptroller General shall notify the Board of Economic Advisors and the board shall recognize that amount as surplus funds. Revenues in this fund may be appropriated only for the purposes provided in subsection (B).

(B)(1) If the balance in the general reserve fund established pursuant to Article III, Section 36 of the Constitution of this State and Section 11-11-310 of the 1976 Code is less than the required balance, there must be appropriated to it all amounts in the Contingency Reserve Fund up to the total necessary to replenish the general reserve fund. This amount does not replace or supplant the minimum replenishment amount otherwise required to be made to the general

reserve fund.

(2) After the appropriation of any amounts required pursuant to item (1) of this subsection and upon the close of the books for Fiscal Year 2006-07, the first \$50,000,000 shall be deposited into an account and utilized to address other post employment benefits.

(3) After the appropriation of amounts required pursuant to items (1) and (2) of this subsection, any remaining balance may be appropriated for or used to offset revenue reductions for:

(a) infrastructure improvements; and for purposes of this item, infrastructure includes, but is not limited to, fixed transportation facilities, to include highway, rail, water, and air, and the basic facilities, services, and installations needed for the functioning of government, to include water, sewer, and public sector communications;

(b) school buildings;

(c) school buses; and

(d) expenses incurred by this State as a result of natural or other disasters declared by the President of the United States. Should the General Assembly not be in session during a declared disaster, the Budget and Control Board may, by unanimous approval of its members, utilize the Contingency Reserve Fund to underwrite state government costs directly associated with the disaster. Eligible costs include those costs associated with public safety personnel and equipment as well as funding match requirements with the Federal Emergency Management Agency.

73.12. (SR: Unobligated FY 2006-07 General Fund Revenue) (A) The source of general fund revenue appropriated in this provision is \$551,929,588 of Fiscal Year 2006-07 unobligated general fund revenue as certified by the Board of Economic Advisors and \$34,355,384 of unobligated revenue lapsed to the General Fund in Fiscal Year 2006-07 from the South Carolina Budget and Control Board Grants Program. This revenue is deemed to have occurred and is available for use in Fiscal Year 2007-08 after September 1, 2007, following the Comptroller General's close of the state's books on Fiscal Year 2006-07.

(B) From such Fiscal Year 2006-07 unobligated general fund revenues the appropriations in this provision are listed in priority order beginning with item (1) and each separate appropriation item or subitem must be fully funded before the next item or subitem in order is paid. Provided, however, that any individual item may be partially funded in the order in which it appears to the extent that revenues are available.

The following sums are appropriated for the purposes stated:

- (1) Unobligated Surplus in Part 1A \$ 113,491,661;
- (2) E16 - State Treasurer
Tuition Prepayment Program - Elimination of
Unfunded Liability 20,000,000;
- (3) SC Rural Infrastructure Authority
Grants & Loan Program 10,000;
- (4) H63 - Department of Education
 - (A) 4 Year Pre-Kindergarten Child Development
Education Pilot Program 9,294,497;
 - (B) First Steps- 4 Year Pre-Kindergarten Child
Development Education Pilot Program 7,858,576;
 - (C) School Transportation 29,553,931;

- (D) School Buses 30,546,069;
- (E) Governor's School for the Arts - Classroom Equipment 75,000;
- (F) Governor's School for Science & Math - Technology Replacement 64,042;
- (G) Instructional Materials 284,341;
- (H) Technology Initiative 2,000,000;
- (I) School Libraries 1,000,000;
- (J) EFA Reserve Fund 18,000,000;
- (5) H71 - Wil Lou Gray Opportunity School
 - (A) Computer Replacement 62,500;
 - (B) Asbestos Flooring - Containment/Removal 250,000;
 - (C) Recreational & Perimeter Lighting 50,000;
 - (D) Support Services - Shower Rooms 100,000;
 - (E) Student Transportation - 3 Mini Buses 125,000;
- (6) H75 - School for the Deaf & Blind
 - (A) Health Center 1,076,213;
 - (B) Infrastructure Replacement & Renovations 1,000,000;
 - (C) SC Association of the Deaf - Interpreter Recruitment & Training Project 50,000;
- (7) L12 - John de la Howe School
 - Deferred Maintenance & Wilderness Camp 292,000;
- (8) H03 - Commission on Higher Education
 - (A) GEAR-UP 75,000;
 - (B) Electronic Library 2,000,000;
 - (C) Greenville Technical College 1,123,000;
 - (D) University Center of Greenville 1,112,229;
 - (E) Enhance Agency Technology 130,000;
 - (F) SC Manufacturing Extension Partnership 1,200,000;
 - (G) Task Force on Higher Education Study Committee 150,000;
 - (H) National Guard Scholarship Program 1,300,000;
- ****(9)** *H12 - Clemson University*
 - (A) LightRail 1,500,000;*
 - (B) Deferred Maintenance 105,000;*

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- ****(10)** *H18 - Francis Marion University*
- I-95 Corridor Study 250,000;*

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- (11) H24 - South Carolina State University
 - (A) Transportation Center 410,635;
 - ****(B)** *Deferred Maintenance 1,500,000;*

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*****(C) SC Alliance for Minority Participation 200,000;***

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*****(D) I-95 Corridor Study 250,000;***

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*****(E) Bridge Program 250,000;***

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(12) H27 - University of South Carolina - Columbia

(A) One Carolina 1,500,000;

*****(B) LightRail 1,500,000;***

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(C) SC Institute of Archaeology and Anthropology -
Equipment 54,375;

(D) SC Institute of Archaeology and Anthropology -
Building Renovation 300,000;

(E) Gibbs Green Renovation 105,000;

(13) H37 - University of South Carolina - Lancaster

Repairs and Renovation 800,000;

(14) H47 - Winthrop University

Deferred Maintenance/Property
Acquisition 1,200,000;

(15) H51 - Medical University of South Carolina

(A) Hollings Cancer Center 500,000;

*****(B) LightRail 1,500,000;***

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(16) H59 - Board for Technical and Comprehensive Education

(A) Allied Health Initiative 10,000,000;

(B) Center for Accelerated Technology 1,200,000;

(17) H67 - Educational Television Commission

(A) Education Satellite Services 1,400,000;

(B) Radio & Television Transmission 485,000;

(18) J02 - Department of Health & Human Services

(A) Rural Hospital Grants 2,500,000;

(B) Prevention Partnership Grants 2,000,000;

(C) Outpatient Hospital Rates 5,000,000;

(D) Federally Qualified Community

Health Centers 1,100,000;

(E) Physician Reimbursements 3,000,000;

(F) In-Home Nursing Rate Increase 200,000;

(G) Emergency Medical Transportation Services

Rate Increase 250,000;

(H) Chronic Kidney Disease Initiative 200,000;

(18.1) (Federally Qualified Community Health Centers) The funds appropriated to the Department of Health and Human Services for Federally Qualified Community Health Centers shall be distributed to Centers that had an increase in the number of uninsured individuals served during the prior reporting period.

(18.2) (In-Home Nursing Rate Increase) The \$200,000 appropriated to the Department of Health and Human Services for In-Home Nursing Rate Increase shall be used for the In-Home Nursing Program in order to raise nurse wages.

(18.3) (Emergency Medical Transportation Services Rate Increase) The \$250,000 appropriated to the Department of Health and Human Services for Emergency Medical Transportation Services Rate Increase shall be used to provide a rate increase for emergency ground ambulance services provided to Medicaid recipients.

(18.4) (Chronic Kidney Disease Initiative) The \$200,000 appropriated to the Department of Health and Human Services for Chronic Kidney Disease Initiative shall be transferred to the National Kidney Foundation of South Carolina. The purpose of the Initiative shall be to provide public education and professional training throughout South Carolina to address the escalating number of persons with chronic kidney disease and those at risk for chronic kidney disease. The Chronic Kidney Disease Initiative shall include: (a) a free health screening program for those at risk for kidney disease, with the purpose of detecting and treating kidney disease at its earliest stages; (b) a public awareness campaign to educate South Carolinians about their risk for kidney disease and measures to prevent or treat the disease; and (c) training and education provided to medical professionals to recognize and properly treat those at risk in the early stages of kidney disease. The Foundation shall report to the department on the expenditure of these funds until the funds are expended.

(19) J04 - Department of Health & Environmental Control

(A) Improve Water Quality 500,000;

(B) Food Service Inspections & Dairy
Product Testing 115,500;

(C) Infectious Disease Prevention - Tuberculosis
& Sexually Transmitted Diseases 30,000;

(D) AIDS Drug Assistance Program 1,000,000;

(E) Infant Mortality Reduction 40,000;

(F) Vaccine Purchases for Under-Insured Children
& Adolescents 2,397,192;

(G) Prevention of Diabetes and Other Chronic
Disease Disparities 120,000;

(H) Pandemic Influenza - Federal Purchasing Program
TamiFlu 1,705,636;

(I) Hemophilia Patient Services - Premium Assistance
Program 100,000;

(J) Interstate Cooperation Monitoring Program 578,000;

(K) Comprehensive Youth Tobacco Program
& Cessation 2,000,000;

(L) Onsite Water Systems 46,750;

**** (M) Air Quality Improvement 150,000;**

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(N) SUPERB Fund 5,000,000;

(19.1) (Hemophilia Patient Services - Premium Assistance Program) The \$100,000 appropriated to the Department of Health and Environmental Control for Hemophilia Patient Services - Premium Assistance Program shall be utilized for Patient Services Incorporated to implement the South Carolina Hemophilia Premium Assistance Program. Such efforts will maintain and enhance the current program as administered by the department and will determine whether the premium assistance program is cost-effective. The pilot program will begin no later than December 1, 2007. This program shall include persons with hemophilia, notwithstanding the provisions of Section 38-74-30(E)(3) of the 1976 Code. A report on the progress of the pilot will be made to the General Assembly and the Governor regarding savings resulting from the assistance program no later than April 30, 2008.

(19.2) (Interstate Cooperation Monitoring Program) Up to \$30,000 of the funds appropriated for the Interstate Cooperation Monitoring Program shall be used by the Department of Health and Environmental Control to cover expenses incurred in the regular meetings of the Catawba/Wateree and Yadkin/Pee Dee Advisory Commissions. Commission members shall be authorized to receive per diem and mileage reimbursement as is provided by law for members of boards, commissions, and committees.

(20) J12 - Department of Mental Health

(A) Columbia Area Mental Health
Center Construction 4,430,000;

(B) Charleston/Dorchester Community Mental
Health Center 400,000;

(20.1) (Charleston/Dorchester Community Mental Health Center) The \$400,000 appropriated to the Department of Mental Health for the Charleston/Dorchester Community Mental Health Center shall be utilized for reimbursement of inpatient acute crisis care for the indigent provided through contract with the Charleston/Dorchester Community Mental Health Center. Any funds not obligated for these services must be used for the same purpose in succeeding fiscal years.

(21) J16 - Department of Disabilities & Special Needs

(A) Pervasive Development Disorder
Waiver 4,500,000;

(B) SC Center for the Treatment of
Genetic Diseases 3,500,000;

****(22) J20 - Department of Alcohol & Other Drug Abuse Services
Aid to Entities - Alcohol
Enforcement Teams 1,600,000;**

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(23) L04 - Department of Social Services

(A) Direct Services Staffing Initiative -
Child Support 3,000,000;

(B) Adoption Subsidy 2,000,000;

(C) Child Care Vouchers 5,609,474;

(D) Child Support Enforcement 5,290,526;

- (E) Child Support Enforcement System - Penalties 10,000,000;
- (24) L24 - Commission for the Blind Rehabilitation - Vocational Rehabilitation Services 125,000;
- (25) H79 - Department of Archives & History
 - (A) Electronic Archives Development 218,000;
 - (B) Public Access Upgrades 40,000;
 - ** (C) *National Historic Register Site - Randolph Cemetery 200,000;***

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- (26) H91 - Arts Commission
 - Grants - Education, Arts & Cultural Tourism 585,000;

(26.1) (Grants - Education, Arts and Cultural Tourism) For the current fiscal year, the Arts Commission is prohibited from utilizing funds appropriated for Education, Arts, and Cultural Tourism grants for personal services.

- (27) H95 - State Museum
 - (A) Marketing 25,000;
 - (B) Acquisitions 25,000;
- (28) P16 - Department of Agriculture
 - (A) Marketing 1,000,000;
 - (B) Biodiesel & Ethanol Testing 250,000;
- (29) P20 - Clemson University-PSA
 - Agribusiness, Biotech, Genetics 3,600,000;

- ** (30) *P21 - South Carolina State University-PSA Lower Orangeburg/Upper Dorchester Community Development Corporation 200,000;***

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- (31) P24 - Department of Natural Resources
 - (A) Law Enforcement 730,400;
 - (B) Marine Infrastructure 5,000,000;
 - (C) Law Enforcement Equipment 500,000;
 - (D) Freshwater Fish Hatchery Maintenance 2,165,000;
 - (E) Upgrade VHF Radio System 5,000,000;
 - ** (F) *Information Technology 2,500,000;***

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- (G) Historic Houses & Structures 2,200,000;
- * (H) *Recruitment and Retention of Staff 500,000;***

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- (32) P28 - Department of Parks, Recreation & Tourism
 - (A) Advertising - Statewide 10,000,000;

(B) Advertising - Destination Specific 10,000,000;

**** (C) Product Development 10,000,000;**

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(D) State Parks Asbestos Abatement 1,000,000;

**** (E) Parks and Recreation Development
Fund (PAR) 6,000,000;**

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**** (F) Mfg Alliance "Made in South Carolina" 750,000;**

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**** (G) Regional Tourism Districts 550,000;**

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(32.1) (Advertising - Statewide) From the funds appropriated for Advertising - Statewide, the department shall use not less than \$10,000,000 for a general tourism marketing program. Of these funds, \$500,000 shall be provided for international marketing. The department shall measure the success of the marketing and public relations program, including the estimated return on investment to the state. Promotional programs must be based on research-based outcomes. The department must use the funds only for the purpose of general marketing and public relations designed to stimulate travel to the state. The department shall provide an annual report by November 1 to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee on the expenditure of the funds and on the outcome measures.

(32.2) (Product Development) The funds appropriated to the Department of Parks, Recreation, and Tourism in this provision for Product Development shall be used for a tourism product development program. The department shall develop tourist-attracting clusters of activity statewide. The department shall measure the success of the tourism product development program, including the estimated return on investment to the state. The department must use the funds only for the purpose of developing tourist attractions within the state. The department shall provide an annual report by November 1 to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee on the expenditure of the funds. In addition, \$4,000,000 of the funds appropriated for Product Development shall be transferred to the Department of Agriculture, which shall be utilized for Agri-Tourism and Economic Development.

(32.3) (Tourism Partnership Fund) Of the \$10,000,000 appropriated to the Department of Parks, Recreation, and Tourism for Advertising-Statewide, \$2,500,000 of these funds must be distributed towards the Tourism Partnership Fund Program within 30 days upon receipt of the appropriation pursuant to this provision.

(33) P32 - Department of Commerce

(A) Closing Fund 7,000,000;

**** (B) Myrtle Beach Fixed Base Operator 2,000,000;**

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***** (C) Community Development Corporations 400,000;***

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***** (D) Minority Business Centers 100,000;***

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***** (E) Regional Economic Development
Organizations 3,000,000;***

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- (34) P40 - Conservation Bank
Conservation Land Bank 5,000,000;
- (35) B04 - Judicial Department
 - (A) Court Technology 1,550,000;
 - (B) Travel 1,000,000;
- (36) E20 - Attorney General
 - (A) Internet Sexual Predator Prosecutors & Support Staff - Startup Equipment 255,000;
 - (B) Technology Enhancement Initiative - Computer Equipment 468,038;
- (37) E23 - Commission on Indigent Defense
 - (A) Civil Appointment Fund 2,500,000;
 - (B) Defense of Indigents Per Capita 2,000,000;
 - (C) Death Penalty Trial Unit 500,000;
- (38) K05 - Department of Public Safety
 - (A) Highway Traffic Enforcement - New Highway Patrol Officers Equipment 3,907,324;
 - (B) Bureau of Protective Services Officers Equipment 51,520;
 - (C) Fleet Rotation for Highway Patrol Officers 6,482,961;
 - (D) Fleet Rotation for State Transport Police Officers 788,481;
 - (E) Operations & Upgrades to Reopen I-95 Weigh Station 6,710,096;
- (39) N20 - Law Enforcement Training Council
 - (A) Firearms/Driving Instructor - Startup Equipment 6,000;
 - (B) Defensive Tactics Instructor - Startup Equipment 6,500;
 - (C) Criminal Domestic Violence Training Unit - Instructors Startup Equipment 6,000;
 - (D) Master Instructor Program - Startup Equipment 6,600;

***** (E) Leadership Training Program -
Startup Equipment 77,800;***

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- (F) Gang Training Instructors -
Startup Equipment 42,000;
- (G) Dormitory Renovation 2,210,000;
- (H) Academy HVAC 1,000,000;
- (I) Weapons Range 1 & 2 and Shotgun Range
Renovation 1,000,000;
- (J) Renovation of CJA Wrap-Around 1,000,000;
- (K) Renovation of Dining Room Facilities 233,000;
- (40) N04 - Department of Corrections
 - (A) Facility Maintenance 2,000,000;
 - (B) Broad River 256 Bed Housing Unit - Startup
Equipment 150,000;
 - (C) Lock-Up Unit at MacDougall Institution - Startup
Equipment 20,000;
 - (D) Vehicle/Communication Equipment Purchases/
Replacements 500,000;
- (41) N12 - Department of Juvenile Justice
 - (A) Intensive Probation & Parole Supervision 42,671;
 - (B) Critical Transportation Needs 123,142;
 - (C) 800 MHz Digital Radio System 440,000;
 - (D) Live-Scan Finger Print System 120,000;
 - (E) Gang Reporting & Programming - Startup
Equipment 6,000;

***** (F) ACES - Attitude, Communication, Emotions,
Situations 250,000;***

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- (G) Replacement of Obsolete Dormitories 7,660,374;
- (42) L36 - Human Affairs Commission
Mediation 13,075;
- (43) L46 - Commission On Minority Affairs
 - ** (A) Administration 10,000;***

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- (B) Technology/Software Maintenance 14,200;
- (44) R20 - Department of Insurance
Uninterruptible Power Source (UPS)
& Generator 20,000;
- (45) R36 - Department of Labor, Licensing, & Regulation
 - (A) VSAFE Fire Fighter Grants 3,000,000;
 - (B) Urban Search & Rescue 983,850;
- (46) U12 - Department of Transportation

- (A) Commercial Motor Vehicle Rest Areas 637,400;
- ***(B) Mass Transit 1,300,000;***

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- ***(C) I-95 Corridor and Global Logistic
Triangle 700,000;***

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- (47) Y14 - State Ports Authority
 - Harbor Dredging 2,400,000;
- (48) A05 - House of Representatives
 - Technology Assessment 60,000;
- (49) C05 - Administrative Law Court
 - (A) Staff Attorneys - Startup Equipment 33,851;
 - (B) Business Associate - Startup Equipment 3,413;
- (50) D10 - Governor's Office-State Law Enforcement Division
 - (A) Investigative Services 432,500;
 - (B) Forensic Services 963,100;
 - (C) Gang Reporting Database 3,400;
 - (D) Vehicle Replacement 870,000;
- (51) D17 - Governor's Office-OEPP
 - (A) State Veterans' Cemetery 15,000;
 - (B) Children's Trust Fund 100,000;
 - (C) Victims Assistance - Ombudsman 48,000;
- (52) E04 - Lieutenant Governor
 - Home & Community Based Services 1,400,000;
- (53) E24 - Adjutant General
 - (A) Alternative Power Source for Shelters 2,920,000;
 - (B) SC Joint Communications Center
of Excellence 1,000,000;
 - ***(C) The Citadel-South Carolina National Guard
Readiness Center 2,500,000;***

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- (D) Federal Match 2005 Ice Storm 3,679,096;
- (54) E28 - Election Commission
 - (A) 2008 Statewide Primary/Runoff Elections 3,473,000;
 - (B) Operations 250,000;
 - (C) Voter Education 250,000;
 - (D) Ballot Security 400,000;
- (55) F03 - Budget & Control Board
 - (A) SCEIS 3,200,000;
 - (B) Census Promotion & Participation 1,000,000;
 - ***(C) Deferred Maintenance 7,500,000;***

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****(D) Department of Transportation
Procurement Study 250,000;***

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(55.1) (Deferred Maintenance) From the funds appropriated to the Budget and Control Board for deferred maintenance, \$365,000 must be transferred to the Adjutant General's Office, Emergency Preparedness Division, for the replacement and operation of the Emergency Communications Network.

(56) F30 - Employee Benefits
Other Post Employment Benefits (OPEB)

Trust Fund 16,079,104;

(57) X22 - Aid to Subdivisions - State Treasurer
Aid to Planning Districts 110,000;

(58) H63 - Department of Education

***** (A) Boys & Girls Clubs 1,300,000;***

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(B) Save the Children Rural Literacy Project- 500,000;

***** (C) Science South 750,000;***

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***** (59) H03 - Commission on Higher Education***

SC Community Enterprise Center 200,000;

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***** (60) H18 - Francis Marion University***

Center for the Performing Arts 4,000,000;

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**Indicates those vetoes overridden by the General Assembly on June 28 or June 29, 2007.

***** (61) H21 - Lander University***

Greenwood-Lander Performing

Arts Outreach Program 20,000;

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***** (62) H47 - Winthrop University***

Lake Wylie Small Business

Development Center 115,000;

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(63) H51 - Medical University of South Carolina

(A) Reid House - Health Education & Disease
Prevention Initiative 250,000;

***** (B) Charleston Breast Center - Equipment 450,000;***

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- (64) H59 - Board for Technical and Comprehensive Education
**** (A) Central Carolina Technical College - Nursing Program 2,000,000;**

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- (B) Greenville Technical College - Northwest Campus
Heritage Hall 400,000;
(C) Midlands Technical College - Center of Excellence
for Technology 1,000,000;
(D) Williamsburg Technical College -
Trades Program 300,000;
(E) York Technical College -
Chester Technology 500,000;
**** (F) Piedmont Pottery Program 150,000;**

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- (G) Technical College of the Lowcountry - Nursing
Program 250,000;
**** (H) Orangeburg Technical College -
Trucking Program 200,000;**

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- (65) J04 - Department of Health & Environmental Control
**** (A) Beach Renourishment 5,000,000;**

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- ** (B) Oconee Hospital/EMS Center 500,000;**

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- (C) Organ Donor Registry 573,800;
**** (D) Reedy River Restoration Project 500,000;**

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- ** (E) Beach Outfall Pipe Removal 4,000,000;**

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- ** (F) Cherry Grove Inlet Dredging 1,000,000;**

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- ** (G) Camp Cherokee - Sewer Line 200,000;**

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- ** (H) Competitive Grants 2,800,000;**

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- ** (I) Hemingway Health Complex 250,000;**

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(J) Heritage Community Services 800,000;

**** (K) Lakelands Rural Health Network - Electronic
Records 98,000;**

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**** (L) Midlands Community Health Center 200,000;**

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**** (M) SC Biotechnology Incubation Program -
Expansion 200,000;**

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**** (N) OCRM Waterway Hazard Removal 200,000;**

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**** (O) I-85 Water and Sewer Infrastructure 950,000;**

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**** (P) Town of South Congaree - Water and
Sewer 450,000;**

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**** (Q) Batesburg-Leesville Water & Sewer 500,000;**

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**** (R) Darlington Waste Water Plant 75,000;**

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(S) Greenwood Sewer Extension Line 990,000;
**** (T) Town of Great Falls - Sewer Extension to
Montrose Development 500,000;**

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**** (U) Horry County Health Department 200,000;**

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(65.1) (Beach Outfall Pipe Removal) The funds allocated for Beach Outfall Pipe Removal shall be spent in accordance with the priorities list established by the Department of Health and Environmental Control. Each entity asking to receive funds is allowed a maximum of \$2,000,000 and must provide a dollar for dollar match to obtain funds.

(66) J12 - Department of Mental Health
Mental Health Association Suicide Prevention
Plan Proviso 50,000;

(66.1) (Mental Health Association Suicide Prevention Plan) The \$50,000 appropriated

to the Department of Mental Health for Mental Health Association Suicide Prevention Plan shall be provided to the Mental Health Association in South Carolina to implement the South Carolina Suicide Prevention Plan formulated by the South Carolina Suicide Task Force.

**** (67) J16 - Department of Disabilities & Special Needs
Camp Spearhead 500,000;**

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**** (68) J20 - Department of Alcohol & Other Drug Abuse Services
Wisdom in Living Life Ministry 150,000;**

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**** (69) L04 - Department of Social Services**
(A) Callen Lacy Center 200,000;
(B) Children in Crisis 100,000;
(C) Nurturing Center 100,000;
(D) Sea Haven 100,000;
(E) Children's Advocacy Center 700,000;
(F) Family Service Center - Adoption Services 100,000;
(G) Women in Unity Children's Learning Center 50,000;
(H) Edgefield County Children Helping Others 100,000;
(I) Phyllis Wheatley Community Center - Roof Repair and Mold Eradication 200,000;
(J) Spartanburg Children's Shelter 300,000;
(K) Allendale DSS Building 500,000;
(L) Weed & Seed Safe Haven 200,000;
(M) Dillon Criterion Center 50,000;

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(69.1) (Children's Advocacy Center) The \$700,000 appropriated to the Department of Social Services for Children's Advocacy Centers must be distributed as follows: \$300,000 to the Children's Advocacy Center of Spartanburg for rehabilitation and renovation of properties to provide additional therapy space for physically and sexually abused children, \$200,000 to the Edisto Children's Center to fund the acquisition of a new building in order to help physically and sexually abused children, and \$200,000 to the Lowcountry Children's Center in Charleston for psychiatric care for physically abused children. The Children's Advocacy Center of Spartanburg, the Edisto Children's Center, and the Lowcountry Children's Center in Charleston shall submit to the Senate Finance Committee and the House Ways and Means Committee a detailed accounting for the expenditure of these funds by June 30, 2008.

**** (70) H79 - Department of Archives & History**
(A) Quaker Cemetery 70,000;
(B) Morris Island Lighthouse 500,000;

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- ** (71) H87 - State Library**
(A) Darlington Old Carnegie Library 125,000;
(B) Johnsonville Library 550,000;

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- ** (72) H91 - Arts Commission**
(A) Newberry County Opera House 50,000;
(B) Weldon Auditorium 500,000;
**(C) Town of Chesterfield/Old Courthouse Arts
Renovation Center 125,000;**
(D) Gaffney Arts & Cultural Center 400,000;

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- (73) H95 - State Museum**
**** (A) Aiken Cultural Learning Center 250,000;**

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- ** (B) Colleton Cultural Center 285,000;**

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- ** (C) Edelman Cultural Center 100,000;**

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- (D) SC Hall of Fame 25,000;**
(E) OPT - Observatory, Planetarium, Theater 2,000,000;
**** (F) Dr. Benjamin E. Mays Historic Site
& Museum 200,000;**

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- ** (G) York County Museum 500,000;**

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- ** (H) Florence Museum 3,900,000;**

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- ** (I) Fountain Inn Civic Center Auditorium 100,000;**

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**(73.1) (Florence Museum) Of the funds appropriated to the State Museum for the
Florence Museum the locality shall match every state dollar with two local dollars.**

- ** (74) P12 - Forestry Commission**
Oconee County Fire Fighting Equipment 150,000;

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**** (75) P16 - Department of Agriculture
Colleton Farmers Market**

Revitalization Project 150,000;

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**** (76) P20 - Clemson University-PSA
Spartanburg Humane Society 100,000;**

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**** (77) P24 - Department of Natural Resources**
(A) Removal of Abandoned River Shacks 100,000;
**(B) Lynches River Environmental
Discovery Center 120,129;**
**(C) Erosion and Sediment Control at
Congaree Pointe 475,000;**
(D) Keeper of the Wild 75,000;
(E) Lake Wylie Visitor Center 235,000;

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(78) P28 - Department of Parks, Recreation & Tourism
**** (A) Competitive Grants 3,000,000;**

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**** (B) Anderson County Parks & Recreation 800,000;**

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(C) Camp Croft State Park - Bridge 250,000;
(D) Mount Pleasant Waterfront Park 500,000;
**** (E) Dorchester County Youth, Senior
and Tourism 160,000;**

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**** (F) Historic Mineral Springs Park 165,000;**

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**** (G) Promotion for Recreation Facilities in Charleston
County 125,000;**

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**** (H) Historic Duncan Park 60,000;**

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**** (I) Aiken County Brownfield Project - Clearwater
Village 165,000;**

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***** (J) Oakley Park 150,000;***

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***** (K) Atlantic Beach Marketing, Tourism,
and Planning 225,000;***

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(L) Murrell's Inlet Project 235,000;

***** (M) Marion County Tourism & Education Resource
Center 165,000;***

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***** (N) Lee County Park 150,000;***

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***** (O) Darlington Byerly Park 150,000;***

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***** (P) Fingerville Community Park -
Spartanburg 80,000;***

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***** (Q) Little League Sports Complex on
Bryant Road 70,000;***

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***** (R) Lake Ashwood Project 65,000;***

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***** (S) Richland County Recreation Commission -
Friarsgate Park 25,000;***

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***** (T) Horry County Community Parks, Recreation, and
Tourism 300,000;***

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(79) P32 - Department of Commerce

***** (A) Competitive Grants 500,000;***

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***** (B) Competitiveness Council 400,000;***

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**** (C) City of Sumter - Downtown Redevelopment for
Economic Development &
Recreation 360,000;**

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**** (D) Columbia Black Expo 250,000;**

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**** (E) Woodruff Municipal Complex Engineering,
Architectural & Environmental
Studies 50,000;**

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**** (F) St. Stephen's Revitalization 100,000;**

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(G) Donaldson Development Commission 3,000,000;

(80) P36 - Patriots Point Authority

Yorktown Fire Protection Program 500,000;

**** (81) B04 - Judicial Department**

**Abbeville County Courthouse Renovation &
Operational Costs 225,000;**

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(82) N04 - Department of Corrections

(A) Second Chance Barn 50,000;

(B) Greer Police & Courts Complex 450,000;

(83) U12 - Department of Transportation

**** (A) Smart Ride Annualization 380,000;**

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(B) Aiken County Economic Development 1,760,000;

**** (C) Salter's Road Expansion Project 2,000,000;**

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**** (D) Traffic Safety Hazard Mitigation - St. Paul
Church Road 150,000;**

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**** (E) Hardscrabble Road Intersection
Improvements 200,000;**

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**** (F) North Springs, Harrington, and South Springs
Intersection Improvements 100,000;**

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**** (G) City of Easley - Town Center Infrastructure
Improvements 950,000;**

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**** (H) Bull Durham Project - Town of Estill 150,000;**

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**** (I) Overlay Redevelopment District 300,000;**

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**** (84) D10 - Governor's Office-State Law Enforcement Division
(A) Pee Dee Ballistic Shootouse 400,000;
(B) Town of Lexington - Middle Schools - Security
Camera System 20,000;**

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**** (85) E04 - Lieutenant Governor
(A) Burgess Center 185,000;
(B) Brookland Community Development Corporation -
Respite for Seniors 275,000;
(C) Chesnee Senior Center 250,000;**

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**(86) F03 - Budget & Control Board
** (A) Westminster Town Hall Renovations 500,000;**

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**** (B) Third Army Water Line 500,000;**

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**Indicates those vetoes overridden by the General Assembly on June 28 or June 29, 2007.

**** (C) City of Conway Stormwater Filtration 230,000;**

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(D) SC Health Information Data Systems 10,000;

**** (E) Liberty Industrial Development 200,000;**

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**** (F) Competitive Grants 3,000,000; and**

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**Indicates those vetoes overridden by the General Assembly on June 28 or June 29, 2007.

**** (G) Museum and Gallery at Heritage Green 100,000.**

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Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

H 4800; ACT NO. 310 - 2008-09 APPROPRIATIONS ACT

SECTION 1 - H63 - DEPARTMENT OF EDUCATION

1.1. (SDE: Appropriation Transfer Prohibition) The amounts appropriated herein for aid to subdivisions, allocations to school districts, or special line items shall not be transferred and must be expended in accordance with the intent of the appropriation, except that the department may transfer funds that are deducted and retained from a school district's transportation allocation to reimburse the department for the cost of unauthorized mileage. This transfer must be agreed upon by both the school district and the department. Those funds may be transferred into the department's school bus transportation operating account.

1.2. (SDE: DHEC - Comprehensive Health Assessment) All school districts shall participate, to the fullest extent possible, in the Medicaid program by seeking appropriate reimbursement for services and administration of health and social services. Reimbursements to the school districts shall not be used to supplant funds currently being spent on health and social services.

1.3. (SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for 100 percent of full implementation of the Education Finance Act to include an inflation factor projected by the Division of Budget and Analyses to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be \$2,578. In Fiscal Year 2008-09, the total pupil count is projected to be 690,363. The average per pupil funding is projected to be \$4,867 state, \$1,097 federal, and \$5,516 local. This is an average total funding level of \$11,480 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Abbeville School District total pupil count is projected to be 3,366. The per pupil funding is projected to be \$5,948 state, \$1,174 federal, and \$3,561 local. This is a total projected funding level of \$10,684 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Aiken School District total pupil count is projected to be 23,689. The per pupil funding is projected to be \$4,790 state, \$729 federal, and \$3,802 local. This is a total projected funding level of \$9,320 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Allendale School District total pupil count is projected to be 1,511. The per pupil funding is projected to be \$11,049 state, \$1,889 federal, and \$4,912 local. This is a total projected funding level of \$17,850 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Anderson School District 1 total pupil count is projected to be 9,013. The per pupil funding is projected to be \$4,466 state, \$532 federal, and \$3,661 local. This is a total projected funding level of \$8,659 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Anderson School District 2 total pupil count is projected to be 3,664. The per pupil funding is projected to be \$5,378 state, \$762 federal, and \$4,357 local. This is a total projected funding level of \$10,497 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Anderson School District 3 total pupil count is projected to be 2,643. The per pupil funding is projected to be \$5,474 state, \$1,526 federal, and \$3,851 local. This is a total projected funding level of \$10,851 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Anderson School District 4 total pupil count is projected to be 2,753. The per pupil funding is projected to be \$4,564 state, \$1,083 federal, and \$6,718 local. This is a total projected funding level of \$12,365 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Anderson School District 5 total pupil count is projected to be

12,286. The per pupil funding is projected to be \$4,965 state, \$1,010 federal, and \$5,046 local. This is a total projected funding level of \$11,021 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Bamberg School District 1 total pupil count is projected to be 1,449. The per pupil funding is projected to be \$6,139 state, \$1,958 federal, and \$3,628 local. This is a total projected funding level of \$11,725 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Bamberg School District 2 total pupil count is projected to be 832. The per pupil funding is projected to be \$8,608 state, \$1,509 federal, and \$5,443 local. This is a total projected funding level of \$15,560 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Barnwell School District 19 total pupil count is projected to be 821. The per pupil funding is projected to be \$6,737 state, \$2,121 federal, and \$4,146 local. This is a total projected funding level of \$13,003 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Barnwell School District 29 total pupil count is projected to be 843. The per pupil funding is projected to be \$6,538 state, \$1,672 federal, and \$3,983 local. This is a total projected funding level of \$12,193 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Barnwell School District 45 total pupil count is projected to be 2,440. The per pupil funding is projected to be \$6,026 state, \$830 federal, and \$3,078 local. This is a total projected funding level of \$9,935 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Beaufort School District total pupil count is projected to be 18,905. The per pupil funding is projected to be \$2,389 state, \$977 federal, and \$10,765 local. This is a total projected funding level of \$14,131 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Berkeley School District total pupil count is projected to be 27,451. The per pupil funding is projected to be \$4,635 state, \$721 federal, and \$5,927 local. This is a total projected funding level of \$11,283 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Calhoun School District total pupil count is projected to be 1,522. The per pupil funding is projected to be \$6,324 state, \$1,059 federal, and \$7,155 local. This is a total projected funding level of \$14,538 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Charleston School District total pupil count is projected to be 39,745. The per pupil funding is projected to be \$3,609 state, \$1,328 federal, and \$4,888 local. This is a total projected funding level of \$9,824 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Cherokee School District total pupil count is projected to be 9,027. The per pupil funding is projected to be \$5,157 state, \$1,280 federal, and \$6,749 local. This is a total projected funding level of \$13,186 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Chester School District total pupil count is projected to be 5,665. The per pupil funding is projected to be \$5,549 state, \$1,719 federal, and \$4,029 local. This is a total projected funding level of \$11,297 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Chesterfield School District total pupil count is projected to be 7,770. The per pupil funding is projected to be \$5,604 state, \$797 federal, and \$3,268 local. This is a total projected funding level of \$9,669 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Clarendon School District 1 total pupil count is projected to be 851. The per pupil funding is projected to be \$6,857 state, \$4,749 federal, and \$6,475 local. This is a total projected funding level of \$18,081 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Clarendon School District 2 total pupil count is projected to be 2,992. The per pupil funding is projected to be \$5,597 state, \$1,761 federal, and \$3,461 local. This is a total projected funding level of \$10,819 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Clarendon School District 3 total pupil count is projected to be 1,231. The per pupil funding is projected to be \$5,535 state, \$755 federal, and \$3,353 local.

This is a total projected funding level of \$9,643 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Colleton School District total pupil count is projected to be 5,965. The per pupil funding is projected to be \$5,150 state, \$1,723 federal, and \$3,286 local. This is a total projected funding level of \$10,159 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Darlington School District total pupil count is projected to be 10,824. The per pupil funding is projected to be \$5,384 state, \$1,378 federal, and \$5,193 local. This is a total projected funding level of \$11,955 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Dillon School District 1 total pupil count is projected to be 908. The per pupil funding is projected to be \$5,031 state, \$1,031 federal, and \$1,851 local. This is a total projected funding level of \$7,913 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Dillon School District 2 total pupil count is projected to be 3,321. The per pupil funding is projected to be \$5,704 state, \$1,183 federal, and \$1,736 local. This is a total projected funding level of \$8,624 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Dillon School District 3 total pupil count is projected to be 1,573. The per pupil funding is projected to be \$5,078 state, \$1,430 federal, and \$2,162 local. This is a total projected funding level of \$8,670 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Dorchester School District 2 total pupil count is projected to be 21,650. The per pupil funding is projected to be \$4,386 state, \$462 federal, and \$3,830 local. This is a total projected funding level of \$8,679 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Dorchester School District 4 total pupil count is projected to be 2,158. The per pupil funding is projected to be \$5,950 state, \$1,974 federal, and \$7,428 local. This is a total projected funding level of \$15,352 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Edgefield School District total pupil count is projected to be 3,929. The per pupil funding is projected to be \$5,578 state, \$867 federal, and \$3,613 local. This is a total projected funding level of \$10,057 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Fairfield School District total pupil count is projected to be 3,183. The per pupil funding is projected to be \$5,256 state, \$1,080 federal, and \$7,775 local. This is a total projected funding level of \$14,112 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Florence School District 1 total pupil count is projected to be 14,860. The per pupil funding is projected to be \$4,790 state, \$1,765 federal, and \$5,032 local. This is a total projected funding level of \$11,587 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Florence School District 2 total pupil count is projected to be 1,092. The per pupil funding is projected to be \$5,908 state, \$1,020 federal, and \$4,248 local. This is a total projected funding level of \$11,177 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Florence School District 3 total pupil count is projected to be 3,558. The per pupil funding is projected to be \$5,760 state, \$2,357 federal, and \$2,869 local. This is a total projected funding level of \$10,987 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Florence School District 4 total pupil count is projected to be 858. The per pupil funding is projected to be \$8,035 state, \$2,010 federal, and \$5,844 local. This is a total projected funding level of \$15,888 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Florence School District 5 total pupil count is projected to be 1,486. The per pupil funding is projected to be \$5,620 state, \$736 federal, and \$3,914 local. This is a total projected funding level of \$10,270 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Georgetown School District total pupil count is projected to be 10,124. The per pupil funding is projected to be \$4,145 state, \$1,004 federal, and \$6,241 local. This is a total projected funding level of \$11,390 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Greenville School District total pupil count is projected to be 69,188. The per pupil funding is projected to be \$4,462 state, \$664 federal, and \$5,273 local. This is a total projected funding level of \$10,399 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Greenwood School District 50 total pupil count is projected to be 8,849. The per pupil funding is projected to be \$5,153 state, \$1,007 federal, and \$5,666 local. This is a total projected funding level of \$11,825 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Greenwood School District 51 total pupil count is projected to be 1,041. The per pupil funding is projected to be \$6,348 state, \$1,224 federal, and \$4,615 local. This is a total projected funding level of \$12,188 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Greenwood School District 52 total pupil count is projected to be 1,566. The per pupil funding is projected to be \$3,422 state, \$809 federal, and \$6,706 local. This is a total projected funding level of \$10,937 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Hampton School District 1 total pupil count is projected to be 2,688. The per pupil funding is projected to be \$5,707 state, \$1,252 federal, and \$2,944 local. This is a total projected funding level of \$9,903 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Hampton School District 2 total pupil count is projected to be 1,103. The per pupil funding is projected to be \$8,369 state, \$1,644 federal, and \$4,235 local. This is a total projected funding level of \$14,248 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Horry School District total pupil count is projected to be 36,514. The per pupil funding is projected to be \$3,858 state, \$1,347 federal, and \$7,606 local. This is a total projected funding level of \$12,811 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Jasper School District total pupil count is projected to be 3,099. The per pupil funding is projected to be \$5,199 state, \$1,921 federal, and \$10,636 local. This is a total projected funding level of \$17,756 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Kershaw School District total pupil count is projected to be 10,360. The per pupil funding is projected to be \$5,116 state, \$775 federal, and \$3,835 local. This is a total projected funding level of \$9,727 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Lancaster School District total pupil count is projected to be 11,461. The per pupil funding is projected to be \$5,094 state, \$1,180 federal, and \$4,071 local. This is a total projected funding level of \$10,345 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Laurens School District 55 total pupil count is projected to be 5,601. The per pupil funding is projected to be \$5,513 state, \$1,088 federal, and \$3,807 local. This is a total projected funding level of \$10,409 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Laurens School District 56 total pupil count is projected to be 3,182. The per pupil funding is projected to be \$5,706 state, \$2,207 federal, and \$3,143 local. This is a total projected funding level of \$11,056 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Lee School District total pupil count is projected to be 2,326. The per pupil funding is projected to be \$7,455 state, \$1,834 federal, and \$4,304 local. This is a total projected funding level of \$13,593 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Lexington School District 1 total pupil count is projected to be 21,134. The per pupil funding is projected to be \$4,951 state, \$691 federal, and \$6,628 local. This is a total projected funding level of \$12,270 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Lexington School District 2 total pupil count is projected to be 8,884. The per pupil funding is projected to be \$5,195 state, \$3,351 federal, and \$4,417 local. This is a total projected funding level of \$12,963 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Lexington School District 3 total pupil count is projected to be

1,920. The per pupil funding is projected to be \$6,108 state, \$1,335 federal, and \$6,372 local. This is a total projected funding level of \$13,815 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Lexington School District 4 total pupil count is projected to be 3,204. The per pupil funding is projected to be \$6,773 state, \$2,632 federal, and \$3,750 local. This is a total projected funding level of \$13,155 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Lexington School District 5 total pupil count is projected to be 16,582. The per pupil funding is projected to be \$5,294 state, \$709 federal, and \$6,597 local. This is a total projected funding level of \$12,600 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Marion School District 1 total pupil count is projected to be 2,860. The per pupil funding is projected to be \$5,490 state, \$1,558 federal, and \$2,789 local. This is a total projected funding level of \$9,836 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Marion School District 2 total pupil count is projected to be 1,822. The per pupil funding is projected to be \$5,683 state, \$2,011 federal, and \$2,750 local. This is a total projected funding level of \$10,443 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Marion School District 7 total pupil count is projected to be 679. The per pupil funding is projected to be \$8,964 state, \$2,614 federal, and \$3,184 local. This is a total projected funding level of \$14,761 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Marlboro School District total pupil count is projected to be 4,457. The per pupil funding is projected to be \$6,248 state, \$2,017 federal, and \$3,371 local. This is a total projected funding level of \$11,636 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the McCormick School District total pupil count is projected to be 881. The per pupil funding is projected to be \$5,954 state, \$776 federal, and \$8,728 local. This is a total projected funding level of \$15,458 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Newberry School District total pupil count is projected to be 5,769. The per pupil funding is projected to be \$5,585 state, \$1,257 federal, and \$5,723 local. This is a total projected funding level of \$12,565 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Oconee School District total pupil count is projected to be 10,501. The per pupil funding is projected to be \$4,465 state, \$973 federal, and \$8,047 local. This is a total projected funding level of \$13,484 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Orangeburg School District 3 total pupil count is projected to be 3,014. The per pupil funding is projected to be \$6,098 state, \$1,495 federal, and \$7,336 local. This is a total projected funding level of \$14,929 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Orangeburg School District 4 total pupil count is projected to be 4,022. The per pupil funding is projected to be \$5,512 state, \$1,759 federal, and \$5,092 local. This is a total projected funding level of \$12,363 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Orangeburg School District 5 total pupil count is projected to be 6,302. The per pupil funding is projected to be \$6,162 state, \$1,882 federal, and \$5,919 local. This is a total projected funding level of \$13,962 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Pickens School District total pupil count is projected to be 16,234. The per pupil funding is projected to be \$4,756 state, \$1,117 federal, and \$4,073 local. This is a total projected funding level of \$9,947 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Richland School District 1 total pupil count is projected to be 22,690. The per pupil funding is projected to be \$5,568 state, \$1,239 federal, and \$10,079 local. This is a total projected funding level of \$16,886 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Richland School District 2 total pupil count is projected to be 24,557. The per pupil funding is projected to be \$4,478 state, \$871 federal, and \$6,271 local.

This is a total projected funding level of \$11,620 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Saluda School District total pupil count is projected to be 2,017. The per pupil funding is projected to be \$5,692 state, \$1,111 federal, and \$4,345 local. This is a total projected funding level of \$11,148 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Spartanburg School District 1 total pupil count is projected to be 5,030. The per pupil funding is projected to be \$5,070 state, \$724 federal, and \$4,488 local. This is a total projected funding level of \$10,282 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Spartanburg School District 2 total pupil count is projected to be 9,690. The per pupil funding is projected to be \$4,851 state, \$690 federal, and \$3,464 local. This is a total projected funding level of \$9,005 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Spartanburg School District 3 total pupil count is projected to be 2,980. The per pupil funding is projected to be \$5,326 state, \$841 federal, and \$5,134 local. This is a total projected funding level of \$11,301 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Spartanburg School District 4 total pupil count is projected to be 2,840. The per pupil funding is projected to be \$5,184 state, \$1,009 federal, and \$3,328 local. This is a total projected funding level of \$9,520 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Spartanburg School District 5 total pupil count is projected to be 7,169. The per pupil funding is projected to be \$4,536 state, \$821 federal, and \$5,849 local. This is a total projected funding level of \$11,206 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Spartanburg School District 6 total pupil count is projected to be 10,378. The per pupil funding is projected to be \$4,445 state, \$797 federal, and \$4,781 local. This is a total projected funding level of \$10,023 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Spartanburg School District 7 total pupil count is projected to be 7,030. The per pupil funding is projected to be \$6,386 state, \$1,672 federal, and \$7,922 local. This is a total projected funding level of \$15,980 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Sumter School District 2 total pupil count is projected to be 8,637. The per pupil funding is projected to be \$5,300 state, \$1,375 federal, and \$3,023 local. This is a total projected funding level of \$9,697 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Sumter School District 17 total pupil count is projected to be 8,075. The per pupil funding is projected to be \$5,735 state, \$1,272 federal, and \$3,613 local. This is a total projected funding level of \$10,620 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Union School District total pupil count is projected to be 4,431. The per pupil funding is projected to be \$6,053 state, \$1,140 federal, and \$2,430 local. This is a total projected funding level of \$9,622 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the Williamsburg School District total pupil count is projected to be 5,240. The per pupil funding is projected to be \$5,697 state, \$2,692 federal, and \$2,566 local. This is a total projected funding level of \$10,955 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the York School District 1 total pupil count is projected to be 5,080. The per pupil funding is projected to be \$5,299 state, \$593 federal, and \$4,182 local. This is a total projected funding level of \$10,074 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the York School District 2 total pupil count is projected to be 6,430. The per pupil funding is projected to be \$4,008 state, \$557 federal, and \$8,233 local. This is a total projected funding level of \$12,798 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the York School District 3 total pupil count is projected to be 17,314. The per pupil funding is projected to be \$4,998 state, \$719 federal, and \$4,932 local. This is a total projected funding level of \$10,650 excluding revenues of local bond issues.

In Fiscal Year 2008-09, the York School District 4 total pupil count is projected to be 9,574. The per pupil funding is projected to be \$3,996 state, \$428 federal, and \$6,115 local. This is a total projected funding level of \$10,539 excluding revenues of local bond issues.

1.4. (SDE: EFA - Formula) The amount appropriated in Part IA, Section 1 for "Education Finance Act" shall be the maximum paid under the provisions of Act 163 of 1977 (the South Carolina Education Finance Act of 1977) to the aggregate of all recipients. The South Carolina Education Department shall develop formulas to determine the state and required local funding as stipulated in the South Carolina Education Finance Act of 1977. Such formulas shall require the approval of the State Board of Education and the Budget and Control Board. After computing the EFA allocations for all districts, the department shall determine whether any districts' minimum required local revenue exceeds the districts' total EFA Foundation Program. When such instance is found, the department shall adjust the index of taxpaying ability to reflect a local effort equal to the cost of the districts' EFA Foundation Program. The districts' weighted pupil units are to be included in determination of the funds needed for implementation of the Education Finance Act statewide.

In the event that the formulas as devised by the Department of Education and approved by the State Board of Education and the Budget and Control Board should provide for distribution to the various school districts totaling more than the amount appropriated for such purposes, subject to the provisions of this proviso, the Department of Education shall reduce each school district entitlement by an equal amount per weighted pupil so as to bring the total disbursements into conformity with the total funds appropriated for this purpose. If a reduction is required in the state's contribution, the required local funding shall be reduced by the proportionate share of local funds per weighted pupil unit. The Department of Education shall continually monitor the distribution of funds under the provisions of the Education Finance Act and shall make periodic adjustments to disbursements to insure that the aggregate of such disbursements do not exceed the appropriated funds.

Local districts shall not be mandated or required to inflate the base number in their respective salary schedules by any percentage greater than the percentage by which the appropriated base student cost exceeds the appropriated base student cost of the prior fiscal year.

1.5. (SDE: Employer Contributions/Allocations) It is the intent of the General Assembly that the appropriation contained herein for "Public School Employee Benefits" shall not be utilized to provide employer contributions for any portion of a school district employee's salary which is federally funded.

State funds allocated for school district employer contributions must be allocated by the formula and must be used first by each district to cover the cost of fringe benefits for personnel required by the Defined Program, food service personnel and other personnel required by law. Once a district has expended all state allocated funds for fringe benefits, the district may utilize food service revenues to fund a proportionate share of fringe benefits costs for food service personnel.

The Department of Juvenile Justice and the Department of Corrections' school districts must be allocated funds under the fringe benefits program in accordance with criteria established for all school districts.

1.6. (SDE: Employer Contributions/Obligations) In order to finalize each school district's allocations of Employer Contributions funds for retiree insurance from the prior fiscal year, the Department of Education is authorized to adjust a school district's allocation in the current fiscal year accordingly to reflect actual payroll and payments to the Retirement System from the prior

fiscal year. In the event the Department of Education is notified that an educational subdivision has failed to remit proper payments to cover Employee Fringe Benefit obligations, the Department of Education is directed to withhold the educational subdivision's state funds until such obligations are met.

1.7. (SDE: Governor's School for Science & Math) Any unexpended balance on June 30 of the prior fiscal year of funds appropriated to or generated by the Governor's School for Science and Mathematics may be carried forward and expended in the current fiscal year pursuant to the direction of the board of trustees of the school.

1.8. (SDE: Educational Responsibility/Foster Care) The responsibility for providing a free and appropriate public education program for all children including disabled students is vested in the public school district wherein a child of lawful school age resides in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental illness or chemical dependence and habilitation centers for mentally retarded persons or persons with related conditions located within the jurisdiction of the school district or alternative residences. The districts concerned may agree upon acceptable local cost reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child last resided before placement in a facility an additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. If a child from out of state is residing in a facility owned and/or operated by a for profit entity, the district providing educational services shall be reimbursed by the for profit entity the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. This also applies to John de la Howe School who also has the authority to seek reimbursement in any situation that the school district has participation in the placement of the student. John de la Howe school shall be reimbursed the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. Participation will be evidenced by a written agreement from the IEP team or 504 team, written referral, or the school district initiating the placement process. School districts providing the education shall notify the nonresident district in writing within 45 calendar days that a student from the nonresident district is receiving education services pursuant to the provisions of the proviso. The notice shall also contain the student's name, date of birth, and disabling condition if available. If appropriate financial arrangements cannot be effected between institutions of the state, including independent school districts under the authority of the Department of Disabilities and Special Needs, and school districts, institutions receiving educational appropriations shall pay the local base student cost multiplied by the appropriate pupil weighting. Children residing in institutions of state agencies shall be educated with nondisabled children in the public school districts if appropriate to their educational needs. Such institutions shall determine, on an individual basis, which children residing in the institution might be eligible to receive appropriate educational services in a public school setting. Once these children are identified, the institution shall convene an IEP meeting with officials of the public school district in which the institution is located. If it is determined by the committee that the least restrictive environment in which to implement the child's IEP is a public school setting, then the school district in which the institution is located must provide the educational services. However, that school district may enter into contractual agreements with any other school district having schools located within a 45 mile radius of the institution. The cost for educating

such children shall be allocated in the following manner: the school district where the child last resided before being placed in an institution shall pay to the school district providing the educational services an amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act; the school district providing the educational services shall be able to count the child for all funding sources, both state and federal. The institution and school district, through contractual agreements, will address the special education and related services to be provided to students. Should the school district wherein the institution is located determine that the child cannot be appropriately served in a public school setting, then the institution may request a due process hearing pursuant to the procedures provided for in the Individuals with Disabilities Education Act.

The agreed upon acceptable local cost reimbursement or the additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to out-of-district students, shall be paid within 60 days of billing, provided the billing district has provided a copy of the invoice to both the Superintendent and the finance office of the district being invoiced. Should the district not pay within 60 days, the billing district can seek relief from the Department of Education. The department shall withhold EFA funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the billing school district.

The agency placing a child in any situation that requires changing school districts, must work with the schools to assure that all required school records, including confidential records, are transferred from the sending to the receiving school within three working days. School records to be transferred should include grade transcripts, state birth certificate, certificate of immunization, social security card, attendance records, discipline records, IEP's, psychological reports (or notation in the school records that a psychological report on the child is available at the school district office) and any other records necessary for the appropriate placement of the child in the new school. School districts must release all records upon presentation of a court order or appropriate permission for confidential release. If evaluation or placement is pending, the receiving school district is responsible to secure information and to complete the placement. The receiving school will maintain appropriate confidentiality of all records received on a child.

1.9. (SDE: Disabled/Preschool Children) The state funding for free appropriate public education provided for the three and four-year-old disabled children served under Act 86 of 1993, shall be distributed based on the district's index of taxpaying ability as defined in Section 59-20-20(3). Five-year-old disabled children shall continue to be funded under the Education Finance Act of 1977.

1.10. (SDE: Instruction in Juvenile Detention Centers) It shall be the responsibility of the school district where a local juvenile detention center is located to provide adequate teaching staff and to ensure compliance with the educational requirements of this State. Students housed in local detention centers are to be included in the average daily membership count of students for that district and reimbursement by the Department of Education made accordingly.

1.11. (SDE: Revenue Authorization) The State Department of Education is hereby authorized to collect, expend, and carry forward revenues in the following areas to offset the cost of providing such services: the sale of publications, manuals and forms, the sale of Apple Tags, royalties, contributions, donations, foundation funds, special grants and contracts, brochures, photo copies, listings and labels, Directory of South Carolina Schools, student health record cards, items to be recycled, and high school diplomas and certificates; the collection of out-of-

state and in-state investigation fees, registration fees for non-SDE employees, recurring facility inspection fees, teacher certification fees; the handling of audio-visual film; the provision of contract computer services to school districts and other state agencies, joint broadcast service to school districts, and education-related statistics through agreement with the National Center for Education Statistics; the lease or sale of programs of television, audio or microcomputer software; the collection of damage fees for instructional materials and the sale of unusable instructional materials; sale of fuel; use and repair of transportation equipment; fees for Medicaid reimbursable transportation; the receipt of insurance and warranty payments on Department of Education equipment and the sale of used school buses and support equipment. The Department of Education is authorized to collect revenue for deposit into the State General Fund for testing material purchases and test rescoring fees. The Department of Education is authorized to expend revenue collected for lost and damaged instructional materials and the sale of unusable instructional materials for the purpose of contracting for the purchase and maintenance of a statewide textbook inventory management system, provided that schools' newly-adopted instructional materials needs are met first.

1.12. (SDE: School District Bank Accounts) Each school district in this State, upon the approval of the district's governing body, may maintain its own bank account for the purpose of making disbursement of school district funds as necessary to conduct school district business and each county treasurer is hereby authorized to transfer such amount as needed, upon receipt of a written order certified by the district governing body or their designee. Such order shall contain a statement that such amount is for immediate disbursement for the payment of correct and legal obligation of the school district.

1.13. (SDE: School Lunch Program Aid) The amount appropriated herein for School Lunch Program Aid shall be divided among the District and/or County Boards of Education of the State upon the basis of the number of schools participating in the School Lunch Program in each district during the prior school year. The travel expenses of the District and/or County School Lunch Supervisor shall be paid from this appropriation at the prevailing rate of mileage allowed by the State. These funds may be used as an aid in improving the School Lunch Program. These funds may not be used to supplement the salaries of school lunch supervisors. In the absence of a County Board of Education in multi-district counties, the funds will be divided among the school districts of the county on the basis of the number of schools participating in the School Lunch Program in each district during the prior school year.

1.14. (SDE: Teachers/Temporary Certificates) Of the funds provided for teacher salaries funds may be used to pay salaries for those teachers holding temporary certificates which shall remain valid for the current school year if the local board of education so requests. The State Department of Education shall submit to the General Assembly by March 1 of the current fiscal year a report showing by district the number of temporary certificates by category; including an enumeration of the certificates carried forward from the previous year. No temporary certificate shall be continued more than twice.

1.15. (SDE: Travel/Outside of Continental U.S.) School District allocations from General Funds and EIA funds shall not be used for travel outside of the continental United States. The International Baccalaureate Program shall be exempt from this restriction.

1.16. (SDE: Year End Closeout) The State Department of Education is authorized to expend federal and earmarked funds (not including state or EIA funds) in the current fiscal year for expenditures incurred in the prior year; however, state funds appropriated in Part IA, Section 1, XIII, Aid to School Districts, for the Children's Case Resolution System or private placements

for services provided to children with disabilities may be used for those expenditures in prior fiscal years. The department is also authorized to use appropriated funds to pay for textbooks shipped in the fourth quarter of the prior fiscal year.

1.17. (SDE: Transportation Collaboration) The Department of Education School Bus Maintenance Shops shall be permitted, on a cost reimbursable-plus basis, to deliver transportation maintenance and services to vehicles owned or operated by public agencies in South Carolina.

School buses operated by school districts, other governmental agencies or head start agencies for the purpose of transporting students for school or school related activities shall not be subject to state motor fuel taxes. Further, that school districts, other governmental agencies or head start agencies may purchase this fuel, on a cost reimbursable-plus basis, from the Department of Education School Bus Maintenance Shops.

1.18. (SDE: Assisting, Developing, and Evaluating Professional Teaching--ADEPT) Funds appropriated in Part IA, Section 1, XIII.A-Aid to School Districts-Aid to Subdivision-APT/ADEPT, may be used for the implementation of the ADEPT system. Of the funds appropriated, ten percent is to be used to pay colleges and universities for ADEPT services. The remaining funds will be distributed to school districts, School for the Deaf and the Blind, John de la Howe School, Governor's School for Arts and Humanities and the Department of Juvenile Justice on a per induction contract teacher basis to offset the costs of implementing the ADEPT program. Governing boards of public institutions of higher education may provide by policy or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public school teachers who serve as supervisors for full-time students completing education degree requirements. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

1.19. (SDE: Summer Exit Exam Cost) Funds appropriated in Part IA, Section 1, III may be used to offset the costs of the summer administration of the Exit Examination. These funds may be expended to cover the costs related to developing, printing, shipping, scoring, and reporting the results of the assessments. Local school districts may absorb local costs related to administration.

1.20. (SDE: Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.

1.21. DELETED

1.22. (SDE: School Bus Insurance) The Department of Education shall maintain comprehensive and collision insurance or self-insure state-owned buses. In no event shall the department charge local school districts for damages to the buses which are commonly covered by insurance.

1.23. (SDE: Teacher Data Collection) Of the non-program funds appropriated to the

Department of Education, the department and the Commission on Higher Education shall share data about the teaching profession in South Carolina. The data sharing should ensure (1) a systematic report on teacher supply and demand information and (2) data to determine classes being taught by public school teachers out of field of their preparation. The data collection should include but not be limited to: classes/subjects taught, number of students taught, percentage of teacher education graduates from South Carolina colleges/universities who go into teaching, percentage of teacher education graduates who teach in public schools in South Carolina, percentage of new teachers who leave the South Carolina teaching profession in the first three years of public school teaching due to unsuccessful evaluations, percentage of new teachers who leave the profession in the first three years of public school teaching in South Carolina who have successful evaluations, turnover rate of teachers and certification areas with highest vacancies. All database items should be set up so that it can be disaggregated by ethnicity, gender, geographic location, etc.

1.24. (SDE: Adult Education/Literacy) The General Assembly must appropriate for adult education an amount equal to \$175 per pupil. The per pupil amount shall be adjusted annually by the same percentage as the inflation factor used to adjust the base student cost of the Education Finance Act. The number of pupils shall be determined by counting the number of persons sixteen years or older who attended a minimum of twelve hours in an approved adult education program in the prior fiscal year. Funds may decrease with a decrease in enrollment; however, overall levels of State funding must meet the federal requirement of State maintenance of effort.

From the funds appropriated for adult education, \$150,000 must be used to provide for pilot projects for rural literacy development. In addition, each county shall receive \$50,000 for use by the school districts for adult literacy for service delivery to adult-nonreaders and those reading at or below the eighth grade level. The school districts may provide this service or may contract to have this service provided. In multi-district counties, the districts must agree on the method of service delivery for the entire county and select one district to serve as the fiscal agent.

1.25. (SDE: School Building Aid Allocation) Funds appropriated for School Building Aid shall be transferred to a special trust fund established by the Comptroller General. Funds appropriated shall be distributed to the school districts of the State for use in accordance with Section 59-21-350 of the Code of Laws of 1976. Funds shall be allocated to eligible school districts on a per pupil basis. The allocation must be based on the 135 day count of average daily membership for the second preceding fiscal year.

1.26. (SDE: School Building Aid Funds Expenditure) Funds appropriated in Part IA in this act or in a previous Appropriation Act for school building aid may be expended by the school district without approval from the State Board of Education. The Department of Education shall require that school districts include in their annual audit a verification of compliance with all applicable State laws associated with the use of these funds.

1.27. (SDE: School Building Aid) Of the funds appropriated in Part IA for School Building Aid, \$500,000 shall be allocated on a K-12 per pupil basis to Multi-District Area Vocational Schools.

1.28. (SDE: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. SDE is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring PACT assessment.

1.29. (SDE: Basic Skill Exam) Any person seeking candidacy in an undergraduate teacher education program is required to take and pass the Basic Skill Examination pursuant to Sections 59-26-20 and 59-26-40. Any person who fails to achieve a passing score on all sections shall be allowed to retake the test or a portion thereof. All sections of the Basic Skill Examination must be passed before any person is formally admitted into any undergraduate teacher preparation program in South Carolina. However, any person having attained 1650 or better on the SAT or a comparable ACT score shall be exempt from this requirement.

1.30. (SDE: School Bus Driver CDL) From funds provided in Part IA, Section 1, IX.B., local school districts shall request a criminal record history from the South Carolina Law Enforcement Division for past conviction of any crime before the initial employment of a school bus driver or school bus aide. The Department of Education and the school districts shall be treated as a charitable organization for purposes of the fee charged for the criminal records search.

1.31. DELETED

1.32. (SDE: SAT Preparation) From the funds appropriated for SAT Preparation, the State Department of Education shall institute a plan reviewing, on an individual basis, weaknesses of students on actual PSAT administrations, and providing assistance. To accomplish this, the Department shall use reports that analyze student weaknesses and provide guidance to local schools on the effective use of the reports.

1.33. (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State Superintendent of Education.

The School Bus Specifications Committee shall allow for input from all school bus chassis and body manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus specifications of Georgia or North Carolina in the procurement of school buses.

1.34. (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program IX.B. - Bus Shops may be used to purchase buses, fuel, parts, or other school bus related items. Any funds appropriated or authorized for the purchase of school buses may not be transferred or used for any other purpose, except that up to \$1,500,000 may be used to purchase school bus service vehicles. Funds appropriated or authorized for school bus fuel in this act or any appropriation act supplemental thereto in excess of what is necessary to operate the bus fleet must be used for the purchase of school buses. However, in the event of an emergency fuel situation, the department may seek approval from the Budget and Control Board and the board is authorized to grant such approval, for the expenditure of any non-program appropriated funds for fuel expenditures.

1.35. (SDE: Mitford Transportation Costs) Transportation costs for the transporting of students from the Mitford area of Fairfield County to schools in the Great Falls area of Chester County is not the responsibility of and shall not be borne by the Chester County School District. These transportation costs shall continue to be the responsibility of the State Department of Education.

1.36. (SDE: Refurbishing Science Kits) Funds appropriated for the purchase of textbooks and other instructional materials may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted textbook inventory, purchasing new kits from the central textbook depository, or a combination of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a

reasonable amount for shipping and handling. Costs for staff development, personnel costs, equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs.

1.37. (SDE: Status Offenders/John de la Howe) The funds appropriated for the Status Offender Program shall be distributed to John de la Howe School to expand residential programs to include court ordered status offenders. Components of such a program shall include collaboration between the home school district and the residential school and treatment or related services to the families of students in placement.

1.38. (SDE: Part-time Benefits) Teachers working less than thirty hours a week, but no less than fifteen hours a week, shall qualify for state health and dental insurance. The Budget and Control Board is directed to amend its "Plan of Benefits" regarding fringe benefits to conform to the provisions of this section. Teachers and employers shall each contribute toward the cost of these benefits with the employer paying only that portion of the employer's normal cost which is attributable to the time the teacher is working, and the teacher shall pay all remaining costs. However, the employer's contribution shall be no less than half the normal cost.

1.39. (SDE: Governor's School Leave Policy) The S.C. Governor's School for the Arts and Humanities and the S.C. Governor's School for Science and Mathematics are authorized to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of their respective board of directors. This policy shall address their respective school calendars in order to comply with the instructional needs of students attending both special schools.

1.40. (SDE: Sale of School District Property) Notwithstanding Section 59-19-250 of the 1976 Code, during the current fiscal year, school trustees of a school district which do not currently have the authority to do so, may sell or lease school property, real or personal, in their school district whenever they deem it expedient to do so and apply the proceeds of the sale or lease to the school fund of the district.

1.41. (SDE: School Facilities Management System) School Districts may use capital improvement bond funds, lapsed funds or any other unexpended appropriated funds or revenues to access the Department of Education's School Facilities Management System database.

1.42. (SDE: School Board Meetings) Of the funds appropriated through the Department of Education for technology related expenses, school districts that have a web site shall place a notice of a regularly scheduled school board meeting twenty-four hours in advance of such meeting. The notice shall include the date, time, and agenda for the board meeting. The school district shall place the minutes of the board meeting on their web site within ten days of the next regularly scheduled board meeting.

1.43. (SDE: Alternative Certification/Displaced Employees) The Department of Education is directed to give priority in the Program for Alternative Certification for Educators (PACE) to the recruitment of qualified state employees impacted by reduction in force actions of agencies. The Student Loan Corporation is directed to give priority in the Career-Changer Loan program to qualified state employees. The Department of Education shall provide information to the Office of Human Resources and the personnel offices of state agencies instituting a reduction in force to advertise and inform employees of this program and state agencies shall work with the department in this effort.

1.44. (SDE: Proviso Allocations) The State Department of Education may reduce by up to 10%, any allocation in Section 1 specifically designated by proviso. No allocation for teacher salaries shall be reduced as a result of this proviso.

1.45. (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer up to one hundred percent of funds between programs to any instructional program provided the funds are utilized for direct classroom instruction.

The South Carolina Department of Education must establish a procedure for the review of all transfers authorized by this provision. The details of such transfers must be provided to members of the General Assembly upon request. School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year to be used for the same purpose. All transfers executed pursuant to this provision must be completed by May first of the current fiscal year. All school districts and special schools of this State may expend funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, for any instructional program. The Education Oversight Committee shall review the utilization of the flexibility provision to determine how it enhances or detracts from the achievement of the goals of the educational accountability system, including the ways in which school districts and the state organize for maximum benefit to classroom instruction, priorities among existing programs and services, and the impact on short, as well as, long-term objectives. The State Department of Education shall provide the reports on the transfers to the Education Oversight Committee for the comprehensive review. This review shall be provided to the members of the General Assembly annually. Any grant or technical assistance funds allocated directly to an individual school may not be reduced or reallocated within the school district and must be expended by the receiving school only according to the guidelines governing the funds.

Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

For Fiscal Year 2008-2009, Section 59-21-1030 is suspended.

1.46. (SDE: Medical Examination and Security Reimbursement/Expenditures) From funds authorized in Part IA, Section 1, IX.B. Other Operating Expenses, the Department of Education may directly pay, or reimburse employees, for the cost of a medical examination as required in Part 391, Subpart E of the Federal Motor Carrier Safety Regulations, for employees that are required to operate a state vehicle transporting hazardous materials and that are required to undergo a national security background check because of the required Hazmat endorsement to their CDL.

1.47. (SDE: Budget Reduction) In compensating for any reduction in funding, local districts must give priority to preserving classroom teachers and operations. Funding reductions should first be applied to administrative and non-classroom expenses before classroom expenses are affected.

1.48. (SDE: Governor's School for the Arts and Humanities Carry Forward) Any unexpended balance on June 30 of the prior fiscal year of funds appropriated to or generated by the Governor's School for the Arts and Humanities may be carried forward and expended in the current fiscal year pursuant to the discretion of the Board of Trustees of the School.

1.49. (SDE: Governor's Schools' Fees) The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to charge, collect, expend, and carry forward student fees as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality in both academics and residential support. No student will be denied admittance or participation due to financial inability to pay. The respective Board of Directors shall promulgate administrative policy governing the collection of all student fees.

1.50. (SDE: National Board Certification Incentive) Public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards shall be paid a \$7,500 salary supplement in the year of achieving certification.

Teachers employed at the special schools shall be eligible for this \$7,500 salary supplement.

The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall develop guidelines and administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who are applying to the National Board for Professional Teaching Standards for certification may receive a loan equal to the amount of the application fee. One-half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the national board. Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven.

Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the State Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program. In addition, teachers who are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the State Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification.

Teacher specialists remain eligible for state supplement for National Board certification.

Teachers who begin the application process after July 1, 2007 and who teach in schools which have an absolute rating of below average or unsatisfactory at the time the teacher applies to the National Board for certification, but who fail to obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one-half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the loan will be at the rate of 33% for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or unsatisfactory during the forgiveness period, or for each year of full time teaching in another school that has an absolute rating of below average or unsatisfactory.

1.51. (SDE: National Board Certification Incentive Surplus) National Board Certification Incentive appropriation excess of all obligations to include the national board certification

incentive salary supplement, related fringe, loan principal amount and interest forgiven, and the administration funds necessary for the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) and the Department of Education shall be distributed to school districts and allocated based on the Education Finance Act Formula.

1.52. (SDE: School District Furlough) If state funds appropriated for a school district in this State are less than state funds appropriated for that school district in the preceding fiscal year, or if the General Assembly or the Budget and Control Board implements a midyear across-the-board budget reduction, school districts may institute employee furlough programs for district-level and school-level professional staff classified as instructional-related personnel by the State Department of Education. No instructional personnel nor support staff as classified by the State Department of Education may be furloughed. Before any of these employees may be furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

The local school district board of trustees may implement a furlough of these instructional-related professional staff personnel once certification to the State Superintendent documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall have the authority to authorize furloughs of these employees in the manner in which it sees fit. However, they may not be furloughed for a period exceeding ten days. The local school district board of trustees shall provide for furlough days only on non-instructional days.

During any furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions, including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the district will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under any employee grievance procedure. The district may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs.

This proviso shall not abrogate the terms of any contract between any school district and its employees.

1.53. (SDE: Base Student Cost Funding) The funding for particular items and areas in the Department of Education's base budget that have been reduced or eliminated and provisos that directed funding for specific items that have been deleted, shall be redirected to the Base Student Cost.

1.54. (SDE: School Lunch/Attendance Supervisors) For those counties in which an entity other than the school district administers the school lunch supervisor and/or attendance supervisor programs, the school districts in that county shall transfer to the entity the amount available in the previous fiscal year for administration of the school lunch supervisor and/or

attendance supervisor programs. Each district shall transfer a pro-rata share of the total cost based upon the percentage of state EFA funds distributed to the districts within the county.

1.55. (SDE: Replacement Facilities) The Department of Education is directed to proceed with the development of a joint-use school transportation maintenance and operations facility in Greenville County. Prior to the availability of this new facility the department shall continue to operate state school bus maintenance services from the existing Greenville School Bus Maintenance Facility located on Halton Road. All proceeds from the sale of the Halton Road Facility and Property shall become pupil transportation operating revenue of the department.

The cost of the State share of the new joint-use facility, the cost of preparing the old Halton Road Facility and Property for disposal, interim relocation/construction financing, all associated relocation expenses, and all other related costs shall be funded from the proceeds received from the sale of the existing Halton Road Facility and Property. The State Treasurer shall make available all necessary interim financing to accomplish the proviso directives.

1.56. (SDE: SCGSAH Certified Teacher Designation) Because of the unique nature of the South Carolina Governor's School for the Arts and Humanities, the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are authorized to employ at its discretion non-certified classroom teachers teaching in the literary, visual and performing arts subject areas who are otherwise considered to be appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.

1.57. (SDE: Educational Items) In order that resources more closely follow the student, it is the intent to offer spending flexibility to local school districts as has been provided in the prior fiscal year.

1.58. (SDE: No Discrimination Requirement) State funds must not be appropriated to a school that discriminates against or participates with or is a member of an association with policies that discriminate or afford different treatment of students based on race or national origin.

1.59. (SDE: Prohibit Implementation of ECERS Program) The Department of Education is prohibited from utilizing any appropriated or authorized funds to implement the Early Childhood Environment Rating Scores Program. This prohibition does not apply to the Office of First Steps.

In addition, school districts are prohibited from using revenue from any source, including state, federal, and local funds, to implement the Early Childhood Environment Rating Scores Program.

1.60. (SDE: High School Reading Initiative) The funds appropriated for the High School Reading Initiative are to be used to expand the South Carolina Reading Initiative to the high school level by providing research based targeted assistance in improving and accelerating the reading ability of high school students reading below grade level.

1.61. (SDE: Medicaid Cash Match Accounting) The department is granted authority to transfer funds between budget lines and object codes to identify, reconcile, reimburse, and remit funds required for Medicaid cash match to the Department of Health and Human Services.

1.62. (SDE: Student Report Card-GPA) For each high school student, school districts shall be required to print the student's individual cumulative grade point average for grades nine through twelve on the student's report card.

1.63. (SDE: Governor's School Reporting) The Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics are required to submit reports as to how the non-recurring funding appropriated in this act is expended. The report

must be submitted to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee by the end of the fiscal year.

1.64. (SDE: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program. This program shall be available for the 2008-2009 school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

(A) For the 2008-2009 school year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et. al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3. With any remaining funds available, the pilot shall be expanded to the remaining plaintiff school districts in Abbeville County School District et. al. vs. South Carolina. Priority shall be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at-risk four-year-old children.

During the implementation of the pilot program, no funds appropriated by the General Assembly for this purpose shall be used to fund services to at-risk four-year-old children residing outside of the trial or plaintiff districts.

The Education Oversight Committee shall conduct an evaluation of the pilot program and shall issue a report to the General Assembly by January 1, 2009. The report shall include a comparative evaluation of children served in the pilot program and children not served in the pilot program. Additionally, based on the evaluation of the pilot program, the Education Oversight Committee shall include recommendations for the creation of and an implementation plan for phasing in the delivery of services to all at-risk four-year-old children in the state.

Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September 1, of the school year, and meets the at-risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.

The parent of each eligible child may enroll the child in one of the following programs:

- (1) a school-year four-year-old kindergarten program delivered by an approved public provider; or
- (2) a school-year four-year-old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and documentation of the student's eligibility as evidenced by family income documentation showing an annual family income of 185% or less of the federal poverty guidelines as promulgated annually by the U.S. Department of Health and Human Services or a statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider

attendance policies during the school year. The attendance policy must state that the program consists of 6.5 hours of instructional time daily and operates for a period of not less than 180 days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

(C) Public school providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.

Providers shall:

- (1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;
- (2) comply with all state and local health and safety laws and codes;
- (3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;
- (4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;
- (5) comply with all program, reporting, and assessment criteria required of providers;
- (6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;
- (7) designate whether extended day services will be offered to the parents/guardians of children participating in the program;
- (8) be approved, registered, or licensed by the Department of Social Services; and
- (9) comply with all state and federal laws and requirements specific to program providers.

Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre-kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment.

However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

- (D) The Department of Education and the Office of First Steps to School Readiness shall:
- (1) develop the provider application form;
 - (2) develop the child enrollment application form;
 - (3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;

- (4) develop a list of approved pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;
- (5) establish criteria for awarding new classroom equipping grants;
- (6) establish criteria for the parenting education program providers must offer;
- (7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;
- (8) develop a list of data collection needs to be used in implementation and evaluation of the program;
- (9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;
- (10) establish criteria for granting student retention waivers; and
- (11) establish criteria for granting classroom size requirements waivers.

(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice and a research based preschool curriculum aligned with school success. The program must focus on the developmental and learning support children must have in order to be ready for school. The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:

- (1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;
- (2) employ an education assistant with pre-service or in-service training in early childhood education;
- (3) maintain classrooms with at least 10 four-year-old children, but no more than 20 four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of 10 children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;
- (4) offer a full day, center-based program with 6.5 hours of instruction daily for 180 school days;
- (5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;
- (6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and
- (7) adhere to professional development requirements outlined in this article.

(F) Every classroom providing services to four-year-old children established pursuant to this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five

years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire.

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of 15 hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of pre-kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than \$185 per student shall be retained by the Department of Education for the purposes of transporting four-year-old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act.

(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;

(3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;

(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;

(5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;

(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;

(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;

(8) maintain a database of the children enrolled in the program; and

(9) promulgate guidelines as necessary for the implementation of the pilot program.

(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the 2008-09 school year, the funded cost per child shall be \$4,093 increased annually by the rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro-rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall be eligible for a reimbursement of \$550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. With funds appropriated by the General Assembly, the Department of Education shall approve grants for public providers and the Office of First Steps to School Readiness shall approve grants for private providers, of up to \$10,000 per class for the equipping of new classrooms. Funding of up to two thousand five hundred dollars may be provided annually for the procurement of consumable and other materials in established classrooms.

(L) Pursuant to this provision, the Department of Social Services shall:

(1) maintain a list of all approved public and private providers; and

(2) provide the Department of Education, the Office of First Steps, and the Education Oversight Committee information necessary to carry out the requirements of this provision.

(M) The Education Oversight Committee shall conduct a comparative evaluation of the South Carolina Child Development Education Pilot Program and issue their findings in a report to the General Assembly by January 1, 2009. Based on information, data, and evaluation results, the Education Oversight Committee shall include as part of their report recommendations for the creation and implementation of a statewide four-year-old kindergarten program for at-risk children. The report shall also include information and recommendations on lead teacher qualifications and options for creating comparable salary schedules for certified teachers employed by private providers. In the current fiscal year, the Education Oversight Committee shall use funds appropriated by the General Assembly for four-year-old evaluation to support the annual collection of and continuous evaluation of data.

The report shall also include an assessment, by county, on the availability and use of existing public and private classroom capacity approved for at-risk four-year-old kindergarten students.

The report shall include, by county, the estimated four-year-old population, the total number of CDEPP approved four-year-old kindergarten spaces available, the number of four-year-old

children enrolled in both public and private CDEPP approved facilities, and the number of children on waiting lists for either public or private providers during the reporting period. Where possible, the report shall also include anticipated four-year-old kindergarten enrollment projections for the two years following the report.

To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both public and private providers are required to submit the necessary data as a condition of continued participation in and funding of the program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of Education shall issue a unique student identifier for each child receiving services from a private provider. The Department of Education shall be responsible for the collection and maintenance of data on the public state funded full day and half-day four-year-old kindergarten programs.

The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee shall use this data and all other collected and maintained data necessary to conduct a research based review of the program's implementation and assessment of student success in the early elementary grades.

1.65. (SDE: Lost & Damaged Textbook Fees) Fees for lost and damaged textbooks for the prior school year are due no later than December 1 of the current school year when invoiced by the Department of Education. The department may withhold textbook funding from schools that have not paid their fees by the payment deadline.

1.66. DELETED

1.67. (SDE: Physical Education Teachers) A school district's allocation from the funds appropriated in Part IA, Section 1, Program III are to be used to increase the number of physical education teachers to the extent possible.

1.68. (SDE: Education and Economic Development Act Carry Forward) Funds provided for the Education and Economic Development Act may be carried forward into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools.

1.69. (SDE: High Schools That Work Carry Forward) Funds provided for High Schools That Work may be carried forward into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools.

1.70. (SDE: Career Cluster Industry Partnerships) From the funds appropriated to the Department of Education, \$800,000 must be provided as direct grants to the private sector statewide trade association or educational foundation providing nationally certified programs in career and technology education representing the automotive, construction, engineering, healthcare, mechanical contracting/construction, and hospitality tourism career clusters.

Organizations applying for a grant must do so by July 1 and the Department of Education must award a minimum of one grant of at least \$150,000 in at least four of these specified career clusters to be used exclusively for career and technology education. The recipient industry organization must conduct end-of-course exams graded by a national industry organization and must include in their grant request how the money will be spent to further industry-specific career technology education; a description and history of their program nationally and within South Carolina; estimates of future employment growth in their industry; and the national scope of their program. By August 1 of the following year, the organization must submit to the department a report detailing how the grant increased industry/employer awareness; the number of increased schools using the industry-based curriculum and partnered with the industry

organization; the increased number of students in the program; and an overview and analysis of the organization's statewide student competition. The grant must be used for career awareness programs for that industry cluster; statewide student competitions, leading to national competitions; teacher development and training; post-secondary scholarships in industry-specific degree programs; student recruitment into that career cluster programs; programs to educate middle and high school Career or Guidance Counselors about the industry; service to disadvantaged youth; and administering business/employer awareness and partnerships which help lead to experience-based, career-oriented experiences including internships, apprenticeships, mentoring, co-op education and service learning. The Office of Career and Technology Education of the department will develop goals with each career cluster on the number of new schools using the industry-based curriculum and partnered with that career cluster organization. These funds may not be used to supplant or replace, in whole or in part, other existing resources/assets sourced outside the present grant being used to provide the same services or programs. Organizations may carry-over grants for up to three years when a large project is identified in the grant application to be used at a future date; otherwise excess funds must be returned to the state.

1.71. (SDE: Education Finance Act Reserve Fund) (A) There is created in the State Treasury a fund separate and distinct from the General Fund of the State and all other funds entitled the Education Finance Act Reserve Fund. All unexpended general funds appropriated to the Department of Education for the Education Finance Act in the current fiscal year shall be transferred to the Education Finance Act Reserve Fund. In the event that the amount appropriated for the Education Finance Act is insufficient to fully fund the base student cost as established by this act, revenues from the Education Finance Act Reserve Fund may be used to supplement the funds appropriated. The General Assembly may make direct appropriations to this fund. All unexpended funds in the Education Finance Act Reserve Fund and any interest accrued by the fund must remain in the fund and may be carried forward into the current fiscal year.

(B) The Department of Education must notify the State Treasurer in the event that any school district in this State is projected to receive less state EFA Employer Contribution Funds than the prior fiscal year. Upon notification, the Treasurer must disburse to the Department of Education a sufficient amount of reserve funds to compensate for one-half the difference that any district is projected to receive as compared to the prior fiscal year. The department must use these funds to supplement the school district's monthly disbursement of state EFA Employer Contribution Funds. The disbursement to each district must be based on that district's percentage of the aggregate variance of all school districts affected. The Treasurer is not required to disburse reserve funds to compensate for the difference unless funds are available based on the prior year's audited one hundred thirty-five day student count and unexpended general funds appropriated for the Education Finance Act as adjusted by the current fiscal year's forty-five day student count and the one hundred thirty-five day student count.

(C) After the obligations in (B) have been met, the Department of Education must notify the State Treasurer in the event that any school district in this State is projected to receive less in total state EFA and EFA Reserve Funds than the prior fiscal year. Upon notification, the Treasurer must disburse to the Department of Education a sufficient amount of reserve funds to compensate for one-half the difference that any district is projected to receive as compared to the prior fiscal year from the combination of the total EFA and EFA Reserve Funds. The disbursement to each district must be based on that district's percentage of the aggregate variance

of all school districts affected. The Treasurer is not required to disburse reserve funds to compensate for the difference unless funds are available based on the prior year's audited one hundred thirty-five day student count and unexpended general funds appropriated for the Education Finance Act as adjusted by the current fiscal year's forty-five day student count and the one hundred thirty-five day student count.

(D) After the obligations in (B) and (C) have been met the Department of Education must notify the State Treasurer in the event that any school district in this State has experienced growth in the number of Weighted Pupil Units from the second preceding year's final one hundred thirty-five day student count as compared to the prior fiscal year's one hundred thirty-five day student count. Upon notification, the Treasurer must disburse to the Department of Education a sufficient amount of reserve funds equal to five percent of the current year's appropriated base student cost for the aggregate increased weighted pupil units for all the identified districts that exceed the statewide average Weighted Pupil Unit growth from the second preceding year's final one hundred thirty-five day student count as compared to the prior fiscal year's one hundred thirty-five day student count. An identified district must be disbursed an amount equal to the district's percentage of the aggregate increase of all districts that experienced an applicable increase, to include the schools districts of Georgetown and Chesterfield counties. The Treasurer is not required to disburse reserve funds to compensate for growth unless funds are available based on the prior year's audited one hundred thirty-five day student count and unexpended general funds appropriated for the Education Finance Act as adjusted by the current fiscal year's forty-five day student count and the one hundred thirty five day fund student count.

(E) Disbursements required by this section must be made in priority order as provided by this section and must not exceed \$12,000,000 in the aggregate.

1.72. (SDE: Formative Reading Assessment) School districts may utilize their state, local, and federal funding for other formative reading assessments that have been approved for use by a Department of Education program in lieu of using the State Board approved developmental appropriate formative reading assessment for grades one and two. By August 1, 2008, districts shall be required to inform the Department of Education what assessment for grades one and two will be used.

1.73. (SDE: Child Development Education Pilot Program-4 Year Olds) Of the funds carried forward from the prior fiscal year from the South Carolina Child Development Education Pilot Program, \$3,200,000 shall be redirected to the Office of First Steps with the remainder redirected to the Department of Education for services to four year olds participating in the Child Development Education Pilot Program (CDEPP) during the current fiscal year. If, on the basis of student enrollment as of December 1, 2008, either agency projects an inability to expend its full FY 09 CDEPP allocation, these funds may be transferred as necessary between agencies to ensure the funding of allowed CDEPP expenditures in both public and private settings.

1.74. (SDE: Physical Education Assessment Program) Of the funds appropriated to the Department of Education for the physical education assessment program, the department is directed to use the funds for the review and revision of the physical education standards and the subsequent revision of the physical education assessment. For Fiscal Year 2008-09, the department may field test the revised physical education assessment.

1.75. (SDE: GSAH Human Resources Annual Report) Of the funds appropriated to the Governor's School for the Arts and the Humanities, the school shall provide to the Senate Finance Committee, the House Ways and Means Committee, the Budget and Control Board

Office of Human Resources, and the Commission on Human Affairs an annual report detailing the school's human resource statistics for both filled and vacant positions. The report shall include specifics as to advertising, applicants, and selections as well as the composition of the selection team. In addition, an annual report of recruiting activities that address the school's Access Plan shall be required. A comprehensive enrollment report must be furnished annually.

1.76. DELETED

1.77. (SDE: Prohibit Advertising on School Buses) The Department of Education and local school districts are prohibited from selling space for or the placement of advertisements on the outside or inside of school buses.

1.78. (SDE: Transfer Funding for EFA) **DELETED**

1.79. (SDE: Technical Assistance) Schools which receive individual report cards and share a school identification number (SIDN) and would receive less technical assistance funding in Fiscal Year 2009 than in Fiscal Year 2008 shall receive technical assistance funding as if they were two separate schools, except these schools may not receive more in total than they received in FY 2008.

1.80. (SDE: Charter School Funding Schedule) Of the funds appropriated, districts with locally approved charter schools will receive funds after verification of student attendance on the fifth day of school at the beginning of each school year for those charter schools with approved incremental growth and due to expansion as provided in their charter application. The Department of Education will release funds to districts on behalf of their charter schools no later than 15 days after receipt of verified enrollment. Districts must provide this funding to eligible charters no later than 30 days after receipt from the Department of Education. Funding will be adjusted at the 45-day school count as is currently the case with the Education Finance Act. This does not apply to schools approved and operating under the South Carolina Charter School District.

1.81. (SDE: Unexpended Star Academy Funds) The Department of Education is directed to transfer \$585,000 to the Arts Commission and \$615,000 to the Department of Probation, Parole and Pardon Services from the unexpended funds carried forward from the prior fiscal year in Part 1A, Section 1.XVIII designated for the Star Academy Dropout Prevention Program. The Arts Commission must utilize these funds specifically for Education, Arts and Cultural Tourism grants statewide. The Department of Probation, Parole and Pardon Services must utilize these funds for the implementation of the Ignition Interlock Program.

SECTION 1A - H63 - DEPARTMENT OF EDUCATION-EIA

1A.1. (SDE-EIA: XI-Prohibition on Appropriation Transfers) The amounts appropriated herein for aid to subdivisions or allocations to school districts shall not be transferred or reduced and must be expended in accordance with the intent of the appropriation. However, transfers are authorized from allocations to school districts or special line items with projected year-end excess appropriations above requirements, to allocations to school districts or special line items with projected deficits in appropriations.

1A.2. (SDE-EIA: XI.A.1-Advanced Placement) Of the funds appropriated in Part 1A, Section 1, XI.A.1. for Advanced Placement, no more than \$500,000 must be made available on a flat rate per class basis to schools offering "singleton" Advanced Placement classes with a student/teacher ratio equal to or less than ten to one. The State Board of Education shall develop guidelines for the distribution of these "singleton" funds. The remaining AP funds must be

distributed to the school districts of the state based upon the 135 day count of AP students served. AP funds may be used to defray the testing costs of the International Baccalaureate Program which are incurred by school districts at the same per-test reimbursement rate provided for Advanced Placement examinations. High schools may receive funding for the allowable costs associated with ninth and tenth grade students taking Advanced Placement courses. Funds provided for Advanced Placement may be carried forward into the current fiscal year to be expended for the same purpose.

1A.3. (SDE-EIA: XI.A-Gifted & Talented) Notwithstanding the provisions for Section 59-29-170, at least twelve percent (12%) of the total state dollars appropriated annually for gifted and talented programs shall be set aside for serving artistically gifted and talented students in grades 3-12. School districts shall service students identified as artistically gifted and talented by utilizing approved state guidelines in one or more of the following visual and performing arts areas: dance, drama, music and visual arts areas. Districts may contract with other entities to provide services to students identified as artistically gifted and talented if personnel or facilities are not available in the school district for that service. Of the remaining state dollars appropriated for gifted and talented programs, not more than \$1,000,000 may be used to provide testing and teacher training. Each district receiving funds for the gifted and talented program shall include an accelerated component as a part of its academically gifted and talented program. EIA-Gifted and Talented funds may be carried forward and expended for the same purpose in the current fiscal year.

1A.4. DELETED

1A.5. (SDE-EIA: XI.A.1 Services for Students with Disabilities) The money appropriated in Part IA, Section 1, XI.A.1. for Services for Students with Disabilities shall be used only for educational services for trainable mentally disabled pupils and profoundly mentally disabled pupils.

1A.6. (SDE-EIA: XI.A.1-Junior Scholars) Eligibility for the Junior Scholars program is open to any student who meets the requirements of the program, whether the student attends public school or private school; provided however, any private school student is responsible for paying the cost of the qualifying examination and, at the option of the Department of Education, any other costs associated with the program.

1A.7. (SDE-EIA: XI.A.4-Academic Assistance/Carry Forward) Any unexpended balance from the prior fiscal year in the EIA appropriations in Part IA, Section 1, XI.A.4. for Academic Assistance may be carried forward to the current fiscal year by school districts to be expended to operate programs in accordance with their academic assistance long range plans.

1A.8. (SDE-EIA: XI.A.4-Academic Assistance/Curriculum Development) Funds appropriated in Part IA, Section 1, XI.A.4. for Act 135 of 1993 Other Operating must be used by the Department of Education to provide schools and school districts with technical assistance on curriculum development, including implementing the grade-by-grade academic standards, and instructional improvement in keeping with the intent of Act 135 of 1993 (Sections 59-139-05 and 59-139-10 of the SC Code of Laws) as provided in regulations promulgated by the State Board of Education.

1A.9. (SDE-EIA: XI.A.4-Academic Assistance/Early Child Development) A portion of the funds appropriated in Part IA, Section 1, XI.A.4. for Academic Assistance 4-12 may be used to support components for the K-3 academic assistance if such change promotes better coordination of state and federal funds provided for programs for these students. Districts requesting this waiver from the State Board of Education must demonstrate how the use of these

funds is in keeping with their long range plan and how the needs of the students in grades 4-12 will be met.

1A.10. (SDE-EIA: XI.A.4-Academic Assistance/Formula Funding & Distribution) The total funding in Part IA, Section 1, XI.A.4. for the 4-12 Academic Assistance component of Act 135 of 1993 shall be based on a derived free and reduced lunch eligibility count for grades 4-12 obtained by applying the state percentage of K-3 students eligible for free and reduced lunch to the 4-12 average daily membership; and funding for individual districts shall be based on two equally weighted factors; the district's derived lunch percentage for grades 4-12 and its four year average for the number of 3-8 students scoring Below Basic on the statewide grade level assessments in English language arts and students failing any portion of HSAP.

1A.11. (SDE-EIA: XI.A-Academic Assistance/Reading Recovery) Of the EIA funds appropriated herein for the Academic Assistance Act 135, \$3,200,000 shall be used for the Reading Recovery programs throughout the State. Of the funds provided for Reading Recovery, up to \$50,000 shall be used for piloting alternative teaching methods for reading.

1A.12. (SDE-EIA: XI.A.4-Academic Assistance/Remedial Adult Education) Of funds appropriated in Part IA, Section 1, XI.A.4. for Academic Assistance an amount not to exceed \$1,000,000 must be used for either adult education students failing one or more sections of the HSAP Exit Examination or students preparing for the GED examination at a weight of .114 of the base student cost as defined in the Education Finance Act.

1A.13. (SDE-EIA: XI.B - Half Day Program for Four-Year-Olds) Funds appropriated in Part IA, Section 1, XI.B. for half-day programs for four-year-olds shall be distributed based on the prior year number of students in kindergarten eligible for free and reduce price lunch, however, no district shall receive less than 90 percent of the amount it received in the prior fiscal year.

1A.14. (SDE-EIA: XI.A.3. African-American History) Funds provided for the development of the African-American History curricula may be carried forward into the current fiscal year to be expended for the same purpose.

1A.15. (SDE-EIA: XI.C.3-Course Reimbursement/Teachers) Funds appropriated for EIA-Critical Teacher needs must be used for courses which support instructional techniques and strategies in keeping with the professional development plans. These funds may be used for courses which support the education of students with disabilities or special needs in the regular classroom. School districts may require and collect a deposit from teachers enrolling in courses that support the areas identified above. Upon completion of the course any deposit collected shall be returned to the teacher having made the deposit.

1A.16. (SDE-EIA: XI.C.2-Critical Teaching Needs/Roper Mountain) Of the funds appropriated in Part IA, Section 1, XI.C.2. for Critical Teaching Needs, \$250,000 shall be disbursed to the Roper Mountain Science Center for summer workshops for public school science teachers. Funds disbursed to the Roper Mountain Science Center may be carried forward.

1A.17. (SDE-EIA: XI.C.2-Teacher Evaluations, XI.F.2- Implementation/Education Oversight) The Department of Education is directed to oversee the evaluation of teachers at the School for the Deaf and the Blind, the John de la Howe School and the Department of Juvenile Justice under the ADEPT model.

1A.18. (SDE-EIA: XI.C.2.-Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers salaries of the southeastern states as projected by the Division of Budget and Analyses. For the current school year the

Southeastern average teacher salary is projected to be \$47,004. It is the intent of the General Assembly to exceed the Southeastern average teacher salary as projected by \$300. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Funds appropriated in Part IA, Section 1, XI.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50 (b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state.

1A.19. (SDE-EIA: XI.F.2-Teacher Salaries/State Agencies) Each state agency which does not contain a school district but has instructional personnel shall receive an allocation from the line item "Alloc. EIA - Teacher/Other Pay" in Part IA, Section 1, XI.F.2. for teachers salaries based on the following formula: Each state agency shall receive such funds as are necessary to adjust the pay of all instructional personnel to the appropriate salary provided by the salary schedules of the school district in which the agency is located. Instructional personnel may include all positions which would be eligible for EIA supplements in a public school district, and may at the discretion of the state agency, be defined to cover curriculum development specialists, educational testing psychologists, psychological and guidance counselors, and principals. The twelve-month agricultural teachers located at Clemson University are to be included in this allocation of funds for base salary increases. The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to increase the salaries of instructional personnel by an amount equal to the percentage increase given by the School District in which they are both located.

The funds appropriated herein in the line item "Alloc. EIA-Teacher/Other Pay" must be distributed to the agencies by the Budget and Control Board.

1A.20. (SDE-EIA: XI.A.1-Work-Based Learning) Of the funds appropriated in Part IA, Section 1, XI.A.1. for the Work-Based Learning Program, \$75,000 shall be used by the State Department of Education to provide for regional professional development in contextual methodology techniques and integration of curriculum, and professional development in career guidance for teachers and guidance counselors and training mentors. Pilot-site delivery of contextual methodology training in mathematics will be supported by technology and hands-on lab activities. In addition, \$500,000 shall be allocated for Regional Career Specialists. Each Regional Career Specialist shall (1) be housed within the regional centers/WIA geographic areas, (2) provide career development activities throughout all schools within the region, (3) be under the program supervision of the Office of Career and Technology Education, State Department of Education, and (4) adhere to an accountability and evaluation plan created by the Office of Career and Technology Education, State Department of Education. The Office of Career and Technology Education, State Department of Education, shall provide a report, in February of the current fiscal year to the Senate Finance Committee and the House Ways and Means Committee on accomplishments of the Career Counseling Specialists. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

1A.21. (SDE-EIA: XI.E.1-Principal Salary Supplements) Funds appropriated in Part IA, Section 1, XI.E.1. for salary supplements for principals and accompanying employer contributions must be distributed to school districts based on average daily membership (ADM).

Each school district shall distribute the funds as salary supplements in addition to existing compensation equally among principals and assistant principals employed by the district.

1A.22. (SDE-EIA: XI.E.2.-Evaluation/EIA Programs) Of the funds appropriated in Part IA, Section 1, XI.E.2. for EIA Implementation, Other Operating Expenses, \$349,124 may only be used by the State Department of Education to support its contracted program evaluations and the conduct of the State Board of Education's annual assessment of EIA-funded education reforms and the related report, pursuant to Section 59-6-12. Of the remaining funds appropriated in Part IA, Section 1, XI.E.2. for EIA Implementation, Other Operating Expenses shall be used to support the continuation of program and policy evaluations and studies and to support the state's participation in the Middle Grades Project, at no less than \$100,000. Provided further, for the current fiscal year, \$100,000 shall be provided to the South Carolina Educational Policy Center for collaborative projects with the Department of Education and the Education Oversight Committee to provide research based information and consultation services on technical issues related to establishing a more thorough accountability system for public schools, school districts, and the K-12 education system.

1A.23. (SDE-EIA: XI.F.2-CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, XI.F.2. for the Teacher Recruitment Program, the S.C. Commission on Higher Education shall distribute a total of \$5,404,014 to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which \$4,200,000 must be used for the Teaching Fellows Program and of which \$166,302 must be used for specific programs to recruit minority teachers, and shall distribute \$467,000 to S.C. State University to be used only for the operation of a minority teacher recruitment program and therefore shall not be used for the operation of their established general education programs. Working with districts with an absolute rating of Unsatisfactory or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA will report annually by October 1 to the Education Oversight Committee and the Department of Education on the success of the recruitment and retention efforts in these schools. The S.C. Commission on Higher Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The S.C. State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees, the State Board of Education and the Education Oversight Committee by October 1 annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.

1A.24. (SDE-EIA: XI.F.2-Disbursements/Other Entities) Notwithstanding the provisions of Sections 2-7-66 and 11-3-50, S.C. Code of Laws, it is the intent of the General Assembly that funds appropriated in Part IA, Section 1, XI.F.2. Other State Agencies and Entities shall be disbursed on a quarterly basis by the Department of Revenue directly to the state agencies and entities referenced except for the Teacher Loan Program, Centers of Excellence, the Education Oversight Committee and School Technology, which shall receive their full appropriation at the start of the fiscal year from available revenue. The Comptroller General's Office is authorized to make necessary appropriation reductions in Part IA, Section 1, XI.F.2. to prevent duplicate appropriations. If the Education Improvement Act appropriations in the agency and entity

respective sections of the General Appropriations Act at the start of the fiscal year do not agree with the appropriations in Part IA, Section 1, XI.F.2. Other State Agencies and Entities, the "other funds" appropriations in the respective agency and entity sections of the General Appropriations Act will be adjusted by the Comptroller General's Office to conform to the appropriations in Part IA, Section 1, XI.F.2. Other State Agencies and Entities.

1A.25. (SDE-EIA: XI.A.1-Arts in Education) Funds appropriated in Part IA, Section 1, XI.A.1. Arts Curricula shall be used to support arts education curriculum in the visual and performing arts which incorporates strengths from the Arts in Education pilot sites. These funds shall be distributed under a competitive grants program; however, up to 33% of the total amount of the grant fund shall be made available as "Aid to Other Agencies" to facilitate the funding of professional development arts institutes that have been approved by the State Department of Education for S.C. arts teachers and appropriate classroom teachers. Arts Curricular Grants funds may be retained and carried forward into the current fiscal year to be expended in accordance with the proposed award.

1A.26. (SDE-EIA: XI.B-Parenting/Family Literacy) Funds appropriated in Part IA, Section 1, XI.B. for the Parenting/Family Literacy Programs and allocated to the school districts for parenting projects in the prior fiscal year may be retained and expended by the school districts for the same purpose during the current fiscal year. These funds must be allocated only to school districts that provide comprehensive family literacy programs which address intergenerational cycles of poverty through adult education, early childhood education and parenting programs. Furthermore, any school district that does not provide the evaluation information necessary to determine effective use as required by Section 59-139-10(A)(1) and by regulation is not eligible to receive additional funding until the requested data is provided. The minimum amount allocated to a district shall be \$35,000.

1A.27. DELETED

1A.28. (SDE-EIA: XI.C.2-National Board Certification Incentive) Public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards shall be paid a \$7,500 salary supplement in the year of achieving certification. Teachers employed at the special schools shall be eligible for this \$7,500 salary supplement. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall develop guidelines and administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who are applying to the National Board for Professional Teaching Standards for certification may receive a loan equal to the amount of the application fee. One-half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the national board.

Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the

provisions of the previous appropriation act. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the State Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program. In addition, teachers who are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the State Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification. Teacher specialists remain eligible for state supplement for National Board certification.

Teachers who begin the application process after July 1, 2007 and who teach in schools which have an absolute rating of below average or unsatisfactory at the time the teacher applies to the National Board for certification, but who fail to obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one-half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the loan will be at the rate of 33% for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or unsatisfactory during the forgiveness period, or for each year of full time teaching in another school that has an absolute rating of below average or unsatisfactory.

1A.29. (SDE-EIA: XI.C.3-CSO Mathematics and Science Unit) The funds appropriated in Part IA, Section 1, XI.C.3. shall be used for Mathematics and Science Centers which support improvements in mathematics and science through resources and professional development in instructional techniques and strategies, use of technology in the classroom, leadership, content in subject areas and assessment. These efforts will be coordinated with programs such as Tech Prep Consortia using applied learning techniques which will improve classroom instruction in mathematics and science.

1A.30. (SDE: XI-Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.

1A.31. (SDE-EIA: XI.A.1-Autism Parent-School Partnership Program) From funds appropriated for Services For Students with Disabilities, \$350,000 shall be provided to the South Carolina Autism Society for the Parent-School Partnership Program.

1A.32. (SDE-EIA: XI.C.3-Professional Development on Standards) These funds shall be used for professional development for certificated instructional and instructional leadership

personnel in grades kindergarten through 12 in the academic areas for which SBE standards documents have been approved to better link instruction and lesson plans to the standards and to any state-adopted readiness assessment tests, develop classroom assessments consistent with the standards and PACT-style testing, and analyze PACT results for needed modifications in instructional strategies. No more than five percent of the funds appropriated for professional development may be retained by the Department of Education for administration of the program; however, with the funds allocated to districts for professional development, districts may choose to purchase professional development services provided by the Department of Education. Funds may also be expended for certificated instructional and instructional leadership personnel in grades six through twelve to achieve competency in teaching reading to students who score below proficient on the reading assessment of PACT. Provided further, that \$250,000 of the funds allocated to professional development must be provided to the Department of Education to implement successfully the South Carolina Readiness Assessment by creating a validation process for teachers to ensure reliable administration of the assessment, providing professional development on effective utilization and establishing the relationship between the readiness measure and third grade standards-based assessments. Multi-day work sessions shall be provided around the state during the summer and during the fall and winter using staff development days, teacher workdays, two of the remaining professional development days shall be set aside specifically for the preparation and opening of schools. District instructional leaders, regional service centers, consortia, department personnel, university faculty, contracted providers, and the resources of ETV may be used as appropriate to implement this intensive professional development initiative. Teachers participating in this professional development shall receive credit toward recertification according to State Board of Education guidelines. Funds provided for professional development on standards may be carried forward into the current fiscal year to be expended for the same purpose. No less than twenty-five percent of the funds allocated for professional development should be expended on the teaching of reading which includes teaching reading across content areas in grades three through eight.

1A.33. (SDE-EIA: XI.C.2-Teacher Supplies) From the funds appropriated, all certified public school, certified special school classroom teachers, certified media specialists, and certified guidance counselors who are employed by a school district or a charter school as of November 30 of the current fiscal year, shall receive reimbursement of two hundred seventy-five dollars each school year to offset expenses incurred by them for teaching supplies and materials. Funds shall be disbursed by the department to School districts by July 15 based on the last reconciled Professional Certified Staff (PCS) listing from the previous year. Any deviation in the PCS and actual teacher count will be reconciled by December 31 or as soon as practicable thereafter. School districts shall disburse these funds in a manner separate and distinct from their payroll check on the first day teachers, by contract, are required to be in attendance at school for the current contract year. This reimbursement shall not be considered by the state as taxable income. Special schools include the Governor's School for Science and Math, the Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and Palmetto Unified School District. Funds distributed to school districts or allocated to schools must not supplant existing supply money paid to teachers from other sources. If a school district requires receipts for tax purposes the receipts may not be required before December 31. Districts that do not wish to require receipts may have teachers retain the receipts and certify for the district they have received the \$275 for purchase of teaching supplies and/or materials and that they have

purchased or will purchase supplies and/or materials during the fiscal year for the amount of \$275. Districts shall not have an audit exception related to non-retention of receipts in any instances where a similar instrument is utilized. Any district requiring receipts must notify any teacher from whom receipts have not been submitted between November 25 and December 6, that receipts must be submitted to the district. Districts may not add any additional requirement not listed herein related to this reimbursement. The department must withhold Act 135 funds from any district while in non-compliance with this provision. Any funds not disbursed to teachers may not be retained by the districts and must be returned to the department.

1A.34. (SDE-EIA: XI.E.1-Principal Executive/Leadership Institute Carry Forward) Prior fiscal year funds appropriated in Part IA, Section 1, XI.E.1. for the Principal Executive/Leadership Institute may be carried forward into the current fiscal year and expended for the same purpose. The Institute and all principal evaluation and induction programs must include training for the key role that principals have in supervising the teaching of reading and instilling the importance of literacy in public schools.

1A.35. (SDE-EIA: XI.C.2-Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each district Teacher of the Year shall receive an award of \$1,000. In addition, the State Teacher of the Year shall receive an award of \$25,000, and each of the four Honor Roll Teachers of the Year will receive an award of \$10,000. To be eligible, districts must participate in the State Teacher of the Year Program sponsored by the State Department of Education.

1A.36. (SDE-EIA: XI-State of Emergency District) Funds may be used for retired educators serving as teacher specialists, principal specialists, principal leaders, or curriculum specialists on site in districts in which a state of emergency is declared. These educators may be hired as a principal specialist in a state of emergency district for up to four years.

1A.37. (SDE-EIA: XI-Accreditation System) The State Board of Education and Department of Education, in developing the criteria for the new accreditation system mandated by Section 59-18-710, shall consider including as an area the functioning of school improvement councils and other school decision-making groups and their participation in the school planning process in accordance with state requirements.

1A.38. (SDE-EIA: XI.A.3-Institute of Reading) The funds appropriated for the Institute of Reading must be used to implement a comprehensive approach to improving the reading abilities of students in the middle grades and accelerating the learning of middle grade students reading below grade level with strategies based on best practice and providing targeted assistance shown by research to help these students to read at grade level. Funds may also be used in the same manner for high school grades.

1A.39. (SDE-EIA: EOC) The Education Oversight Committee may collect, retain and expend revenue from conference registration and fees; charges for materials supplied to local school districts or other entities not otherwise mandated to be provided by state law; and from other activities or functions sponsored by the committee including public awareness campaign activities. Any unexpended revenue from these sources may be carried forward into the current fiscal year and expended for the same purposes. The Education Oversight Committee is permitted to utilize the funds appropriated to it to fund programs promoting the teaching of economic education in South Carolina.

1A.40. (SDE-EIA: Professional Development) With the funds appropriated for professional development, the Department of Education must disseminate the South Carolina Professional Development Standards, establish a professional development accountability

system, and provide training to school leadership on the professional development standards, also training must be provided to educators on assessing student mastery of the content standards. The State Department of Education shall revise professional development activities and programs, including professional development on the standards, the SC Reading Initiative, and programs for administrators, to include emphasis on strategies and services for students at risk of retention.

1A.41. DELETED

1A.42. (SDE-EIA: Technical Assistance) In order to best meet the needs of low-performing schools, funds appropriated for technical assistance to schools with an absolute rating of below average or unsatisfactory on the most recent annual school report card must be allocated accordingly.

First, a school initially designated as unsatisfactory or below average on the current year's report card must receive by January 1, up to \$10,000 from the funds appropriated for technical assistance and must expend the funds for planning purposes in accordance with Section 59-18-1560 of the 1976 Code. No more than fifteen percent of planning grants may be carried forward into the current fiscal year. Schools receiving an absolute rating of unsatisfactory will also be reviewed by an external review team.

Schools receiving an absolute rating of unsatisfactory or below average must submit to the Department of Education a school renewal plan that includes actions consistent with each of the alternative researched-based technical assistance criteria as approved by the Education Oversight Committee and the Department of Education and consistent with the external review team report.

Because the school renewal plan is critical to the planning and implementation of successful intervention strategies, the Department of Education will provide regional workshops to assist schools in formulating school renewal plans based on best practices that positively improve student achievement. The chairman of the local board of education, the superintendent, and the principal of any school receiving technical assistance funds must attend at least one of the workshops in order to receive any state aid for technical assistance. The school renewal plans must address professional development activities that are directly related to instruction in the core subject areas and may include compensation incentives to provide salary supplements to classroom teachers who are certified by the State Board of Education and who have obtained an advanced degree. The purpose of these compensation packages is to improve the recruitment and retention of teachers with advanced degrees in underperforming schools. If the school renewal plans are approved, schools would be permitted to use technical assistance funds to provide these salary supplements.

Upon approval of the plans by the Department of Education and the State Board of Education, a school with an absolute rating of below average will receive an allocation of not less than \$75,000, and a school with an absolute rating of unsatisfactory will receive an allocation of not less than \$250,000, taking into consideration the severity of the problems and the likelihood of positively impacting student achievement; student enrollment, external review team recommendations, and prior year technical assistance carry forward funds. The funds must be expended on the strategies and activities as expressly outlined in the school renewal plan which may include, but are not limited to, professional development, teacher incentive or pay for performance including the Teacher Advancement Program (TAP), homework centers, diagnostic testing, supplemental health and social services, or comprehensive school reform efforts. Not more than fifty percent of the school allocation may be used to reduce class size. The schools will work with the Department of Education to broker the services of technical assistance

personnel as needed and as stipulated in the school renewal plan. Not more than fifteen percent of funds not expended in the prior fiscal year may be carried forward and expended for the same purpose in the current fiscal year. It is intended that the technical assistance will be provided for a minimum of three years in order to implement fully systemic reform and to provide opportunity for building local education capacity. Furthermore, schools and school districts must use these technical assistance funds to augment or increase, not to replace local or state revenues that would have been used if the technical assistance funds had not been made available.

Schools and school districts may use technical assistance funds only to supplement, and to the extent practical, increase the level of funds that would be made available from other revenue sources for these schools. A school or district may not use these technical assistance funds to supplant funds from other sources.

With the funds appropriated to the Department of Education for technical assistance services, the department will assist schools with an absolute rating of unsatisfactory or below average in designing and implementing school renewal plans and in brokering for technical assistance personnel as needed and as stipulated in the school renewal plan. Teacher specialists may be placed across grade levels and across core subject areas when placement meets program criteria based on external review team recommendations, need, number of teachers receiving support, and certification and experience of the specialist. Teacher specialists are limited to three years of service at one school unless the specialist submits application for an extension and that application is accepted by the Department of Education and placement is made. Upon acceptance and placement, the specialist can receive the salary and supplement for two additional years, but is no longer attached to the sending district or guaranteed placement in the sending district following tenure in the program as provided in Section 59-18-1530(F) of the 1976 Code.

The criteria for selecting alternate research-based technical assistance are to be those previously approved by the Education Oversight Committee and the Department of Education. The School Improvement Council Assistance and the Writing Improvement Network will coordinate with the department to target schools and school districts designated as unsatisfactory. The department shall coordinate with and monitor the services provided to the schools and districts by the School Improvement Council Assistance and the Writing Improvement Network. In addition, the department must monitor the expenditure of funds and the academic achievement in schools receiving these funds and report to the General Assembly and the Education Oversight Committee by January 1 of each fiscal year as the General Assembly may direct. No more than five percent of the total amount appropriated for technical assistance services to schools with an absolute rating of Unsatisfactory or Below Average may be retained and expended by the department for implementation of technical assistance services. Furthermore, of the funds appropriated for technical assistance, \$930,000 shall be used for the National About Face Pilot Program. The School Improvement Council Assistance, the Writing Improvement Network, and the National About Face Pilot Program must submit external evaluations to the Education Oversight Committee at least once every three years. The Education Oversight Committee and the Department of Education will jointly determine the criteria to be used in evaluating the programs. If the Education Oversight Committee or the Department of Education requests information from schools or school districts regarding the expenditure of technical assistance funds pursuant to evaluations, the school or school district must provide the evaluation information necessary to determine effective use. If the school or school district does not provide the evaluation information necessary to determine effective use, the school or district is not eligible to receive additional funding until the requested data is provided.

By October 1 of the current fiscal year the Department of Education must submit a report to the Education Oversight Committee that documents the schools that have had an absolute rating of unsatisfactory or below average for the past four years and must delineate the reasons for these schools persistent underperformance.

1A.43. (SDE-EIA: Proviso Allocations) The State Department of Education may reduce by up to 10%, any allocation in Section 1A specifically designated by proviso in the event an official EIA revenue shortfall is declared by the BEA. No allocation for teacher salaries shall be reduced as a result of this proviso.

1A.44. (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer up to one hundred percent of funds between programs to any instructional program provided the funds are utilized for direct classroom instruction.

The South Carolina Department of Education must establish a procedure for the review of all transfers authorized by this provision. The details of such transfers must be provided to members of the General Assembly upon request. School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year to be used for the same purpose. All transfers executed pursuant to this provision must be completed by May first of the current fiscal year. All school districts and special schools of this State may expend funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, for any instructional program. The Education Oversight Committee shall review the utilization of the flexibility provision to determine how it enhances or detracts from the achievement of the goals of the educational accountability system, including the ways in which school districts and the state organize for maximum benefit to classroom instruction, priorities among existing programs and services, and the impact on short, as well as, long-term objectives. The State Department of Education shall provide the reports on the transfers to the Education Oversight Committee for the comprehensive review. This review shall be provided to the members of the General Assembly annually. Any grant or technical assistance funds allocated directly to an individual school may not be reduced or reallocated within the school district and must be expended by the receiving school only according to the guidelines governing the funds.

Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

1A.45. DELETED

1A.46. (SDE-EIA: Teacher Salary Supplement) The department is directed to carry forward prior year unobligated teacher salary supplement and related employer contribution funds into the current fiscal year to be used for the same purpose.

1A.47. (SDE-EIA: EAA Summer School, Grades 3-8) Funds appropriated for summer school shall be allocated to each local public school district based on the number of academic subject area scores below the basic on the prior year Spring PACT administration for students in grades three through eight and on the number of students entering ninth grade who score below proficient in reading. Individual student scores on the PACT shall not be the sole criterion used to determine whether a student on an academic plan the prior year will be placed on probation or retained. Individual student scores on the PACT shall not be the sole criterion for requiring students to attend summer school. School districts may consider other factors such as student performance, teacher judgment, and social, emotional, and physical development in placing students on academic probation or requiring summer school attendance. Students may not be

placed on academic probation or retained based solely on the PACT scores. The State Department of Education working with the Education Oversight Committee must develop a method to supplement the PACT with diagnostic training and materials aligned to the content standards. Current year appropriations may be expended for prior year EAA summer school purposes. Local public school districts shall utilize these funds in accordance with the requirements of Section 59-18-500 of the 1976 Code. The State Department of Education is directed to utilize PACT-like tests aligned with standards to be administered to students on academic probation required to attend summer school. The test shall be a determinate in judging whether the student has the skills to succeed at the next grade level. The State Board of Education shall establish regulations to define the extenuating circumstances including death of an immediate family member or severe long-term student illness, under which the requirements of Section 59-18-900(D) may be waived. Furthermore, the Department of Education, working with and through the SC Afterschool Alliance, will provide \$250,000 to produce a model of voluntary quality standards for out-of-school time programs, develop a directory of technical assistance, and identify gaps of service.

1A.48. (SDE-EIA: Alternative School Waiver Requirement) Alternative schools may receive funding if they meet the standards to qualify for a waiver from the Department of Education established in Section 59-63-1310 for site requirements for the current fiscal year.

1A.49. (SDE-EIA: Class Size Reduction-Grade One) School districts which choose to reduce class size to fifteen-to-one in grades one through three shall be eligible for funding for the reduced pupil-teacher ratios from funds provided by the General Assembly for this purpose.

1A.50. (SDE-EIA: High Schools That Work Programs) The Department of Education must report annually by December 1, to the Governor, the Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public Works Committee on the High Schools that Work Programs' progress and effectiveness in providing a better prepared workforce and student success in post-secondary education. The department, school districts, and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal that were allocated for High Schools That Work.

1A.51. (SDE-EIA: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. The department is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring PACT assessment.

1A.52. (SDE-EIA: EAA Report Card Criteria) The Education Oversight Committee may base ratings for school districts and high schools on criteria that include graduation from high school with a state high school diploma and ratings may be based on criteria aligned with workforce needs including, but not limited to, exit examination performance and other criteria identified by technical experts and appropriate groups of educators and workforce advocates.

For other schools without standard-based assessments the ratings may be based upon criteria identified by technical experts and appropriate groups of educators. All ratings criteria must be approved by the Education Oversight Committee.

1A.53. (SDE-EIA: Excellence in Middle School Initiative) Funds appropriated for the Excellence in Middle Schools Initiative shall be used to continue to fund the number of guidance counselors, school safety officers and/or school nurses in middle/junior high schools. The

funding allocation shall be based proportionately on the number of middle/junior high schools in each district.

1A.54. (SDE-EIA: Early Childhood Review) From the funds appropriated for EIA Four-Year-Old Early Childhood, the Department of Education shall utilize up to \$300,000 to institute a plan for reviewing, on a district basis, early childhood assets of schools and districts based on 4K entry DIAL 3 scores, and South Carolina Readiness Assessment Reports. To accomplish this, the department shall use reports that analyze program assets and provide guidance to local schools on the effective use of the reports to enhance quality gaps. Children will be tracked from early childhood programs to fifth grade and beyond to study the relationships of strong early childhood programs and increased performance on PACT, decreased drop out scores, decreased referral for special education programs, and increased graduation rates. This review may not be used as a part of the EAA Report Card for the current fiscal year.

1A.55. (SDE-EIA: Credits High School Diploma Distribution) The funds appropriated for Raise Academic Standards-Credits High School Diploma shall be distributed to the school districts of the state based upon the 135 day count of Average Daily Membership.

1A.56. DELETED

1A.57. (SDE-EIA: Report Card Information) The percentage each school district expended on classroom instruction as defined by the Department of Education's InSite classification for "Instruction" must be printed on the Annual School and District Report Card.

1A.58. (SDE-EIA: Core Curriculum Materials) The funds appropriated in Part IA, Section 1, XI.A.3 for instructional materials for core curriculum shall be expended consistent with the requirements of Section 59-31-600 of the 1976 Code requiring the development of higher order thinking skills and critical thinking which should be integrated throughout the core curriculum instructional materials. Furthermore, the evaluation criteria used to select instructional materials with funds appropriated in Part IA, Section 1, XI.A.3 shall include a weight of up to ten percent of the overall criteria to the development of higher order thinking skills and critical thinking.

1A.59. (SDE-EIA: Formative Reading Assessment) School districts may utilize their state, local, and federal funding for other formative reading assessments that have been approved for use by a Department of Education program in lieu of using the State Board approved developmental appropriate formative reading assessment for grades one and two. By August 1, 2008, districts shall be required to inform the Department of Education what assessment for grades one and two will be used.

1A.60. DELETED

1A.61. DELETED

1A.62. DELETED

1A.63. (SDE-EIA: XI-E.2.-Teacher Technology Proficiency) To ensure the effective and efficient use of the funding provided by the General Assembly in Part IA, Section 1 XI.E.2 for school technology in the classroom and internet access, the State Department of Education shall approve district technology plans that specifically address and incorporate teacher technology competency standards and local school districts must require teachers to demonstrate proficiency in these standards as part of each teacher's Professional Development plan. The Department of Education's professional development tracking, prescriptive and electronic portfolio system for teachers is the preferred method for demonstrating technology proficiency as this system is aligned to the International Society for Technology in Education (ISTE) teacher standards. Evidence that districts are meeting the requirement is a prerequisite to expenditure of a district's technology funds.

1A.64. (SDE-EIA: Accountability Program Implementation) To support implementation of the accountability program, the Education Oversight Committee may carry forward unexpended Education Accountability Act funds authorized specifically for the administration of the Education Oversight Committee.

SECTION 2 - H66 -LOTTERY EXPENDITURE ACCOUNT

2.2. (LEA: SDE Lottery Carry Forward) The Department of Education is authorized to carry forward and expend any unexpended balances of lottery funds from the prior fiscal year into the current fiscal year for expenditures incurred in the prior fiscal year or to be expended for the same purpose.

2.3. (LEA: SDE Transfer Restriction) Funds appropriated from the Education Lottery Account for K-5, Reading, Mathematics, Science, and Social Studies Programs, grants, or technical assistance funds allocated directly to an individual school may not be transferred and may only be expended for the purposes for which these funds have been appropriated. However, all school districts may transfer up to one hundred percent of other lottery funds appropriated to school districts between programs to any instructional program provided the funds are utilized for direct classroom instruction.

2.7. (LEA: FY 08-09 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.

The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.

All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.

For Fiscal Year 2008-09 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

- (1) Commission on Higher Education--Tuition Assistance
Two-Year Institutions \$47,000,000;
- (2) Commission on Higher Education--LIFE Scholarships
as provided in Chapter 149 of Title 59 \$75,256,682;
- (3) Commission on Higher Education--HOPE Scholarships
as provided in Section 59-150-370 \$8,076,110;
- (4) Commission on Higher Education--Palmetto Fellows
Scholarships as provided in Section 59-104-20 \$30,277,240;
- (5) Commission on Higher Education--
Need-Based Grants \$11,631,566;
- (6) Tuitions Grants Commission--Tuition Grants \$7,766,604;
- (7) Commission on Higher Education--National Guard
Tuition Repayment Program as provided in
Section 59-111-75 \$1,700,000;
- (8) Commission on Higher Education--Endowed Chairs as
provided in Chapter 75 of Title 2 \$10,000,000;
- (9) South Carolina State University \$2,500,000;

- (10) Technology--Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges \$3,600,000;
- (11) Department of Education--K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525 \$47,614,527;
- (12) Department of Education--Grades 6-8 Reading, Math, Science & Social Studies Program \$2,000,000;
- (13) Commission on Higher Education--Higher Education Excellence Enhancement Program \$4,700,000; and
- (14) School for the Deaf and the Blind--Technology Replacement \$200,000.

Fiscal Year 2008-09 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and 2-year institutions as provided in Section 59-150-360.

The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.

The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full time students.

Fiscal Year 2008-09 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, Palmetto Fellows, and HOPE scholarships for Fiscal Year 2008-09 are fully funded.

If the lottery revenue received for Fiscal Year 2008-09 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

The Commission on Higher Education is authorized to use up to \$260,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process.

For Fiscal Year 2008-09, \$8,400,000 certified from unclaimed prizes shall be appropriated for Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. The allocations of Section 59-150-230(1) of the 1976 Code are suspended for the current fiscal year.

Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first \$4,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the Allied Health Initiative. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Critical Needs Nursing Initiative Fund - Simulation Technology and Equipment. All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher Education for Need-Based Grants.

All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher Education for Need-Based Grants.

Notwithstanding the provisions of Section 59-150-355 of the 1976 Code or any other

provision of law, the Budget and Control Board may distribute funds from the Education Lottery Account on a monthly basis during the final quarter of the fiscal year.

SECTION 89 - X90 - GENERAL PROVISIONS

89.1. (GP: Revenues, Deposits Credited to General Fund) For the current fiscal year, except as hereinafter specifically provided, all general state revenues derived from taxation, licenses, fees, or from any other source whatsoever, and all institutional and departmental revenues or collections, including income from taxes, licenses, fees, the sale of commodities and services, and income derived from any other departmental or institutional source of activity, must be remitted to the State Treasurer at least once each week, when practical, and must be credited, unless otherwise directed by law, to the General Fund of the State. Each institution, department or agency, in remitting such income to the State Treasurer, shall attach with each such remittance a report or statement, showing in detail the sources itemized according to standard budget classification from which such income was derived, and shall, at the same time, forward a copy of such report or statement to the Comptroller General and the State Budget and Control Board. In order to facilitate the immediate deposit of collections, refunds of such collections by state institutions where properly approved by the authorities of same, may be made in accordance with directions from the State Comptroller General and State Treasurer.

General fund appropriations herein made for the support of the public school system of the State must be greater than or equal to the revenues derived from the General Retail Sales Tax, the Soft Drinks Tax, and the state's portion of the Alcoholic Liquors Tax and Cable Television Fees as forecasted in the general fund revenue estimate of the Board of Economic Advisors as accounted for in Section 88 of this act. Appropriations in this act for the support of the public school system shall include the following:

- Department of Education;
- State Board for Technical and Comprehensive Education;
- Educational Television Commission;
- Wil Lou Gray Opportunity School;
- School for the Deaf and the Blind;
- John de la Howe School;
- Debt Service on Capital Improvement Bonds Applicable to Above Agencies;
- Debt Service on School Bonds;
- Other School Purposes.

Nothing contained herein shall be construed as diminishing the educational funding requirements of this section.

89.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year 2008-09, and for other purposes specifically designated.

89.10. (GP: Transfers of Appropriations) Agencies and institutions shall be authorized to transfer appropriations within programs and within the agency with notification to the Division of Budget and Analyses and Comptroller General. No such transfer may exceed twenty percent

of the program budget. Upon request, details of such transfers may be provided to members of the General Assembly on an agency by agency basis. Transfers of appropriations from personal service accounts to other operating accounts or from other operating accounts to personal service accounts may be restricted to any established standard level set by the Budget and Control Board upon formal approval by a majority of the members of the Budget and Control Board.

89.29. (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior fiscal year into the current fiscal year, up to a maximum of ten percent of its original general fund appropriations less any appropriation reductions for the current fiscal year. Agencies shall not withhold services in order to carry forward general funds.

This provision shall be suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this proviso, the amount of the general fund deficit shall be determined after first applying the Capital Reserve Fund provisions in Section 11-11-320(D) of the 1976 Code, and before any transfers from the General Reserve. The amount of general funds needed to avoid a year-end deficit shall be reduced proportionately from each agency's carry forward amount.

Agencies which have separate general fund carry forward authority must exclude the amount carried forward by such separate authority from their base for purposes of calculating the ten percent carry forward authorized herein. Any funds that are carried forward as a result of this provision are not considered part of the base of appropriations for any succeeding years.

89.35. (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the Department of Education, in consultation with the Budget and Control Board's Chief Information Office, the State Library and Educational Television Commission shall administer the K-12 technology initiative funds. These funds are intended to provide technology, encourage effective use of technology in K-12 public schools throughout the state, conduct cost/benefit analyses of the various technologies and should, to the maximum extent possible, involve public-private sector collaborative efforts. Funds may also be used to establish pilot projects for new technologies with selected school districts as part of the evaluation process. K-12 technology initiative funds shall be retained and carried forward to be used for the same purpose.

89.42. (GP: PSA Agriculture Teachers Summer Employment) In addition to funds previously established for Clemson University PSA to fund summer employment of agriculture teachers, the Department of Education shall transfer funds appropriated in Part IA, Section XI.F3 of this document, Other State Agencies and Entities, Teacher Pay - Other Agencies to Clemson University PSA to cover state-mandated salary increases on that portion of the agriculture teachers' salaries attributable to summer employment.

89.45. (GP: Alternative Commitment to Truancy) As part of its plan for an alternative school, a school district receiving funds from the Department of Education for an alternative school shall identify available alternatives to commitment for children whose truancy is approaching the level of being referred to family court. When proceeding under S.C. Code Section 59-65-50 to bring an individual case before the family court, the school district must present this plan as well as the district's efforts with respect to the individual child to the court. Each school district's plan under

this proviso shall include possible assignment to alternative school for a nonattending child before petitioning the court.

89.112. (GP: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to the prior fiscal year general fund appropriations, agencies are authorized for FY 2008-09 to spend agency earmarked and restricted accounts designated as "special revenue funds" as defined in the Comptroller General's records, to maintain critical programs previously funded with general fund appropriations. Any increase in spending authorization for these purposes must receive the prior approval of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Budget and Control Board.

SECTION 90 - X91 - STATEWIDE REVENUE

90.13. (SR: Nonrecurring Revenue) (A) The source of revenue appropriated in this provision is \$53,414,358 of non-recurring revenue generated from the following sources, transferred to the State Treasurer, and subsequently deposited in a fund separate and distinct from the General Fund as established within the State Treasurer's Office: (1) the State Treasurer shall transfer \$12,108,453 of the excess cash balance from E16, State Treasurer's Office, Subfund 3879, Unclaimed Property; (2) the Budget and Control Board shall transfer the excess balance from F30, B&C-Employee Benefits; (3) the Department of Agriculture shall transfer \$14,424,482 of the funds appropriated by Act 122 of 2007 for the Farmers Market and carried forward from the prior fiscal year; and (4) excluding the revenues distributed to Barnwell County and South Carolina waste generators, the State Treasurer shall transfer the first \$17,253,596 of the FY 2007-08 revenue credited to the Nuclear Waste Disposal Receipts Distribution Fund from the Barnwell Low Level Waste Facility for use in this provision and all revenues in excess of \$17,253,596 must be credited to an escrow account created within the Budget and Control Board. The escrow account must be used to offset any operating shortfalls resulting from the facility's operations.

(B) The State Treasurer shall disburse the following appropriations by September 1, 2008, for the purposes stated:

- (1) H63-Department of Education
 - (A) Public School Child Development Education
 - Pilot Program \$15,774,750;
 - (B) Assessments \$1,000,000;
 - (C) Textbooks \$3,331,413;
 - (D) Summer Schools \$12,000,000;
 - (E) Teacher Supplies to \$275 \$807,094;
- (2) E04-Lieutenant Governor's Office
 - Home and Community Based Services \$2,900,000;
- (3) H03-Commission on Higher Education
 - University Center of Greenville \$1,112,229;
- ** (4) *H12-Clemson University*
 - LightRail \$700,000;*

**** (5)** *H27-University of South Carolina - Columbia
LightRail \$700,000;*

**** (6)** *H51-Medical University of South Carolina
LightRail \$700,000;*

Text printed in italic, boldface indicates sections vetoed by the Governor on May 28, 2008.

******Indicates those vetoes overridden by the General Assembly on June 3 or June 4, 2008

(7) H24-South Carolina State University
BRIDGE Program-Minority Teacher
Recruitment \$250,000;

(8) H37-University of South Carolina-Lancaster Campus
Operating Expenses \$100,000;

(9) H59-State Board for Technical & Comprehensive Education
Center for Accelerated Technology \$3,000,000;

**** (10)** *P20-Clemson University-PSA
Operating Expenses \$275,000;*

Text printed in italic, boldface indicates sections vetoed by the Governor on May 28, 2008.

******Indicates those vetoes overridden by the General Assembly on June 3 or June 4, 2008

(11) P21-South Carolina State University - PSA
1890 Research and Extension \$370,028;

(12) P28-Department of Parks, Recreation, and Tourism
Destination Specific Grants \$5,000,000;

(13) E20-Attorney General's Office
State of SC v State of NC - Water Transfer \$1,400,000; and

**** (14)** *E23-Commission on Indigent Defense
Public Defenders & Staff \$3,993,844*

Text printed in italic, boldface indicates sections vetoed by the Governor on May 28, 2008.

******Indicates those vetoes overridden by the General Assembly on June 3 or June 4, 2008

Total Appropriations \$53,414,358.

Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

H 5300; Act No. 414 - Rescission Appropriation Bill for Fiscal Year 2008-2009

SECTION - H63 - DEPARTMENT OF EDUCATION

1.34. (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program IX.B. - Bus Shops may be used to purchase buses, fuel, parts, or other school bus related items. Any funds appropriated or authorized for the purchase of school buses may not be transferred or used for any other purpose. However, in the event of an emergency fuel situation, and only to the extent necessary, the department is authorized to use appropriated funds in Part IA, IX.C. for fuel expenditures.

1.82. (SDE: Statewide Assessment): **DELETED**

89.112. (GP: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to the prior fiscal year general fund appropriations, agencies are authorized for FY 2008-09 to spend agency earmarked and restricted accounts designated as "special revenue funds" as defined in the Comptroller General's records, to maintain critical programs previously funded with general fund appropriations. Any increase in spending authorization for these purposes must receive the prior approval of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Budget and Control Board, Office of State Budget in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

State institutions of higher learning whose budgets have been reduced from the Fiscal Year 2007-08 state funding level, shall have the authority to use other sources of available funds to support and maintain state funded programs affected by state reductions during Fiscal Year 2008-09 and may adjust appropriations from special items or programs contained in this act in an amount greater or less than the percentage of the reduction assessed to the institution's base budget. Institutions shall submit to the Office of State Budget, the Senate Finance Committee, and the House Ways and Means Committee the amount of base budget reductions associated with these programs.

SECTION 90 - X91 - STATEWIDE REVENUE

90.16. (SR: Transfer of Deed) For Fiscal Year 2008-2009, Section 48-59-75 is suspended. For Fiscal Year 2008-09, the South Carolina Conservation Bank shall transfer \$7,000,000 of the deed recording fees received in the current fiscal year to the Department of Education to be used for school bus fuel. Contractual obligations that existed as of the effective date of this act shall be honored before any transfer is executed. Cash balances carried forward from the prior fiscal year shall be utilized first to meet the South Carolina Conservation Bank contractual obligations and agency operating expenses.

H 3560; ACT NO. 23 - 2009-10 APPROPRIATIONS ACT

SECTION 1 - H63-DEPARTMENT OF EDUCATION

1.1. (SDE: Appropriation Transfer Prohibition) The amounts appropriated herein for aid to subdivisions, allocations to school districts, or special line items shall not be transferred and must be expended in accordance with the intent of the appropriation, except that the department may transfer funds that are deducted and retained from a school district's transportation allocation to reimburse the department for the cost of unauthorized mileage. This transfer must be agreed upon by both the school district and the department. Those funds may be transferred into the department's school bus transportation operating account.

1.2. (SDE: DHEC - Comprehensive Health Assessment) All school districts shall participate, to the fullest extent possible, in the Medicaid program by seeking appropriate reimbursement for services and administration of health and social services. Reimbursements to the school districts shall not be used to supplant funds currently being spent on health and social services.

1.3. (SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for 100 percent of full implementation of the Education Finance Act to include an inflation factor projected by the Division of Budget and Analyses to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year for Part IA has been determined to be \$2,034 and the base student cost for Part III has been determined to be \$300 for a total base student cost of \$2,334. In Fiscal Year 2009-10, the total pupil count is projected to be 691,816. The average per pupil funding is projected to be \$4,153 state, \$1,296 federal, and \$5,792 local. This is an average total funding level of \$11,242 excluding revenues of local bond issues. For Fiscal Year 2009-10 the South Carolina Public Charter School District shall receive and distribute state funds to the charter school as determined by the current year's base student cost, as funded by the General Assembly, plus an additional \$700, multiplied by the weighted students enrolled in the charter school, which must be subject to adjustment for student attendance and state budget allocations.

In Fiscal Year 2009-10, the Abbeville School District total pupil count is projected to be 2,911. The per pupil funding is projected to be \$6,059 state, \$1,616 federal, and \$3,604 local. This is a total projected funding level of \$11,279 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Aiken School District total pupil count is projected to be 23,640. The per pupil funding is projected to be \$4,084 state, \$1,225 federal, and \$3,673 local. This is a total projected funding level of \$8,982 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Allendale School District total pupil count is projected to be 1,454. The per pupil funding is projected to be \$7,310 state, \$1,764 federal, and \$3,978 local. This is a total projected funding level of \$13,053 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Anderson School District 1 total pupil count is projected to be 9,168. The per pupil funding is projected to be \$4,053 state, \$656 federal, and \$3,485 local. This is a total projected funding level of \$8,194 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Anderson School District 2 total pupil count is projected to be 3,694. The per pupil funding is projected to be \$4,573 state, \$609 federal, and \$3,780 local. This is a total projected funding level of \$8,962 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Anderson School District 3 total pupil count is projected to be

2,558. The per pupil funding is projected to be \$4,919 state, \$1,370 federal, and \$3,857 local. This is a total projected funding level of \$10,146 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Anderson School District 4 total pupil count is projected to be 2,901. The per pupil funding is projected to be \$3,850 state, \$1,231 federal, and \$7,007 local. This is a total projected funding level of \$12,087 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Anderson School District 5 total pupil count is projected to be 11,985. The per pupil funding is projected to be \$4,277 state, \$1,488 federal, and \$4,675 local. This is a total projected funding level of \$10,440 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Bamberg School District 1 total pupil count is projected to be 1,377. The per pupil funding is projected to be \$5,491 state, \$1,675 federal, and \$3,723 local. This is a total projected funding level of \$10,889 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Bamberg School District 2 total pupil count is projected to be 872. The per pupil funding is projected to be \$6,126 state, \$2,011 federal, and \$4,334 local. This is a total projected funding level of \$12,471 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Barnwell School District 19 total pupil count is projected to be 747. The per pupil funding is projected to be \$5,256 state, 2,578 federal, and \$3,900 local. This is a total projected funding level of \$11,734 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Barnwell School District 29 total pupil count is projected to be 972. The per pupil funding is projected to be \$4,544 state, \$1,466 federal, and \$3,305 local. This is a total projected funding level of \$9,315 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Barnwell School District 45 total pupil count is projected to be 2,445. The per pupil funding is projected to be \$4,898 state, \$1,177 federal, and \$2,970 local. This is a total projected funding level of \$9,045 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Beaufort School District total pupil count is projected to be 18,425. The per pupil funding is projected to be \$1,379 state, \$1,703 federal, and \$12,157 local. This is a total projected funding level of \$15,240 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Berkeley School District total pupil count is projected to be 28,058. The per pupil funding is projected to be \$4,119 state, \$959 federal, and \$5,655 local. This is a total projected funding level of \$10,733 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Calhoun School District total pupil count is projected to be 1,569. The per pupil funding is projected to be \$5,309 state, \$1,495 federal, and \$6,632 local. This is a total projected funding level of \$13,436 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Charleston School District total pupil count is projected to be 40,639. The per pupil funding is projected to be \$2,703 state, \$1,593 federal, and \$9,874 local. This is a total projected funding level of \$14,169 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Cherokee School District total pupil count is projected to be 8,868. The per pupil funding is projected to be \$4,696 state, \$1,558 federal, and \$4,801 local. This is a total projected funding level of \$11,055 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Chester School District total pupil count is projected to be 5,503. The per pupil funding is projected to be \$4,761 state, \$1,970 federal, and \$5,050 local. This is a total projected funding level of \$11,781 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Chesterfield School District total pupil count is projected to be 7,730. The per pupil funding is projected to be \$4,700 state, \$1,453 federal, and \$3,303 local. This is a total projected funding level of \$9,457 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Clarendon School District 1 total pupil count is projected to be 840. The per pupil funding is projected to be \$5,935 state, \$1,629 federal, and \$6,690 local.

This is a total projected funding level of \$14,254 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Clarendon School District 2 total pupil count is projected to be 2,974. The per pupil funding is projected to be \$5,239 state, \$1,897 federal, and \$2,517 local. This is a total projected funding level of \$9,653 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Clarendon School District 3 total pupil count is projected to be 1,207. The per pupil funding is projected to be \$5,095 state, \$1,013 federal, and \$2,570 local. This is a total projected funding level of \$8,678 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Colleton School District total pupil count is projected to be 5,918. The per pupil funding is projected to be \$4,822 state, \$2,250 federal, and \$4,576 local. This is a total projected funding level of \$11,648 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Darlington School District total pupil count is projected to be 10,522. The per pupil funding is projected to be \$4,772 state, \$1,642 federal, and \$5,340 local. This is a total projected funding level of \$11,754 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Dillon School District 1 total pupil count is projected to be 794. The per pupil funding is projected to be \$5,326 state, \$1,824 federal, and \$2,183 local. This is a total projected funding level of \$9,333 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Dillon School District 2 total pupil count is projected to be 3,380. The per pupil funding is projected to be \$4,771 state, \$1,738 federal, and \$1,733 local. This is a total projected funding level of \$8,243 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Dillon School District 3 total pupil count is projected to be 1,616. The per pupil funding is projected to be \$4,457 state, \$1,209 federal, and \$2,199 local. This is a total projected funding level of \$7,865 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Dorchester School District 2 total pupil count is projected to be 21,969. The per pupil funding is projected to be \$3,790 state, \$641 federal, and \$4,399 local. This is a total projected funding level of \$8,830 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Dorchester School District 4 total pupil count is projected to be 2,190. The per pupil funding is projected to be \$4,807 state, \$1,918 federal, and \$6,918 local. This is a total projected funding level of \$13,643 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Edgefield School District total pupil count is projected to be 3,795. The per pupil funding is projected to be \$5,158 state, \$972 federal, and \$3,879 local. This is a total projected funding level of \$10,010 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Fairfield School District total pupil count is projected to be 2,940. The per pupil funding is projected to be \$5,175 state, \$2,003 federal, and \$8,343 local. This is a total projected funding level of \$15,520 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Florence School District 1 total pupil count is projected to be 15,203. The per pupil funding is projected to be \$4,228 state, \$1,408 federal, and \$4,867 local. This is a total projected funding level of \$10,503 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Florence School District 2 total pupil count is projected to be 1,230. The per pupil funding is projected to be \$4,848 state, \$1,099 federal, and \$4,008 local. This is a total projected funding level of \$9,956 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Florence School District 3 total pupil count is projected to be 3,485. The per pupil funding is projected to be \$5,106 state, \$3,087 federal, and \$2,584 local. This is a total projected funding level of \$10,777 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Florence School District 4 total pupil count is projected to be 814. The per pupil funding is projected to be \$7,302 state, \$1,950 federal, and \$4,728 local. This is a total projected funding level of \$13,980 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Florence School District 5 total pupil count is projected to be 1,395. The per pupil funding is projected to be \$5,314 state, \$1,213 federal, and \$3,867 local. This is a total projected funding level of \$10,394 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Georgetown School District total pupil count is projected to be 9,467. The per pupil funding is projected to be \$3,604 state, \$1,411 federal, and \$7,484 local. This is a total projected funding level of \$12,499 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Greenville School District total pupil count is projected to be 69,784. The per pupil funding is projected to be \$3,898 state, \$1,040 federal, and \$4,969 local. This is a total projected funding level of \$9,908 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Greenwood School District 50 total pupil count is projected to be 8,922. The per pupil funding is projected to be \$4,412 state, \$1,143 federal, and 6,156 local. This is a total projected funding level of \$11,712 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Greenwood School District 51 total pupil count is projected to be 1,053. The per pupil funding is projected to be \$5,397 state, \$1,143 federal, and \$4,229 local. This is a total projected funding level of \$10,770 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Greenwood School District 52 total pupil count is projected to be 1,593. The per pupil funding is projected to be \$3,152 state, \$867 federal, and \$6,296 local. This is a total projected funding level of \$10,314 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Hampton School District 1 total pupil count is projected to be 2,607. The per pupil funding is projected to be \$5,135 state, \$1,516 federal, and \$2,876 local. This is a total projected funding level of \$9,526 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Hampton School District 2 total pupil count is projected to be 1,047. The per pupil funding is projected to be \$7,510 state, \$2,148 federal, and \$4,070 local. This is a total projected funding level of \$13,728 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Horry School District total pupil count is projected to be 37,225. The per pupil funding is projected to be \$3,391 state, \$1,336 federal, and \$7,836 local. This is a total projected funding level of \$12,563 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Jasper School District total pupil count is projected to be 3,274. The per pupil funding is projected to be \$4,373 state, \$1,793 federal, and \$6,546 local. This is a total projected funding level of \$12,713 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Kershaw School District total pupil count is projected to be 10,267. The per pupil funding is projected to be \$4,588 state, \$1,183 federal, and \$4,653 local. This is a total projected funding level of \$10,424 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Lancaster School District total pupil count is projected to be 11,786. The per pupil funding is projected to be \$4,200 state, \$1,641 federal, and \$4,597 local. This is a total projected funding level of \$10,437 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Laurens School District 55 total pupil count is projected to be 5,559. The per pupil funding is projected to be \$4,855 state, \$1,382 federal, and \$3,520 local. This is a total projected funding level of \$9,757 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Laurens School District 56 total pupil count is projected to be 3,058. The per pupil funding is projected to be \$5,020 state, \$2,023 federal, and \$3,725 local. This is a total projected funding level of \$10,768 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Lee School District total pupil count is projected to be 2,367. The per pupil funding is projected to be \$6,796 state, \$2,105 federal, and \$3,295 local. This is a total projected funding level of \$12,196 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Lexington School District 1 total pupil count is projected to be

22,013. The per pupil funding is projected to be \$4,174 state, \$605 federal, and \$6,914 local. This is a total projected funding level of \$11,693 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Lexington School District 2 total pupil count is projected to be 8,419. The per pupil funding is projected to be \$4,639 state, \$1,270 federal, and \$4,827 local. This is a total projected funding level of \$10,736 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Lexington School District 3 total pupil count is projected to be 1,987. The per pupil funding is projected to be \$4,959 state, \$1,571 federal, and \$6,565 local. This is a total projected funding level of \$13,095 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Lexington School District 4 total pupil count is projected to be 3,072. The per pupil funding is projected to be \$6,247 state, \$2,329 federal, and \$3,847 local. This is a total projected funding level of \$12,423 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Lexington School District 5 total pupil count is projected to be 16,235. The per pupil funding is projected to be \$4,650 state, \$672 federal, and \$7,042 local. This is a total projected funding level of \$12,363 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Marion School District 1 total pupil count is projected to be 2,653. The per pupil funding is projected to be \$5,025 state, \$2,221 federal, and \$2,712 local. This is a total projected funding level of \$9,959 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Marion School District 2 total pupil count is projected to be 1,857. The per pupil funding is projected to be \$4,838 state, \$2,792 federal, and \$2,864 local. This is a total projected funding level of \$10,495 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Marion School District 7 total pupil count is projected to be 694. The per pupil funding is projected to be \$7,773 state, \$1,892 federal, and 2,989 local. This is a total projected funding level of \$12,654 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Marlboro School District total pupil count is projected to be 4,274. The per pupil funding is projected to be \$5,702 state, \$2,037 federal, and \$2,881 local. This is a total projected funding level of \$10,620 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the McCormick School District total pupil count is projected to be 831. The per pupil funding is projected to be \$4,428 state, \$2,322 federal, and \$8,688 local. This is a total projected funding level of \$15,439 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Newberry School District total pupil count is projected to be 5,762. The per pupil funding is projected to be \$4,910 state, \$1,596 federal, and \$6,399 local. This is a total projected funding level of \$12,905 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Oconee School District total pupil count is projected to be 10,274. The per pupil funding is projected to be \$3,852 state, \$1,291 federal, and \$7,284 local. This is a total projected funding level of \$12,427 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Orangeburg School District 3 total pupil count is projected to be 2,878. The per pupil funding is projected to be \$5,560 state, \$2,075 federal, and \$6,098 local. This is a total projected funding level of \$13,733 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Orangeburg School District 4 total pupil count is projected to be 3,836. The per pupil funding is projected to be \$5,002 state, \$1,614 federal, and \$4,917 local. This is a total projected funding level of \$11,533 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Orangeburg School District 5 total pupil count is projected to be 6,392. The per pupil funding is projected to be \$5,139 state, \$1,900 federal, and \$5,795 local. This is a total projected funding level of \$12,834 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Pickens School District total pupil count is projected to be 16,210. The per pupil funding is projected to be \$4,040 state, \$1,034 federal, and \$4,727 local.

This is a total projected funding level of \$9,801 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Richland School District 1 total pupil count is projected to be 23,060. The per pupil funding is projected to be \$4,542 state, \$2,072 federal, and \$7,897 local. This is a total projected funding level of \$14,511 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Richland School District 2 total pupil count is projected to be 24,669. The per pupil funding is projected to be \$4,028 state, \$903 federal, and \$6,326 local. This is a total projected funding level of \$11,256 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Saluda School District total pupil count is projected to be 2,047. The per pupil funding is projected to be \$4,971 state, \$1,228 federal, and \$3,936 local. This is a total projected funding level of \$10,135 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Spartanburg School District 1 total pupil count is projected to be 5,009. The per pupil funding is projected to be \$4,538 state, \$1,054 federal, and \$4,840 local. This is a total projected funding level of \$10,432 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Spartanburg School District 2 total pupil count is projected to be 9,656. The per pupil funding is projected to be \$4,212 state, \$939 federal, and \$3,747 local. This is a total projected funding level of \$8,898 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Spartanburg School District 3 total pupil count is projected to be 2,929. The per pupil funding is projected to be \$4,791 state, \$1,190 federal, and \$5,288 local. This is a total projected funding level of \$11,269 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Spartanburg School District 4 total pupil count is projected to be 2,881. The per pupil funding is projected to be \$4,465 state, \$850 federal, and \$4,388 local. This is a total projected funding level of \$9,702 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Spartanburg School District 5 total pupil count is projected to be 7,679. The per pupil funding is projected to be \$3,847 state, \$760 federal, and \$6,675 local. This is a total projected funding level of \$11,282 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Spartanburg School District 6 total pupil count is projected to be 10,132. The per pupil funding is projected to be \$4,180 state, \$960 federal, and \$4,943 local. This is a total projected funding level of \$10,082 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Spartanburg School District 7 total pupil count is projected to be 7,261. The per pupil funding is projected to be \$4,999 state, \$1,899 federal, and \$7,071 local. This is a total projected funding level of \$13,969 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Sumter School District 2 total pupil count is projected to be 8,354. The per pupil funding is projected to be \$4,629 state, \$1,784 federal, and \$3,393 local. This is a total projected funding level of \$9,805 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Sumter School District 17 total pupil count is projected to be 8,385. The per pupil funding is projected to be \$4,607 state, \$1,947 federal, and \$3,164 local. This is a total projected funding level of \$9,718 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Union School District total pupil count is projected to be 4,403. The per pupil funding is projected to be \$5,204 state, \$1,246 federal, and \$2,788 local. This is a total projected funding level of \$9,238 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the Williamsburg School District total pupil count is projected to be 4,980. The per pupil funding is projected to be \$5,085 state, \$3,005 federal, and \$3,277 local. This is a total projected funding level of \$11,367 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the York School District 1 total pupil count is projected to be 5,187. The per pupil funding is projected to be \$4,303 state, \$1,065 federal, and \$4,189 local. This is a total projected funding level of \$9,557 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the York School District 2 total pupil count is projected to be 6,353. The per pupil funding is projected to be \$3,125 state, \$527 federal, and \$8,218 local. This is a total projected funding level of \$11,870 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the York School District 3 total pupil count is projected to be 17,459. The per pupil funding is projected to be \$4,377 state, \$770 federal, and \$6,085 local. This is a total projected funding level of \$11,232 excluding revenues of local bond issues.

In Fiscal Year 2009-10, the York School District 4 total pupil count is projected to be 10,187. The per pupil funding is projected to be \$3,666 state, \$404 federal, and 6,771 local. This is a total projected funding level of \$10,840 excluding revenues of local bond issues.

1.3A. DELETED

1.4. (SDE: EFA - Formula) The amount appropriated in Part IA, Section 1 for "Education Finance Act" shall be the maximum paid under the provisions of Act 163 of 1977 (the South Carolina Education Finance Act of 1977) to the aggregate of all recipients. The South Carolina Education Department shall develop formulas to determine the state and required local funding as stipulated in the South Carolina Education Finance Act of 1977. Such formulas shall require the approval of the State Board of Education and the Budget and Control Board. After computing the EFA allocations for all districts, the department shall determine whether any districts' minimum required local revenue exceeds the districts' total EFA Foundation Program.

When such instance is found, the department shall adjust the index of taxpaying ability to reflect a local effort equal to the cost of the districts' EFA Foundation Program. The districts' weighted pupil units are to be included in determination of the funds needed for implementation of the Education Finance Act statewide.

In the event that the formulas as devised by the Department of Education and approved by the State Board of Education and the Budget and Control Board should provide for distribution to the various school districts totaling more than the amount appropriated for such purposes, subject to the provisions of this proviso, the Department of Education shall reduce each school district entitlement by an equal amount per weighted pupil so as to bring the total disbursements into conformity with the total funds appropriated for this purpose. If a reduction is required in the state's contribution, the required local funding shall be reduced by the proportionate share of local funds per weighted pupil unit. The Department of Education shall continually monitor the distribution of funds under the provisions of the Education Finance Act and shall make periodic adjustments to disbursements to insure that the aggregate of such disbursements do not exceed the appropriated funds.

Local districts shall not be mandated or required to inflate the base number in their respective salary schedules by any percentage greater than the percentage by which the appropriated base student cost exceeds the appropriated base student cost of the prior fiscal year.

1.5. (SDE: Employer Contributions/Allocations) It is the intent of the General Assembly that the appropriation contained herein for "Public School Employee Benefits" shall not be utilized to provide employer contributions for any portion of a school district employee's salary which is federally funded.

State funds allocated for school district employer contributions must be allocated by the formula and must be used first by each district to cover the cost of fringe benefits for personnel required by the Defined Program, food service personnel and other personnel required by law.

Once a district has expended all state allocated funds for fringe benefits, the district may utilize food service revenues to fund a proportionate share of fringe benefits costs for food service personnel.

The Department of Juvenile Justice and the Department of Corrections' school districts must be allocated funds under the fringe benefits program in accordance with criteria established for all school districts.

1.6. (SDE: Employer Contributions/Obligations) In order to finalize each school district's allocations of Employer Contributions funds for retiree insurance from the prior fiscal year, the Department of Education is authorized to adjust a school district's allocation in the current fiscal year accordingly to reflect actual payroll and payments to the Retirement System from the prior fiscal year. In the event the Department of Education is notified that an educational subdivision has failed to remit proper payments to cover Employee Fringe Benefit obligations, the Department of Education is directed to withhold the educational subdivision's state funds until such obligations are met.

1.7. (SDE: Governor's School for Science & Math) Any unexpended balance on June 30 of the prior fiscal year of funds appropriated to or generated by the Governor's School for Science and Mathematics may be carried forward and expended in the current fiscal year pursuant to the direction of the board of trustees of the school.

1.8. (SDE: Educational Responsibility/Foster Care) The responsibility for providing a free and appropriate public education program for all children including disabled students is vested in the public school district wherein a child of lawful school age resides in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental illness or chemical dependence and habilitation centers for mentally retarded persons or persons with related conditions located within the jurisdiction of the school district or alternative residences. The districts concerned may agree upon acceptable local cost reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child last resided before placement in a facility an additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. If a child from out of state is residing in a facility owned and/or operated by a for profit entity, the district providing educational services shall be reimbursed by the for profit entity the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. This also applies to John de la Howe School who also has the authority to seek reimbursement in any situation that the school district has participation in the placement of the student. John de la Howe school shall be reimbursed the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. Participation will be evidenced by a written agreement from the IEP team or 504 team, written referral, or the school district initiating the placement process. School districts providing the education shall notify the nonresident district in writing within 45 calendar days that a student from the nonresident district is receiving education services pursuant to the provisions of the proviso. The notice shall also contain the student's name, date of birth, and disabling condition if available. If appropriate financial arrangements cannot be effected between institutions of the state, including independent school districts under the authority of the Department of Disabilities and Special Needs, and school districts, institutions receiving educational appropriations shall pay the local base student cost multiplied by the appropriate pupil weighting. Children residing in institutions of state agencies shall be educated with nondisabled children in the public school districts if appropriate to their educational needs. Such institutions shall determine, on an individual basis, which children residing in the institution

might be eligible to receive appropriate educational services in a public school setting. Once these children are identified, the institution shall convene an IEP meeting with officials of the public school district in which the institution is located. If it is determined by the committee that the least restrictive environment in which to implement the child's IEP is a public school setting, then the school district in which the institution is located must provide the educational services.

However, that school district may enter into contractual agreements with any other school district having schools located within a 45 mile radius of the institution. The cost for educating such children shall be allocated in the following manner: the school district where the child last resided before being placed in an institution shall pay to the school district providing the educational services an amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act; the school district providing the educational services shall be able to count the child for all funding sources, both state and federal. The institution and school district, through contractual agreements, will address the special education and related services to be provided to students. Should the school district wherein the institution is located determine that the child cannot be appropriately served in a public school setting, then the institution may request a due process hearing pursuant to the procedures provided for in the Individuals with Disabilities Education Act.

The agreed upon acceptable local cost reimbursement or the additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to out-of-district students, shall be paid within 60 days of billing, provided the billing district has provided a copy of the invoice to both the Superintendent and the finance office of the district being invoiced. Should the district not pay within 60 days, the billing district can seek relief from the Department of Education. The department shall withhold EFA funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the billing school district.

The agency placing a child in any situation that requires changing school districts, must work with the schools to assure that all required school records, including confidential records, are transferred from the sending to the receiving school within three working days. School records to be transferred should include grade transcripts, state birth certificate, certificate of immunization, social security card, attendance records, discipline records, IEP's, psychological reports (or notation in the school records that a psychological report on the child is available at the school district office) and any other records necessary for the appropriate placement of the child in the new school. School districts must release all records upon presentation of a court order or appropriate permission for confidential release. If evaluation or placement is pending, the receiving school district is responsible to secure information and to complete the placement.

The receiving school will maintain appropriate confidentiality of all records received on a child.

1.9. (SDE: Disabled/Preschool Children) The state funding for free appropriate public education provided for the three and four-year-old disabled children served under Act 86 of 1993, shall be distributed based on the district's index of taxpaying ability as defined in Section 59-20-20(3). Five-year-old disabled children shall continue to be funded under the Education Finance Act of 1977.

1.10. (SDE: Instruction in Juvenile Detention Centers) It shall be the responsibility of the school district where a local juvenile detention center is located to provide adequate teaching staff and to ensure compliance with the educational requirements of this State. Students housed in local detention centers are to be included in the average daily membership count of students

for that district and reimbursement by the Department of Education made accordingly.

1.11. (SDE: Revenue Authorization) The State Department of Education is hereby authorized to collect, expend, and carry forward revenues in the following areas to offset the cost of providing such services: the sale of publications, manuals and forms, the sale of Apple Tags, royalties, contributions, donations, foundation funds, special grants and contracts, brochures, photo copies, listings and labels, Directory of South Carolina Schools, student health record cards, items to be recycled, and high school diplomas and certificates; the collection of out-of-state and in-state investigation fees, registration fees for non-SDE employees, recurring facility inspection fees, teacher certification fees; the handling of audio-visual film; the provision of contract computer services to school districts and other state agencies, joint broadcast service to school districts, and education-related statistics through agreement with the National Center for Education Statistics; the lease or sale of programs of television, audio or microcomputer software; the collection of damage fees for instructional materials and the sale of unusable instructional materials; sale of fuel; use and repair of transportation equipment; fees for Medicaid reimbursable transportation; the receipt of insurance and warranty payments on Department of Education equipment and the sale of used school buses and support equipment. The Department of Education is authorized to collect revenue for deposit into the State General Fund for testing material purchases and test rescoring fees. The Department of Education is authorized to expend revenue collected for lost and damaged instructional materials and the sale of unusable instructional materials for the purpose of contracting for the purchase and maintenance of a statewide textbook inventory management system, provided that schools' newly-adopted instructional materials needs are met first.

1.12. (SDE: School District Bank Accounts) Each school district in this State, upon the approval of the district's governing body, may maintain its own bank account for the purpose of making disbursement of school district funds as necessary to conduct school district business and each county treasurer is hereby authorized to transfer such amount as needed, upon receipt of a written order certified by the district governing body or their designee. Such order shall contain a statement that such amount is for immediate disbursement for the payment of correct and legal obligation of the school district.

1.13. (SDE: School Lunch Program Aid) The amount appropriated herein for School Lunch Program Aid shall be divided among the District and/or County Boards of Education of the State upon the basis of the number of schools participating in the School Lunch Program in each district during the prior school year. The travel expenses of the District and/or County School Lunch Supervisor shall be paid from this appropriation at the prevailing rate of mileage allowed by the State. These funds may be used as an aid in improving the School Lunch Program. These funds may not be used to supplement the salaries of school lunch supervisors. In the absence of a County Board of Education in multi-district counties, the funds will be divided among the school districts of the county on the basis of the number of schools participating in the School Lunch Program in each district during the prior school year.

1.14. (SDE: Teachers/Temporary Certificates) Of the funds provided for teacher salaries funds may be used to pay salaries for those teachers holding temporary certificates which shall remain valid for the current school year if the local board of education so requests. The State Department of Education shall submit to the General Assembly by March 1 of the current fiscal year a report showing by district the number of temporary certificates by category; including an enumeration of the certificates carried forward from the previous year. No temporary certificate shall be continued more than twice.

1.15. (SDE: Travel/Outside of Continental U.S.) School District allocations from General Funds and EIA funds shall not be used for travel outside of the continental United States. The International Baccalaureate Program shall be exempt from this restriction.

1.16. (SDE: Year End Closeout) The State Department of Education is authorized to expend federal and earmarked funds (not including state or EIA funds) in the current fiscal year for expenditures incurred in the prior year; however, state funds appropriated in Part IA, Section 1, XIII, Aid to School Districts, for the Children's Case Resolution System or private placements for services provided to children with disabilities may be used for those expenditures in prior fiscal years. The department is also authorized to use appropriated funds to pay for textbooks shipped in the fourth quarter of the prior fiscal year.

1.17. (SDE: Transportation Collaboration) The Department of Education School Bus Maintenance Shops shall be permitted, on a cost reimbursable-plus basis, to deliver transportation maintenance and services to vehicles owned or operated by public agencies in South Carolina.

School buses operated by school districts, other governmental agencies or head start agencies for the purpose of transporting students for school or school related activities shall not be subject to state motor fuel taxes. Further, that school districts, other governmental agencies or head start agencies may purchase this fuel, on a cost reimbursable-plus basis, from the Department of Education School Bus Maintenance Shops.

1.18. (SDE: Assisting, Developing, and Evaluating Professional Teaching--ADEPT) Funds appropriated in Part IA, Section 1, XIII.A-Aid to School Districts-Aid to Subdivision-APT/ADEPT, may be used for the implementation of the ADEPT system. Of the funds appropriated, ten percent is to be used to pay colleges and universities for ADEPT services. The remaining funds will be distributed to school districts, School for the Deaf and the Blind, John de la Howe School, Governor's School for Arts and Humanities and the Department of Juvenile Justice on a per induction contract teacher basis to offset the costs of implementing the ADEPT program. Governing boards of public institutions of higher education may provide by policy or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public school teachers who serve as supervisors for full-time students completing education degree requirements. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

1.19. (SDE: Summer Exit Exam Cost) Funds appropriated in Part IA, Section 1, III may be used to offset the costs of the summer administration of the Exit Examination. These funds may be expended to cover the costs related to developing, printing, shipping, scoring, and reporting the results of the assessments. Local school districts may absorb local costs related to administration.

1.20. (SDE: Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions

for grant writing and testing are excluded from this requirement.

1.21. (SDE: School Bus Insurance) The Department of Education shall maintain comprehensive and collision insurance or self-insure state-owned buses. In no event shall the department charge local school districts for damages to the buses which are commonly covered by insurance.

1.22. (SDE: Teacher Data Collection) Of the non-program funds appropriated to the Department of Education, the department and the Commission on Higher Education shall share data about the teaching profession in South Carolina. The data sharing should ensure (1) a systematic report on teacher supply and demand information and (2) data to determine classes being taught by public school teachers out of field of their preparation. The data collection should include but not be limited to: classes/subjects taught, number of students taught, percentage of teacher education graduates from South Carolina colleges/universities who go into teaching, percentage of teacher education graduates who teach in public schools in South Carolina, percentage of new teachers who leave the South Carolina teaching profession in the first three years of public school teaching due to unsuccessful evaluations, percentage of new teachers who leave the profession in the first three years of public school teaching in South Carolina who have successful evaluations, turnover rate of teachers and certification areas with highest vacancies. All database items should be set up so that it can be disaggregated by ethnicity, gender, geographic location, etc.

1.23. (SDE: Adult Education/Literacy) The General Assembly must appropriate for adult education an amount equal to \$175 per pupil. The per pupil amount shall be adjusted annually by the same percentage as the inflation factor used to adjust the base student cost of the Education Finance Act. The number of pupils shall be determined by counting the number of persons sixteen years or older who attended a minimum of twelve hours in an approved adult education program in the prior fiscal year. Funds may decrease with a decrease in enrollment; however, overall levels of State funding must meet the federal requirement of State maintenance of effort.

From the funds appropriated for adult education, \$150,000 must be used to provide for pilot projects for rural literacy development. In addition, each county shall receive \$50,000 for use by the school districts for adult literacy for service delivery to adult-nonreaders and those reading at or below the eighth grade level. The school districts may provide this service or may contract to have this service provided. In multi-district counties, the districts must agree on the method of service delivery for the entire county and select one district to serve as the fiscal agent.

1.24. (SDE: School Building Aid Allocation) Funds appropriated for School Building Aid shall be transferred to a special trust fund established by the Comptroller General. Funds appropriated shall be distributed to the school districts of the State for use in accordance with Section 59-21-350 of the Code of Laws of 1976. Funds shall be allocated to eligible school districts on a per pupil basis. The allocation must be based on the 135 day count of average daily membership for the second preceding fiscal year.

1.25. (SDE: School Building Aid Funds Expenditure) Funds appropriated in Part IA in this act or in a previous Appropriation Act for school building aid may be expended by the school district without approval from the State Board of Education. The Department of Education shall require that school districts include in their annual audit a verification of compliance with all applicable State laws associated with the use of these funds.

1.26. (SDE: School Building Aid) Of the funds appropriated in Part IA for School Building Aid, \$500,000 shall be allocated on a K-12 per pupil basis to Multi-District Area

Vocational Schools.

1.27. (SDE: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. SDE is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring statewide accountability assessment.

1.28. (SDE: Basic Skill Exam) Any person seeking candidacy in an undergraduate teacher education program is required to take and pass the Basic Skill Examination pursuant to Sections 59-26-20 and 59-26-40. Any person who fails to achieve a passing score on all sections shall be allowed to retake the test or a portion thereof. All sections of the Basic Skill Examination must be passed before any person is formally admitted into any undergraduate teacher preparation program in South Carolina. However, any person having attained 1650 or better on the SAT or a comparable ACT score shall be exempt from this requirement.

1.29. (SDE: School Bus Driver CDL) From funds provided in Part IA, Section 1, IX.B., local school districts shall request a criminal record history from the South Carolina Law Enforcement Division for past conviction of any crime before the initial employment of a school bus driver or school bus aide. The Department of Education and the school districts shall be treated as a charitable organization for purposes of the fee charged for the criminal records search.

1.30. (SDE: SAT Preparation) From the funds appropriated for SAT Preparation, the State Department of Education shall institute a plan reviewing, on an individual basis, weaknesses of students on actual PSAT administrations, and providing assistance. To accomplish this, the Department shall use reports that analyze student weaknesses and provide guidance to local schools on the effective use of the reports.

1.31. (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State Superintendent of Education. The School Bus Specifications Committee shall allow for input from all school bus chassis and body manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus specifications of Georgia or North Carolina in the procurement of school buses.

1.32. (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program IX.B. - Bus Shops and funds appropriated in IX.C. - Buses may be used to purchase buses, fuel, parts, or other school bus related items. All funds appropriated for bus fuel, parts/supplies, maintenance, and bus purchases may be carried forward from the prior fiscal year and expended in FY 2009-10 to support bus transportation services.

1.33. (SDE: Mitford Transportation Costs) Transportation costs for the transporting of students from the Mitford area of Fairfield County to schools in the Great Falls area of Chester County is not the responsibility of and shall not be borne by the Chester County School District. These transportation costs shall continue to be the responsibility of the State Department of Education.

1.34. (SDE: Refurbishing Science Kits) Funds appropriated for the purchase of textbooks and other instructional materials may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted textbook inventory, purchasing new kits from the central textbook depository, or a combination of refurbishment and purchase. The

refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs, equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs.

1.35. (SDE: Status Offenders/John de la Howe) The funds appropriated for the Status Offender Program shall be distributed to John de la Howe School to expand residential programs to include court ordered status offenders. Components of such a program shall include collaboration between the home school district and the residential school and treatment or related services to the families of students in placement.

1.36. (SDE: Part-time Benefits) Teachers working less than thirty hours a week, but no less than fifteen hours a week, shall qualify for state health and dental insurance. The Budget and Control Board is directed to amend its "Plan of Benefits" regarding fringe benefits to conform to the provisions of this section. Teachers and employers shall each contribute toward the cost of these benefits with the employer paying only that portion of the employer's normal cost which is attributable to the time the teacher is working, and the teacher shall pay all remaining costs. However, the employer's contribution shall be no less than half the normal cost.

1.37. (SDE: Governor's School Leave Policy) The S.C. Governor's School for the Arts and Humanities and the S.C. Governor's School for Science and Mathematics are authorized to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of their respective board of directors. This policy shall address their respective school calendars in order to comply with the instructional needs of students attending both special schools.

1.38. (SDE: Sale of School District Property) Notwithstanding Section 59-19-250 of the 1976 Code, during the current fiscal year, school trustees of a school district which do not currently have the authority to do so, may sell or lease school property, real or personal, in their school district whenever they deem it expedient to do so and apply the proceeds of the sale or lease to the school fund of the district.

1.39. (SDE: School Facilities Management System) School Districts may use capital improvement bond funds, lapsed funds or any other unexpended appropriated funds or revenues to access the Department of Education's School Facilities Management System database.

1.40. (SDE: School Board Meetings) Of the funds appropriated through the Department of Education for technology related expenses, school districts that have a web site shall place a notice of a regularly scheduled school board meeting twenty-four hours in advance of such meeting. The notice shall include the date, time, and agenda for the board meeting. The school district shall place the minutes of the board meeting on their web site within ten days of the next regularly scheduled board meeting.

1.41. (SDE: Alternative Certification/Displaced Employees) The Department of Education is directed to give priority in the Program for Alternative Certification for Educators (PACE) to the recruitment of qualified state employees impacted by reduction in force actions of agencies. The Student Loan Corporation is directed to give priority in the Career-Changer Loan program to qualified state employees. The Department of Education shall provide information to the Office of Human Resources and the personnel offices of state agencies instituting a reduction in force to advertise and inform employees of this program and state agencies shall work with the department in this effort.

1.42. (SDE: Proviso Allocations) The State Department of Education may reduce by up to 10%, any allocation in Section 1 specifically designated by proviso. No allocation for teacher

salaries shall be reduced as a result of this proviso.

1.43. (SDE: School Districts and Special Schools Flexibility) All 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. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, 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 non-instruction 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. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the school year ending June 30, 2010.

"In\$ite" means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year. Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the 2009-10 fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions taken. 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.

For Fiscal Year 2009-10, Section 59-21-1030 is suspended. 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 provision suspends, amends, modifies, or otherwise authorizes changes in the manner in which textbooks are purchased. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

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. 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.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also 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. The credit card number on each statement must be redacted prior to posting on the internet website. 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.

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.

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

The Comptroller General shall distribute to the districts a methodology and resources for compliance. 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.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

1.44. (SDE: Medical Examination and Security Reimbursement/Expenditures) From funds authorized in Part IA, Section 1, IX.B. Other Operating Expenses, the Department of Education may directly pay, or reimburse employees, for the cost of a medical examination as required in Part 391, Subpart E of the Federal Motor Carrier Safety Regulations, for employees that are required to operate a state vehicle transporting hazardous materials and that are required to undergo a national security background check because of the required Hazmat endorsement to their CDL.

1.45. (SDE: Budget Reduction) In compensating for any reduction in funding, local districts must give priority to preserving classroom teachers and operations. Funding reductions should first be applied to administrative and non-classroom expenses before classroom expenses are affected.

1.46. (SDE: Governor's School for the Arts and Humanities Carry Forward) Any unexpended balance on June 30 of the prior fiscal year of funds appropriated to or generated by the Governor's School for the Arts and Humanities may be carried forward and expended in the current fiscal year pursuant to the discretion of the Board of Trustees of the School.

1.47. (SDE: Governor's Schools' Fees) The South Carolina Governor's School for the Arts

and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to charge, collect, expend, and carry forward student fees as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality in both academics and residential support. No student will be denied admittance or participation due to financial inability to pay. The respective Board of Directors shall promulgate administrative policy governing the collection of all student fees.

1.48. (SDE: National Board Certification Incentive) Public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards shall be paid a \$7,500 salary supplement beginning July 1 in the year following the year of achieving certification, beginning with 2009 applicants. Teachers employed at the special schools shall be eligible for this \$7,500 salary supplement. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall develop guidelines and administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who are applying to the National Board for Professional Teaching Standards for certification may receive a loan equal to the amount of the application fee. Up to eleven hundred loan applications shall be processed annually. One-half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the national board. Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward for National Board purposes. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the State Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program. In addition, teachers who are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the State Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification. Teacher specialists remain eligible for state supplement for National Board certification.

Teachers who begin the application process after July 1, 2007 and who teach in schools which have an absolute rating of below average or at-risk at the time the teacher applies to the National

Board for certification, but who fail to obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one-half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the loan will be at the rate of 33% for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or at-risk during the forgiveness period, or for each year of full time teaching in another school that has an absolute rating of below average or at risk.

1.49. (SDE: National Board Certification Incentive Surplus) National Board Certification Incentive appropriation excess of all obligations to include the national board certification incentive salary supplement, related fringe, loan principal amount and interest forgiven, and the administration funds necessary for the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) and the Department of Education shall be distributed to school districts and allocated based on the Education Finance Act Formula.

1.50. (SDE: School District Furlough) If state funds appropriated for a school district in this State are less than state funds appropriated for that school district in the preceding fiscal year, or if the General Assembly or the Budget and Control Board implements a midyear across-the-board budget reduction, school districts may institute employee furlough programs for district-level and school-level professional staff. Before any of these employees may be furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

The local school district board of trustees may implement a furlough of personnel once certification to the State Superintendent documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall have the authority to authorize furloughs of these employees in the manner in which it sees fit. However, instructional personnel may be furloughed for up to five non-instructional days if not prohibited by an applicable employment contract with the district and provided district administrators are furloughed for twice the number of days. District administrators may only be furloughed on non-instructional days and may not be furloughed for a period exceeding ten days.

During any furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions, including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the district will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under any employee grievance procedure. The district may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs.

This proviso shall not abrogate the terms of any contract between any school district and its employees.

1.51. (SDE: Base Student Cost Funding) The funding for particular items and areas in the Department of Education's base budget that have been reduced or eliminated and provisos that directed funding for specific items that have been deleted, shall be redirected to the Base Student Cost.

1.52. (SDE: School Lunch/Attendance Supervisors) For those counties in which an entity other than the school district administers the school lunch supervisor and/or attendance supervisor programs, the school districts in that county shall transfer to the entity the amount available in the previous fiscal year for administration of the school lunch supervisor and/or attendance supervisor programs. Each district shall transfer a pro-rata share of the total cost based upon the percentage of state EFA funds distributed to the districts within the county.

1.53. (SDE: Replacement Facilities) The Department of Education is directed to proceed with the development of a joint-use school transportation maintenance and operations facility in Greenville County. Prior to the availability of this new facility the department shall continue to operate state school bus maintenance services from the existing Greenville School Bus Maintenance Facility located on Halton Road. All proceeds from the sale of the Halton Road Facility and Property shall become pupil transportation operating revenue of the department.

The cost of the State share of the new joint-use facility, the cost of preparing the old Halton Road Facility and Property for disposal, interim relocation/construction financing, all associated relocation expenses, and all other related costs shall be funded from the proceeds received from the sale of the existing Halton Road Facility and Property. The State Treasurer shall make available all necessary interim financing to accomplish the proviso directives.

1.54. (SDE: SCGSAH Certified Teacher Designation) Because of the unique nature of the South Carolina Governor's School for the Arts and Humanities, the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are authorized to employ at its discretion non-certified classroom teachers teaching in the literary, visual and performing arts subject areas who are otherwise considered to be appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.

1.55. (SDE: Educational Items) In order that resources more closely follow the student, it is the intent to offer spending flexibility to local school districts as has been provided in the prior fiscal year.

1.56. (SDE: No Discrimination Requirement) State funds must not be appropriated to a school that discriminates against or participates with or is a member of an association with policies that discriminate or afford different treatment of students based on race or national origin.

1.57. **DELETED**

1.58. (SDE: High School Reading Initiative) The funds appropriated for the High School Reading Initiative are to be used to expand the South Carolina Reading Initiative to the high school level by providing research based targeted assistance in improving and accelerating the reading ability of high school students reading below grade level.

1.59. (SDE: Medicaid Cash Match Accounting) The department is granted authority to transfer funds between budget lines and object codes to identify, reconcile, reimburse, and remit funds required for Medicaid cash match to the Department of Health and Human Services.

1.60. (SDE: Student Report Card-GPA) For each high school student, school districts shall be required to print the student's individual cumulative grade point average for grades nine through twelve on the student's report card.

1.61. (SDE: Governor's School Reporting) The Governor's School for the Arts and

Humanities and the Governor's School for Science and Mathematics are required to submit reports as to how the non-recurring funding appropriated in this act is expended. The report must be submitted to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee by the end of the fiscal year.

1.62. (SDE: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program (CDEPP). This program shall be available for the 2009-10 school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

(A) For the 2009-10 school year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et. al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3. With any remaining funds available, the pilot shall be expanded to the remaining plaintiff school districts in Abbeville County School District et. al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of 90% or greater. Priority shall be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at-risk four-year-old children.

During the implementation of the pilot program, no funds appropriated by the General Assembly for this purpose shall be used to fund services to at-risk four-year-old children residing outside of the trial or plaintiff districts.

The Education Oversight Committee shall conduct an evaluation of the pilot program and shall issue a report to the General Assembly by January 1, 2010. The report shall include a comparative evaluation of children served in the pilot program and children not served in the pilot program. Additionally, based on the evaluation of the pilot program, the Education Oversight Committee shall include recommendations for the creation of and an implementation plan for phasing in the delivery of services to all at-risk four-year-old children in the state.

Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September 1, of the school year, and meets the at-risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.

The parent of each eligible child may enroll the child in one of the following programs:

(1) a school-year four-year-old kindergarten program delivered by an approved public provider; or

(2) a school-year four-year-old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and documentation of the student's eligibility as evidenced by family income documentation showing an annual family

income of 185% or less of the federal poverty guidelines as promulgated annually by the U.S. Department of Health and Human Services or a statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of 6.5 hours of instructional time daily and operates for a period of not less than 180 days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

(C) Public school providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.

Providers shall:

- (1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;
- (2) comply with all state and local health and safety laws and codes;
- (3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;
- (4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;
- (5) comply with all program, reporting, and assessment criteria required of providers;
- (6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;
- (7) designate whether extended day services will be offered to the parents/guardians of children participating in the program;
- (8) be approved, registered, or licensed by the Department of Social Services; and
- (9) comply with all state and federal laws and requirements specific to program providers.

Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre-kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment.

However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

(D) The Department of Education and the Office of First Steps to School Readiness shall:

- (1) develop the provider application form;

- (2) develop the child enrollment application form;
- (3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;
- (4) develop a list of approved pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;
- (5) establish criteria for awarding new classroom equipping grants;
- (6) establish criteria for the parenting education program providers must offer;
- (7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;
- (8) develop a list of data collection needs to be used in implementation and evaluation of the program;
- (9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;
- (10) establish criteria for granting student retention waivers; and
- (11) establish criteria for granting classroom size requirements waivers.

(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice and a research based preschool curriculum aligned with school success. The program must focus on the developmental and learning support children must have in order to be ready for school. The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:

- (1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;
- (2) employ an education assistant with pre-service or in-service training in early childhood education;
- (3) maintain classrooms with at least 10 four-year-old children, but no more than 20 four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of 10 children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;
- (4) offer a full day, center-based program with 6.5 hours of instruction daily for 180 school days;
- (5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;
- (6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and
- (7) adhere to professional development requirements outlined in this article.

(F) Every classroom providing services to four-year-old children established pursuant to

this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire.

Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children 5 years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of 15 hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of pre-kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than \$185 per student shall be retained by the Department of Education for the purposes of transporting four-year-old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act.

(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;

- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the 2009-10 school year, the funded cost per child shall be \$4,093 increased annually by the rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro-rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall be eligible for a reimbursement of \$550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. Providers enrolling between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed \$10,000. Providers receiving equipment grants are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding of up to two thousand five hundred dollars may be provided annually for the procurement of consumable and other materials in established classrooms. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.

- (L) Pursuant to this provision, the Department of Social Services shall:
- (1) maintain a list of all approved public and private providers; and
 - (2) provide the Department of Education, the Office of First Steps, and the Education Oversight Committee information necessary to carry out the requirements of this

provision.

(M) The Education Oversight Committee shall conduct a comparative evaluation of the South Carolina Child Development Education Pilot Program and issue their findings in a report to the General Assembly by January 1, 2010. Based on information, data, and evaluation results, the Education Oversight Committee shall include as part of their report recommendations for the creation and implementation of a statewide four-year-old kindergarten program for at-risk children. The report shall also include information and recommendations on lead teacher qualifications and options for creating comparable salary schedules for certified teachers employed by private providers. In the current fiscal year, the Education Oversight Committee shall use funds appropriated by the General Assembly for four-year-old evaluation to support the annual collection of and continuous evaluation of data. The Office of First Steps will include in its triennial external evaluation pursuant to Section 59-152-160 of the 1976 Code, fiscal and management questions as provided by the Education Oversight Committee.

The report shall also include an assessment, by county, on the availability and use of existing public and private classroom capacity approved for at-risk four-year-old kindergarten students based on data collected triennially. The report shall include, by county, the estimated four-year-old population, the total number of CDEPP approved four-year-old kindergarten spaces available, the number of four-year-old children enrolled in both public and private CDEPP approved facilities, and the number of children on waiting lists for either public or private providers during the reporting period. Where possible, the report shall also include anticipated four-year-old kindergarten enrollment projections for the two years following the report. The 2010 evaluation will also include the following: (1) a determination of the factors including policy issues, leadership characteristics and community concerns that led to substantial increases in the number of CDEPP participants served in specific districts and counties; (2) a determination of the factors that influence the continuity of CDEPP student enrollment across the full 180-day program and policy or programmatic changes needed to assure that CDEPP participants fully benefit from the program; (3) a determination of how many private childcare center teachers are pursuing a four-year degree and the barriers incurred in obtaining the degree; and (4) a review of any formalized plan or evaluation data to assess the quality and impact of professional development and training provided by the Office of First Steps and the Department of Education to CDEPP teachers.

To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both public and private providers are required to submit the necessary data as a condition of continued participation in and funding of the program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of Education shall issue a unique student identifier for each child receiving services from a private provider. The Department of Education shall be responsible for the collection and maintenance of data on the public state funded full day and half-day four-year-old kindergarten programs.

The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee shall use this data and all other collected and maintained data necessary to conduct a research based review of the program's implementation and assessment of student success in the early elementary grades.

1.63. (SDE: Lost & Damaged Textbook Fees) Fees for lost and damaged textbooks for the prior school year are due no later than December 1 of the current school year when invoiced by the Department of Education. The department may withhold textbook funding from schools that

have not paid their fees by the payment deadline.

1.64. (SDE: Physical Education Teachers) A school district's allocation from the funds appropriated in Part IA, Section 1, Program III are to be used to increase the number of physical education teachers to the extent possible.

1.65. (SDE: Education and Economic Development Act Carry Forward) Funds provided for the Education and Economic Development Act may be carried forward into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools.

1.66. (SDE: High Schools That Work Carry Forward) Funds provided for High Schools That Work may be carried forward into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools.

1.67. (SDE: Career Cluster Industry Partnerships) From the funds appropriated to the Department of Education, \$800,000 must be provided as direct grants to the private sector statewide trade association or educational foundation providing nationally certified programs in career and technology education representing the automotive, construction, engineering, healthcare, mechanical contracting/construction, and hospitality tourism career clusters.

Organizations applying for a grant must do so by July 1 and the Department of Education must award a minimum of one grant of at least \$150,000 in at least four of these specified career clusters to be used exclusively for career and technology education. The recipient industry organization must conduct end-of-course exams graded by a national industry organization and must include in their grant request how the money will be spent to further industry-specific career technology education; a description and history of their program nationally and within South Carolina; estimates of future employment growth in their industry; and the national scope of their program. By August 1 of the following year, the organization must submit to the department a report detailing how the grant increased industry/employer awareness; the number of increased schools using the industry-based curriculum and partnered with the industry organization; the increased number of students in the program; and an overview and analysis of the organization's statewide student competition. The grant must be used for career awareness programs for that industry cluster; statewide student competitions leading to national competitions; teacher development and training; post-secondary scholarships in industry-specific degree programs; student recruitment into that career cluster programs; programs to educate middle and high school Career or Guidance Counselors about the industry; service to disadvantaged youth; and administering business/employer awareness and partnerships which help lead to experience-based, career-oriented experiences including internships, apprenticeships, mentoring, co-op education and service learning. The Office of Career and Technology Education of the department will develop goals with each career cluster on the number of new schools using the industry-based curriculum and partnered with that career cluster organization. These funds may not be used to supplant or replace, in whole or in part, other existing resources/assets sourced outside the present grant being used to provide the same services or programs. Organizations may carry-over grants for up to three years when a large project is identified in the grant application to be used at a future date; otherwise excess funds must be returned to the state.

1.68. (SDE: Education Finance Act Reserve Fund) There is created in the State Treasury a fund separate and distinct from the General Fund of the State and all other funds entitled the Education Finance Act Reserve Fund. All unexpended general funds appropriated to the Department of Education for the Education Finance Act in the current fiscal year shall be

transferred to the Education Finance Act Reserve Fund. In the event that the amount appropriated for the Education Finance Act is insufficient to fully fund the base student cost as established by this act, revenues from the Education Finance Act Reserve Fund may be used to supplement the funds appropriated. The General Assembly may make direct appropriations to this fund. All unexpended funds in the Education Finance Act Reserve Fund and any interest accrued by the fund must remain in the fund and may be carried forward into the current fiscal year.

1.69. DELETED

1.70. DELETED

1.71. (SDE: Physical Education Assessment Program) Of the funds appropriated to the Department of Education for the physical education assessment program, the department is directed to use the funds for the review and revision of the physical education assessment and associated professional development. For Fiscal Year 2009-10, the department may field test the revised physical education assessment.

1.72. (SDE: GSAH Human Resources Annual Report) Of the funds appropriated to the Governor's School for the Arts and the Humanities, the school shall provide to the Senate Finance Committee, the House Ways and Means Committee, the Budget and Control Board Office of Human Resources, and the Commission on Human Affairs an annual report detailing the school's human resource statistics for both filled and vacant positions. The report shall include specifics as to advertising, applicants, and selections as well as the composition of the selection team. In addition, an annual report of recruiting activities that address the school's Access Plan shall be required. A comprehensive enrollment report must be furnished annually.

1.73. (SDE: Prohibit Advertising on School Buses) The Department of Education and local school districts are prohibited from selling space for or the placement of advertisements on the outside or inside of school buses.

1.74. DELETED

1.75. (SDE: Charter School Funding Schedule) Of the funds appropriated, districts with charter schools will receive funds after verification of student attendance on the fifth day of school at the beginning of each school year for those charter schools with approved incremental growth and due to expansion as provided in their charter application for new charter schools opening in the current fiscal year. The Department of Education will release funds to districts on behalf of their charter schools no later than 15 days after receipt of verified enrollment. Districts must provide this funding to eligible charters no later than 30 days after receipt from the Department of Education. Funding will be adjusted at the 45-day school count as is currently the case with the Education Finance Act.

1.76. DELETED

1.77. (SDE: Residential Treatment Facilities Student Enrollment and Funding) Each South Carolina resident of lawful school age residing in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section 44-7-130 of the 1976 Code, ("students") shall be entitled to receive educational services from the school district in which the RTF is located ("facility school district"). The responsibility for providing appropriate educational programs and services for these students, both with and without disabilities, who are referred or placed by the State is vested in the facility school districts.

A facility school district must provide the necessary educational programs and services directly to the student at the RTF's facility, provided that the RTF facility provides and maintains adequate space for the educational programs and services consistent with the least restrictive

environment requirements. Under these circumstances, the facility school district may choose to enroll the student and assume full legal and financial responsibility for the educational services, or it may choose to provide the educational services and serve as the educational and fiscal agent of the school district in which the student's legal guardian resides ("resident school district") for purposes of enrolling the student, approving the student's entry into a medical homebound instructional program, if appropriate, and receiving and expending funds, unless the resident school district undertakes to carry out its educational responsibilities for the student directly.

Alternatively, a facility school district may choose to provide the necessary educational programs and services by contracting with the RTF provided that the RTF agrees to provide educational services to the student at the RTF's facility. Under these circumstances, the facility school district must enroll the student and pay the RTF for the educational services provided.

The State shall appropriate 100 percent of the base student cost to provide for the education of the students referred or placed by the State in an RTF. The facility school districts are entitled to receive the base student cost multiplied by the appropriate Education Finance Act pupil weighting, as set forth in Section 59-20-40 of the 1976 Code and any eligible federal funds.

These funds may be retained by the facility school districts for the purpose of providing the educational programs and services directly to students referred or placed by the State or the facility school districts may use these funds to reimburse RTF's for the educational programs and services provided directly by the RTFs. A facility school district is entitled to reimbursement from a resident school district for the difference between (1) the reasonable costs expended for the educational services provided directly by the facility school district or the amount paid to the RTF and (2) the aggregate amount of federal and state funding received by the facility school district for that student.

All students enrolled in the facility school districts shall have access to the facility school districts' general education curriculum, which will be tied to the South Carolina academic standards in the core content areas. All students with disabilities who are eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA), as amended, and the State Board of Education (SBE) regulations, as amended, shall receive special education and related services in the least restrictive environment by appropriately certified personnel. Students in an RTF will at all times be eligible to receive the educational credits (e.g., Carnegie Units) earned through their educational efforts.

With respect to students enrolled in the facility school districts, for accountability purposes, the assessment and accountability measures for students residing in RTFs shall be attributed to a specific school only if the child physically attends the school. All assessment and accountability measures of students not physically attending a specific school shall be disaggregated and reported separately in the facility school districts' accountability calculations.

RTFs shall notify the facility school district as soon as practical, and before admission to the RTF if practical, of a student's admission to the RTF. RTFs, the facility school districts and the Department of Education shall use their best efforts to secure and/or exchange information, including documents and records necessary to provide appropriate educational services and/or related services as necessary to assist the facility school district in determining the resident school district.

1.78. (SDE: Transparency) The department must publish a link on its homepage to a listing of all programs funded during the current fiscal year with Federal Stimulus Funds to include program name, location, starting date, funding level and contact person with telephone number. This listing must be updated monthly to allow the public to easily identify how these

funds are being used.

1.79. (SDE: Prohibit Use of ARRA for Administration) The department and school districts are prohibited from using funds received from the American Recovery and Reinvestment Act of 2009 for state department or school district administrative salary increases, bonuses, retirement incentives, or severance packages. The department shall provide to the General Assembly a list of federal stimulus expenditures.

1.80. (SDE: Special Schools Flexibility) For Fiscal Year 2009-10 the special schools are authorized to transfer funds among funding categories, including capital funds.

1.81. DELETED

SECTION 1A - H63-DEPARTMENT OF EDUCATION-EIA

1A.1. (SDE-EIA: XI-Prohibition on Appropriation Transfers) The amounts appropriated herein for aid to subdivisions or allocations to school districts shall not be transferred or reduced and must be expended in accordance with the intent of the appropriation. However, transfers are authorized from allocations to school districts or special line items with projected year-end excess appropriations above requirements, to allocations to school districts or special line items with projected deficits in appropriations.

1A.2. DELETED

1A.3. DELETED

1A.4. (SDE-EIA: XI.A.1 Services for Students with Disabilities) The money appropriated in Part IA, Section 1, XI.A.1. for Services for Students with Disabilities shall be used only for educational services for trainable mentally disabled pupils and profoundly mentally disabled pupils.

1A.5. DELETED

1A.6. DELETED

1A.7. DELETED

1A.8. DELETED

1A.9. DELETED

1A.10. DELETED

1A.11. DELETED

1A.12. (SDE-EIA: XI.B - Half Day Program for Four-Year-Olds) Funds appropriated in Part IA, Section 1, XI.B. for half-day programs for four-year-olds shall be distributed based on the prior year number of students in kindergarten eligible for free and reduce price lunch, however, no district shall receive less than 90 percent of the amount it received in the prior fiscal year.

1A.13. (SDE-EIA: XI.A.3. African-American History) Funds provided for the development of the African-American History curricula may be carried forward into the current fiscal year to be expended for the same purpose.

1A.14. DELETED

1A.15. DELETED

1A.16. (SDE-EIA: XI.C.2-Teacher Evaluations, XI.F.2- Implementation/Education Oversight) The Department of Education is directed to oversee the evaluation of teachers at the School for the Deaf and the Blind, the John de la Howe School and the Department of Juvenile Justice under the ADEPT model.

1A.17. (SDE-EIA: XI.C.2.-Teacher Salaries/SE Average) The projected Southeastern

average teacher salary shall be the average of the average teachers salaries of the southeastern states as projected by the Division of Budget and Analyses. For the current school year the Southeastern average teacher salary is projected to be \$48,172. The statewide minimum teacher salary schedule used in Fiscal Year 2008-09 will continue to be used in Fiscal Year 2009-10.

The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Funds appropriated in Part IA, Section 1, XI.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50 (b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state.

1A.18. (SDE-EIA: XI.F.2-Teacher Salaries/State Agencies) Each state agency which does not contain a school district but has instructional personnel shall receive an allocation from the line item "Alloc. EIA - Teacher/Other Pay" in Part IA, Section 1, XI.F.2. for teachers salaries based on the following formula: Each state agency shall receive such funds as are necessary to adjust the pay of all instructional personnel to the appropriate salary provided by the salary schedules of the school district in which the agency is located. Instructional personnel may include all positions which would be eligible for EIA supplements in a public school district, and may at the discretion of the state agency, be defined to cover curriculum development specialists, educational testing psychologists, psychological and guidance counselors, and principals. The twelve-month agricultural teachers located at Clemson University are to be included in this allocation of funds for base salary increases. The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to increase the salaries of instructional personnel by an amount equal to the percentage increase given by the School District in which they are both located.

The funds appropriated herein in the line item "Alloc. EIA-Teacher/Other Pay" must be distributed to the agencies by the Budget and Control Board.

1A.19. (SDE-EIA: XI.A.1-Work-Based Learning) Of the funds appropriated in Part IA, Section 1, XI.A.1. for the Work-Based Learning Program, \$75,000 shall be used by the State Department of Education to provide for regional professional development in contextual methodology techniques and integration of curriculum, and professional development in career guidance for teachers and guidance counselors and training mentors. Pilot-site delivery of contextual methodology training in mathematics will be supported by technology and hands-on lab activities. In addition, \$500,000 shall be allocated for Regional Career Specialists. Each Regional Career Specialist shall (1) be housed within the regional centers/WIA geographic areas, (2) provide career development activities throughout all schools within the region, (3) be under the program supervision of the Office of Career and Technology Education, State Department of Education, and (4) adhere to an accountability and evaluation plan created by the Office of Career and Technology Education, State Department of Education. The Office of Career and Technology Education, State Department of Education, shall provide a report, in February of the current fiscal year to the Senate Finance Committee and the House Ways and Means Committee on accomplishments of the Career Counseling Specialists. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

1A.20. (SDE-EIA: XI.E.1-Principal Salary Supplements) Funds appropriated in Part IA,

Section 1, XI.E.1. for salary supplements for principals and accompanying employer contributions must be distributed to school districts based on average daily membership (ADM). Each school district shall distribute the funds as salary supplements in addition to existing compensation equally among principals and assistant principals employed by the district.

1A.21. (SDE-EIA: XI.E.2.-Evaluation/EIA Programs) Of the funds appropriated in Part IA, Section 1, XI.E.2. for EIA Implementation, Other Operating Expenses, 50% may only be used by the State Department of Education to support its contracted program evaluations. Of the remaining funds appropriated in Part IA, Section 1, XI.E.2. for EIA Implementation, Other Operating Expenses shall be used to support the continuation of program and policy evaluations and studies and to support the state's participation in the Middle Grades Project, at no less than 25%. Provided further, for the current fiscal year, 25% shall be provided to the South Carolina Educational Policy Center for collaborative projects with the Department of Education and the Education Oversight Committee to provide research based information and consultation services on technical issues related to establishing a more thorough accountability system for public schools, school districts, and the K-12 education system. These entities shall pursue grants and contracts to supplement state appropriations.

1A.22. (SDE-EIA: XI.F.2-CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, XI.F.2. for the Teacher Recruitment Program, the S.C. Commission on Higher Education shall distribute a total of 92% to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which 78% must be used for the Teaching Fellows Program specifically to provide scholarships for future teachers, and of which 22% must be used for other aspects of the state teacher recruitment program, including the Teacher Cadet Program and \$166,302 which must be used for specific programs to recruit minority teachers: and shall distribute 8% to S.C. State University to be used only for the operation of a minority teacher recruitment program and therefore shall not be used for the operation of their established general education programs. Working with districts with an absolute rating of At-Risk or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA will report annually by October 1 to the Education Oversight Committee and the Department of Education on the success of the recruitment and retention efforts in these schools. The S.C. Commission on Higher Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The S.C. State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees, the State Board of Education and the Education Oversight Committee by October 1 annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.

1A.23. (SDE-EIA: XI.F.2-Disbursements/Other Entities) Notwithstanding the provisions of Sections 2-7-66 and 11-3-50, S.C. Code of Laws, it is the intent of the General Assembly that funds appropriated in Part IA, Section 1, XI.F.2. Other State Agencies and Entities shall be disbursed on a quarterly basis by the Department of Revenue directly to the state agencies and entities referenced except for the Teacher Loan Program, Centers of Excellence, the Education Oversight Committee and School Technology, which shall receive their full appropriation at the

start of the fiscal year from available revenue. The Comptroller General's Office is authorized to make necessary appropriation reductions in Part IA, Section 1, XI.F.2. to prevent duplicate appropriations. If the Education Improvement Act appropriations in the agency and entity respective sections of the General Appropriations Act at the start of the fiscal year do not agree with the appropriations in Part IA, Section 1, XI.F.2. Other State Agencies and Entities, the "other funds" appropriations in the respective agency and entity sections of the General Appropriations Act will be adjusted by the Comptroller General's Office to conform to the appropriations in Part IA, Section 1, XI.F.2. Other State Agencies and Entities.

1A.24. (SDE-EIA: XI.A.1-Arts in Education) Funds appropriated in Part IA, Section 1, XI.A.1. Arts Curricula shall be used to support arts education curriculum in the visual and performing arts which incorporates strengths from the Arts in Education pilot sites. These funds shall be distributed under a competitive grants program; however, up to 33% of the total amount of the grant fund shall be made available as "Aid to Other Agencies" to facilitate the funding of professional development arts institutes that have been approved by the State Department of Education for S.C. arts teachers and appropriate classroom teachers. Arts Curricular Grants funds may be retained and carried forward into the current fiscal year to be expended in accordance with the proposed award.

1A.25. DELETED

1A.26. (SDE-EIA: XI.C.2-National Board Certification Incentive) Public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards shall be paid a \$7,500 salary supplement beginning July 1 in the year following the year of achieving certification, beginning with 2009 applicants. Teachers employed at the special schools shall be eligible for this \$7,500 salary supplement. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall develop guidelines and administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who are applying to the National Board for Professional Teaching Standards for certification may receive a loan equal to the amount of the application fee. Up to eleven hundred loan applications shall be processed annually. One-half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the national board. Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward for National Board purposes. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the State Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program. In addition, teachers who are certified by the National Board

for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the State Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification.

Teacher specialists remain eligible for state supplement for National Board certification.

Teachers who begin the application process after July 1, 2007 and who teach in schools which have an absolute rating of below average or at-risk at the time the teacher applies to the National Board for certification, but who fail to obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one-half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the loan will be at the rate of 33% for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or at-risk during the forgiveness period, or for each year of full time teaching in another school that has an absolute rating of below average or at risk.

1A.27. DELETED

1A.28. (SDE: XI-Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.

1A.29. (SDE-EIA: XI.A.1-Autism Parent-School Partnership Program) From funds appropriated for Services For Students with Disabilities, \$350,000 shall be provided to the South Carolina Autism Society for the Parent-School Partnership Program.

1A.30. DELETED

1A.31. (SDE-EIA: XI.C.2-Teacher Supplies) From the funds appropriated, all certified public school, certified special school classroom teachers, certified media specialists, and certified guidance counselors who are employed by a school district or a charter school as of November 30 of the current fiscal year, shall receive reimbursement of two hundred seventy-five dollars each school year to offset expenses incurred by them for teaching supplies and materials. Funds shall be disbursed by the department to School districts by July 15 based on the last reconciled Professional Certified Staff (PCS) listing from the previous year. Any deviation in the PCS and actual teacher count will be reconciled by December 31 or as soon as practicable thereafter. School districts shall disburse these funds in a manner separate and distinct from their payroll check on the first day teachers, by contract, are required to be in attendance at school for the current contract year. This reimbursement shall not be considered by the state as taxable

income. Special schools include the Governor's School for Science and Math, the Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and Palmetto Unified School District. Funds distributed to school districts or allocated to schools must not supplant existing supply money paid to teachers from other sources. If a school district requires receipts for tax purposes the receipts may not be required before December 31. Districts that do not wish to require receipts may have teachers retain the receipts and certify for the district they have received the \$275 for purchase of teaching supplies and/or materials and that they have purchased or will purchase supplies and/or materials during the fiscal year for the amount of \$275. Districts shall not have an audit exception related to non-retention of receipts in any instances where a similar instrument is utilized. Any district requiring receipts must notify any teacher from whom receipts have not been submitted between November 25 and December 6 that receipts must be submitted to the district. Districts may not add any additional requirement not listed herein related to this reimbursement. The department must withhold Act 135 funds from any district while in non-compliance with this provision. Any funds not disbursed to teachers may not be retained by the districts and must be returned to the department.

1A.32. DELETED

1A.33. (SDE-EIA: XI.C.2-Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each district Teacher of the Year shall receive an award of \$1,000. In addition, the State Teacher of the Year shall receive an award of \$25,000, and each of the four Honor Roll Teachers of the Year will receive an award of \$10,000. To be eligible, districts must participate in the State Teacher of the Year Program sponsored by the State Department of Education.

1A.34. (SDE-EIA: XI-State of Emergency District) Funds may be used for retired educators serving as teacher specialists, principal specialists, principal leaders, or curriculum specialists on site in districts in which a state of emergency is declared. These educators may be hired as a principal specialist in a state of emergency district for up to four years.

1A.35. DELETED

1A.36. DELETED

1A.37. (SDE-EIA: EOC) The Education Oversight Committee may collect, retain and expend revenue from conference registration and fees; charges for materials supplied to local school districts or other entities not otherwise mandated to be provided by state law; and from other activities or functions sponsored by the committee including public awareness campaign activities. Any unexpended revenue from these sources may be carried forward into the current fiscal year and expended for the same purposes. The Education Oversight Committee is permitted to utilize the funds appropriated to it to fund programs promoting the teaching of economic education in South Carolina.

1A.38. DELETED

1A.39. (SDE-EIA: Technical Assistance) In order to best meet the needs of underperforming schools, funds appropriated for technical assistance to schools with an absolute rating of below average or at-risk on the most recent annual school report card must be allocated according to the severity of not meeting report card criteria.

Schools receiving an absolute rating of below average or at-risk must develop and submit to the Department of Education a school renewal plan outlining how technical assistance allocations will be utilized and goals for improvements will be obtained. Each allocation must address specific strategies designed to increase student achievement and must include measures

to evaluate success. The school renewal plan may include expenditures for recruitment incentives for faculty and staff, performance incentives for faculty and staff, assistance with curriculum and test score analysis, professional development activities based on curriculum and test score analysis that may include daily stipends if delivered on days outside of required contract days. School expenditures shall be monitored by the Department of Education.

With the funds appropriated to the Department of Education for technical assistance services, the department will assist schools with an absolute rating of below average or at-risk in designing and implementing technical assistance school renewal plans and in brokering for technical assistance personnel as needed and as stipulated in the plan. In addition, the department must monitor student academic achievement and the expenditure of technical assistance funds in schools receiving these funds and report their findings to the General Assembly and the Education Oversight Committee by January 1 of each fiscal year as the General Assembly may direct. If the Education Oversight Committee or the department requests information from schools or school districts regarding the expenditure of technical assistance funds pursuant to evaluations, the school or school district must provide the evaluation information necessary to determine effective use. If the school or school district does not provide the evaluation information necessary to determine effective use, the principal of the school or the district superintendent may be subject to receiving a public reprimand by the State Board of Education if it is determined that those individuals are responsible for the failure to provide the required information.

The department shall coordinate with and monitor the services provided by the School Improvement Council Assistance and the Writing Improvement Network to the schools. Based on criteria jointly determined by the department and the Education Oversight Committee, the School Improvement Council Assistance and the Writing Improvement Network must submit external evaluations to the Education Oversight Committee at least once every three years.

No more than five percent of the total amount appropriated for technical assistance services to schools with an absolute rating of below average or at-risk may be retained and expended by the department for implementation and delivery of technical assistance services. Using previous report card data, the department shall identify priority schools. Up to \$13,000,000 of the total funds appropriated for technical assistance shall be used by the department to work with those schools identified as priority schools.

The department will create a system of levels of technical assistance for schools that will receive technical assistance funds. The levels will be determined by the severity of not meeting report card criteria. The levels of technical assistance may include a per student allocation, placement of a principal mentor, replacement of the principal, and/or reconstitution of a school.

Reconstitution means the redesign or reorganization of the school, which includes the declaration that all positions in the school are considered vacant. Certified staff currently employed in priority schools must undergo a formal evaluation in the spring following the school's identification as a priority school and must meet determined goals to be rehired and continue their employment at that school. Student achievement will be considered as a significant factor when determining whether to rehire existing staff. Educators who were employed at a school that is being reconstituted prior to the effective date of this proviso and to whom the employment and dismissal laws apply will not lose their rights in the reconstitution. If they are not rehired or are not assigned to another school in the school district they have the opportunity for a hearing. However, employment and dismissal laws shall not apply to educators who are employed in the district and assigned to the priority schools after the effective date of

this proviso, in the event of a reconstitution of the school in which the educator is employed. Those rights are only suspended in the event of a reconstitution of the entire school staff.

Additionally, the rights and requirements of the employment and dismissal laws do not apply to educators who are currently on an induction or annual contract, that subsequently are offered continuing contract status after the effective date of this proviso, and are employed at a school that is subject to reconstitution under this proviso.

The reconstitution of a school could take place if the school has been identified as a priority school that has failed to improve satisfactorily. The decision to reconstitute a school shall be made by the State Superintendent of Education in consultation with the principal and/or principal mentor, the school board of trustees, and the district superintendent. The decision to reconstitute a school shall be made by April 1, at which time notice shall be given to all employees of the school. The department, in consultation with the principal and district superintendent, shall develop a staffing plan, recruitment and performance bonuses, and a budget for each reconstituted school.

Upon approval of the school renewal plans by the department and the State Board of Education, a newly identified school or a currently identified school with an absolute rating of below average or at-risk on the report card will receive a base amount and a per pupil allocation based on the previous year's average daily membership as determined by the annual budget appropriation. No more than fifteen percent of funds not expended in the prior fiscal year may be carried forward and expended in the current fiscal year for strategies outlined in the school's renewal plan. Schools must use technical assistance funds to augment or increase, not to replace or supplant local or state revenues that would have been used if the technical assistance funds had not been available. Schools must use technical assistance funds only to supplement, and to the extent practical, increase the level of funds available from other revenue sources.

1A.40. (SDE-EIA: Proviso Allocations) In the event an official EIA revenue shortfall is declared by the Board of Economic Advisors, the Department of Education may reduce any allocation in Section 1A specifically designated by proviso in accordance with the lower Board of Economic Advisors revenue estimate as directed by the Office of State Budget. No allocation for teacher salaries shall be reduced as a result of this proviso.

1A.41. (SDE-EIA: School Districts and Special Schools Flexibility) All 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. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, 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 non-instruction 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. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the school year ending June 30, 2010.

"InSite" means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year. Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the 2009-10 fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions taken. 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.

For Fiscal Year 2009-10, Section 59-21-1030 is suspended.

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 provision suspends, amends, modifies, or otherwise authorizes changes in the manner in which textbooks are purchased. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

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. 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.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also 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. The credit card number on each statement must be redacted prior to posting on the internet website. 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.

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.

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

The Comptroller General shall distribute to the districts a methodology and resources for compliance. 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.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

1A.42. (SDE-EIA: Teacher Salary Supplement) The department is directed to carry forward prior year unobligated teacher salary supplement and related employer contribution funds into the current fiscal year to be used for the same purpose.

1A.43. DELETED

1A.44. DELETED

1A.45. DELETED

1A.46. (SDE-EIA: High Schools That Work Programs) The Department of Education must report annually by December 1, to the Governor, the Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public Works Committee on the High Schools that Work Programs' progress and effectiveness in providing a better prepared workforce and student success in post-secondary education. The department, school districts, and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal that were allocated for High Schools That Work.

1A.47. (SDE-EIA: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. The department is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring statewide accountability assessment.

1A.48. DELETED

1A.49. (SDE-EIA: Excellence in Middle School Initiative) Funds appropriated for the Excellence in Middle Schools Initiative shall be used to continue to fund the number of guidance counselors, school safety officers and/or school nurses in middle/junior high schools. The funding allocation shall be based proportionately on the number of middle/junior high schools in each district.

1A.50. (SDE-EIA: Early Childhood Review) From the funds appropriated for EIA Four-Year-Old Early Childhood, the Department of Education shall utilize up to \$300,000 to institute a plan for reviewing, on a district basis, early childhood assets of schools and districts based on 4K entry DIAL 3 scores, and South Carolina Readiness Assessment Reports. To accomplish this, the department shall use reports that analyze program assets and provide guidance to local schools on the effective use of the reports to enhance quality gaps. Children will be tracked from early childhood programs to fifth grade and beyond to study the relationships of strong early

childhood programs and increased performance on PACT, decreased drop out scores, decreased referral for special education programs, and increased graduation rates. This review may not be used as a part of the EAA Report Card for the current fiscal year.

1A.51. (SDE-EIA: Credits High School Diploma Distribution) The funds appropriated for Raise Academic Standards-Credits High School Diploma shall be distributed to the school districts of the state based upon the 135 day count of Average Daily Membership.

1A.52. (SDE-EIA: Report Card Information) The percentage each school district expended on classroom instruction as defined by the Department of Education's In\$ite classification for "Instruction" must be printed on the Annual School and District Report Card.

1A.53. (SDE-EIA: Core Curriculum Materials) The funds appropriated in Part IA, Section 1, XI.A.3 for instructional materials for core curriculum shall be expended consistent with the requirements of Section 59-31-600 of the 1976 Code requiring the development of higher order thinking skills and critical thinking which should be integrated throughout the core curriculum instructional materials. Furthermore, the evaluation criteria used to select instructional materials with funds appropriated in Part IA, Section 1, XI.A.3 shall include a weight of up to ten percent of the overall criteria to the development of higher order thinking skills and critical thinking.

1A.54. DELETED

1A.55. (SDE-EIA: XI-E.2.-Teacher Technology Proficiency) To ensure the effective and efficient use of the funding provided by the General Assembly in Part IA, Section 1 XI.E.2 for school technology in the classroom and internet access, the State Department of Education shall approve district technology plans that specifically address and incorporate teacher technology competency standards and local school districts must require teachers to demonstrate proficiency in these standards as part of each teacher's Professional Development plan. The Department of Education's professional development tracking, prescriptive and electronic portfolio system for teachers is the preferred method for demonstrating technology proficiency as this system is aligned to the International Society for Technology in Education (ISTE) teacher standards. Evidence that districts are meeting the requirement is a prerequisite to expenditure of a district's technology funds.

1A.56. (SDE-EIA: Accountability Program Implementation) To support implementation of the accountability program, the Education Oversight Committee may carry forward unexpended Education Accountability Act funds authorized specifically for the administration of the Education Oversight Committee.

1A.57. DELETED

1A.58. (SDE-EIA: One Year Suspension of EIA Programs) The following programs funded with EIA revenues will be temporarily suspended for Fiscal Year 2009-10 and funds appropriated to these programs allocated to teacher salaries and fringe benefits, National Board Certification Incentive salary supplements, teacher supplies, Science PLUS, and the Teaching Fellows Program administered by CERRA to hold the funding level to maintain fellowships for existing cohorts of participants in the Teacher Fellows Program: competitive teacher grants, Palmetto Gold and Silver program and external review teams. Schools will still be recognized as Palmetto Gold and Silver recipients in 2009-10 but will not receive financial compensation.

1A.59. (SDE-EIA: 4K Targeting) EIA funds allocated for the provision of four-year-old kindergarten shall be utilized for the provision of services to age-eligible children qualifying for free or reduced-price lunch or Medicaid or documented developmental delays. In the event that more students seek to enroll than available space permits, students shall be prioritized (at the time of acceptance) on the basis of family income expressed as a percentage of the federal

poverty guidelines, with the lowest family incomes given highest enrollment priority.

1A.60. (SDE-EIA: Reading) Of the funds appropriated for reading, the Department of Education must allocate a minimum of twenty-five percent of these funds to school districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the 135 day count of the prior school year. Districts must expend the funds on teaching teachers how to teach reading at all levels and across all content areas. The remaining funds are retained by the Department of Education to implement a comprehensive plan to improve reading, including the use of Reading Recovery and other reading initiatives and to increase the number of students scoring at met and exemplary levels on state assessments.

1A.61. (SDE-EIA: Artistically and Academically High-Achieving Students) EIA funds appropriated for high achieving students must be allocated to districts based on two factors: (1) the number of students served in academic gifted and talented programs based on the prior year's 135-day count of average daily membership adjusted for the current year's 45-day count and the number of students identified as artistically gifted and talented; and (2) the number of students taking Advanced Placement or International Baccalaureate (IB) exams in the prior year. At least eighty-five percent of the funds appropriated for each student classified herein must be spent for instruction and instructional support for students who generated the funds. Up to \$500,000 of the funds may be retained by the Department of Education for teacher endorsement activities.

Twelve percent of the funds shall be set-aside for serving artistically gifted and talented students in grades 3-12.

Endorsement criteria established by the State Board of Education for teachers assigned to teach gifted and talented and advanced placement classes shall be suspended for the 2009-10 school year.

1A.62. (SDE-EIA: Students at Risk of School Failure) For Fiscal Year 2009-10, EIA funds appropriated for students at academic risk of school failure, which include funds for Act 135 Academic Assistance, summer school, reduce class size, alternative schools, parent support and family literacy, must be allocated to school districts based two factors: (1) the poverty index of the district as documented on the most recent district report card, which measures student eligibility for the free or reduced price lunch program and Medicaid; and (2) the number of students not in poverty or eligible for Medicaid but who fail to meet state standards on state standards-based assessments in either reading or mathematics. At least eighty-five percent of the funds allocated for students classified as at academic risk must be spent on instruction and instructional support for these students who generated the funds. Instructional support may include family literacy and parenting programs to students at-risk for school failure and their families. Students at academic risk are defined as students who are at risk of not graduating from high school because they failed either the English language arts or mathematics portion of the High School Assessment Program on first attempt and who score not met on grades 3 through 8 in reading and mathematics state assessments. Public charter schools, the Palmetto Unified School District, and the Department of Juvenile Justice must also receive a proportionate per pupil allocation based on the number of students at academic risk of school failure served.

1A.63. (SDE-EIA: Professional Development) EIA funds appropriated for professional development must be allocated to districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the 135 day count of the prior school year. The funds must be expended on professional development for certificated instructional and instructional leadership personnel in grades kindergarten through 12 across all content areas, including teaching in and through the arts. No more than twenty-five percent of

the funds appropriated for professional development may be retained by the Department of Education for the administration and provision of professional development services. The Department of Education must provide professional development on assessing student mastery of the content standards through classroom, formative and end-of-year assessments. The Department of Education also must post on the agency's Web site the South Carolina Professional Development Standards and provide training through telecommunication methods to school leadership on the professional development standards.

1A.64. DELETED

1A.65. (SDE-EIA: Assessments-Gifted & Talented, Advanced Placement, & International Baccalaureate Exams) Of the funds appropriated and/or authorized for assessment, up to \$2,455,000 shall be used for assessments to determine eligibility of students for gifted and talented programs and for the cost of Advanced Placement and International Baccalaureate exams.

1A.66. (SDE-EIA: Statewide Student Information System) Contingent on the availability of a Fiscal Year 2008-09 end of year EIA cash balance the department is authorized in Fiscal Year 2009-10 to utilize up to \$5,000,000 for the costs related to the conversion, implementation, support, maintenance, and training activities for state, school district, and school users for the statewide student information system essential for sustaining accountability and transparency.

SECTION 2 - H66-LOTTERY EXPENDITURE ACCOUNT

2.1. (LEA: Audit) Each state agency receiving lottery funds shall develop and implement procedures to monitor the expenditures of lottery funds in order to ensure that lottery funds are expended in accordance with applicable state laws, rules, and regulations. The Office of the State Auditor shall ensure that state agencies receiving lottery funds have procedures in place to monitor expenditures of lottery funds and that the monitoring procedures are operating effectively.

2.2. (LEA: SDE Lottery Carry Forward) The Department of Education is authorized to carry forward and expend any unexpended balances of lottery funds from the prior fiscal year into the current fiscal year for expenditures incurred in the prior fiscal year or to be expended for the same purpose.

2.7. (LEA: FY 09-10 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.

The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.

All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.

For Fiscal Year 2009-10 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

- (1) Commission on Higher Education--Tuition Assistance Two-Year Institutions \$ 47,000,000;
- (2) Commission on Higher Education--LIFE

- Scholarships as provided in Chapter 149 of Title 59 \$ 85,256,682;
- (3) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370 \$ 7,823,474;
- (4) Commission on Higher Education--Palmetto Fellows Scholarships as provided in Section 59-104-20 \$ 30,277,240;
- (5) Commission on Higher Education--Need-Based Grants \$ 11,631,566;
- (6) Tuitions Grants Commission--Tuition Grants \$ 7,766,604;
- (7) Commission on Higher Education--National Guard Tuition Repayment Program as provided in Section 59-111-75 \$ 1,700,000;
- (8) South Carolina State University \$ 2,500,000;
- (9) Technology--Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges \$ 3,852,636;
- (10) Department of Education--K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525 \$ 41,891,798;
- (11) Department of Education--Grades 6-8 Reading, Math, Science & Social Studies Program \$ 2,000,000;
- (12) Commission on Higher Education--Higher Education Excellence Enhancement Program \$ 4,700,000; and
- (13) School for the Deaf and the Blind--Technology Replacement \$ 200,000.

Fiscal Year 2009-10 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and 2-year institutions as provided in Section 59-150-360.

Of the funds appropriated to South Carolina State University, \$250,000 may be used for the BRIDGE Program.

The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.

The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full time students.

Fiscal Year 2009-10 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, Palmetto Fellows, and HOPE scholarships for Fiscal Year 2009-10 are fully funded.

If the lottery revenue received for Fiscal Year 2009-10 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

The Commission on Higher Education is authorized to use up to \$260,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the

necessary level of program support for the scholarship award process.

For Fiscal Year 2009-10, \$8,400,000 certified from unclaimed prizes shall be appropriated as follows: \$5,722,729 to the Department of Education for K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525 and \$2,677,271 for Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. The allocations of Section 59-150-230(I) of the 1976 Code are suspended for the current fiscal year. Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first \$2,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the CATT/ReadySC Program. The next \$4,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the Allied Health Initiative. The next \$5,470,093 shall be directed for Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Critical Needs Nursing Initiative Fund - Simulation Technology and Equipment. All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher Education for LIFE, Palmetto Fellows, and HOPE scholarships.

Notwithstanding the provisions of Section 59-150-355 of the 1976 Code or any other provision of law, the Budget and Control Board may distribute funds from the Education Lottery Account on a monthly basis during the final quarter of the fiscal year.

SECTION 89 - X90-GENERAL PROVISIONS

89.1. (GP: Revenues, Deposits Credited to General Fund) For the current fiscal year, except as hereinafter specifically provided, all general state revenues derived from taxation, licenses, fees, or from any other source whatsoever, and all institutional and departmental revenues or collections, including income from taxes, licenses, fees, the sale of commodities and services, and income derived from any other departmental or institutional source of activity, must be remitted to the State Treasurer at least once each week, when practical, and must be credited, unless otherwise directed by law, to the General Fund of the State. Each institution, department or agency, in remitting such income to the State Treasurer, shall attach with each such remittance a report or statement, showing in detail the sources itemized according to standard budget classification from which such income was derived, and shall, at the same time, forward a copy of such report or statement to the Comptroller General and the State Budget and Control Board. In order to facilitate the immediate deposit of collections, refunds of such collections by state institutions where properly approved by the authorities of same, may be made in accordance with directions from the State Comptroller General and State Treasurer.

General fund appropriations herein made for the support of the public school system of the State must be greater than or equal to the revenues derived from the General Retail Sales Tax, the Soft Drinks Tax, and the state's portion of the Alcoholic Liquors Tax and Cable Television Fees as forecasted in the general fund revenue estimate of the Board of Economic Advisors as accounted for in Section 88 of this act. Appropriations in this act for the support of the public school system shall include the following:

- Department of Education;
- State Board for Technical and Comprehensive Education;
- Educational Television Commission;
- Wil Lou Gray Opportunity School;

School for the Deaf and the Blind;
John de la Howe School;
Debt Service on Capital Improvement Bonds Applicable to
Above Agencies;
Debt Service on School Bonds;
Other School Purposes.

Nothing contained herein shall be construed as diminishing the educational funding requirements of this section.

89.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year 2009-10, and for other purposes specifically designated.

89.8. (GP: Fee Increases) (A) No state agency, department, board, committee, commission, or authority, may increase an existing fee for performing any duty, responsibility, or function unless the fee for performing the particular duty, responsibility, or function is authorized by statutory law and set by regulation except as provided in this paragraph.

(B) This paragraph does not apply to:

- (1) state-supported governmental health care facilities;
- (2) state-supported schools, colleges, and universities;
- (3) educational, entertainment, recreational, cultural, and training programs;
- (4) the State Board of Financial Institutions;
- (5) sales by state agencies of goods or tangible products produced for or by these agencies;
- (6) charges by state agencies for room and board provided on state-owned property;
- (7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;
- (8) court fees or fines levied in a judicial or adjudicatory proceeding;
- (9) the South Carolina Public Service Authority or the South Carolina Ports Authority.

Authority.

(C) This paragraph does not prohibit a state agency, department, board, committee, or commission from increasing fees for services provided to other state agencies, departments, boards, committees, commissions, political subdivisions, or fees for health care and laboratory services regardless of whether the fee is set by statute.

(D) Statutory law for purposes of this paragraph does not include regulations promulgated pursuant to the State Administrative Procedures Act.

89.10. (GP: Transfers of Appropriations) Agencies and institutions shall be authorized to transfer appropriations within programs and within the agency with notification to the Division of Budget and Analyses and Comptroller General. No such transfer may exceed twenty percent of the program budget. Upon request, details of such transfers may be provided to members of the General Assembly on an agency by agency basis. Transfers of appropriations from personal service accounts to other operating accounts or from other operating accounts to personal service

accounts may be restricted to any established standard level set by the Budget and Control Board upon formal approval by a majority of the members of the Budget and Control Board.

89.28. (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior fiscal year into the current fiscal year, up to a maximum of ten percent of its original general fund appropriations less any appropriation reductions for the current fiscal year. Agencies shall not withhold services in order to carry forward general funds.

This provision shall be suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this proviso, the amount of the general fund deficit shall be determined after first applying the Capital Reserve Fund provisions in Section 11-11-320(D) of the 1976 Code, and before any transfers from the General Reserve. The amount of general funds needed to avoid a year-end deficit shall be reduced proportionately from each agency's carry forward amount.

Agencies which have separate general fund carry forward authority must exclude the amount carried forward by such separate authority from their base for purposes of calculating the ten percent carry forward authorized herein. Any funds that are carried forward as a result of this provision are not considered part of the base of appropriations for any succeeding years.

89.34. (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the Department of Education, in consultation with the Budget and Control Board's Division of State Information Technology, the State Library and Educational Television Commission shall administer the K-12 technology initiative funds. These funds are intended to provide technology, encourage effective use of technology in K-12 public schools throughout the state, conduct cost/benefit analyses of the various technologies and should, to the maximum extent possible, involve public-private sector collaborative efforts. Funds may also be used to establish pilot projects for new technologies with selected school districts as part of the evaluation process. K-12 technology initiative funds shall be retained and carried forward to be used for the same purpose.

89.41. (GP: PSA Agriculture Teachers Summer Employment) In addition to funds previously established for Clemson University PSA to fund summer employment of agriculture teachers, the Department of Education shall transfer funds appropriated in Part IA, Section XI.F3 of this document, Other State Agencies and Entities, Teacher Pay - Other Agencies to Clemson University PSA to cover state-mandated salary increases on that portion of the agriculture teachers' salaries attributable to summer employment.

89.44. (GP: Alternative Commitment to Truancy) As part of its plan for an alternative school, a school district receiving funds from the Department of Education for an alternative school shall identify available alternatives to commitment for children whose truancy is approaching the level of being referred to family court. When proceeding under S.C. Code Section 59-65-50 to bring an individual case before the family court, the school district must present this plan as well as the district's efforts with respect to the individual child to the court. Each school district's plan under this proviso shall include possible assignment to alternative school for a nonattending child before petitioning the court.

89.51. (GP: Personal Property Tax Relief Fund) For the current fiscal year, Section 12-37-2735 of the 1976 Code is suspended. If the Personal Property Tax Exemption Sales Tax is imposed in a county and a sales tax rate of two percent of gross proceeds of sales is insufficient to offset the property tax not collected, sufficient amounts must be credited to the Trust Fund for Tax Relief established pursuant to Section 11-11-150 of the 1976 Code to provide the reimbursement to offset such a shortfall in the manner provided in Section 4-10-540(A) of the 1976 Code.

****89.96.** (GP: Flexibility) *In order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to the prior fiscal year general fund appropriations, agencies are authorized for FY 2009-10 to spend agency earmarked and restricted accounts designated as "special revenue funds" as defined in the Comptroller General's records, to maintain critical programs previously funded with general fund appropriations. Any increase in spending authorization for these purposes must receive the prior approval of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Budget and Control Board, Office of State Budget in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.*

State institutions of higher learning whose budgets have been reduced from the Fiscal Year 2008-09 state funding level, shall have the authority to use other sources of available funds to support and maintain state funded programs affected by state reductions during Fiscal Year 2009-10 and may adjust appropriations from special items or programs contained in this act in an amount greater or less than the percentage of the reduction assessed to the institution's base budget. Institutions shall submit to the Office of State Budget, the Senate Finance Committee, and the House Ways and Means Committee the amount of base budget reductions associated with these programs.

Notwithstanding the flexibility authorized in this provision, the following agencies are prohibited from reducing or transferring funds from the following programs or areas:

(A) Department of Health and Human Services

(1) Teen Pregnancy/Abstinence Programs including, but not limited to

MAPPS

(2) PACE

(3) Federally Qualified Health Centers

(4) Provider Rates

The Department of Health and Human Services shall not decrease provider reimbursement rates from their current levels.

It is not the intent of this proviso to restrict the annual updating of cost based rates and those rates which are indexed to methodologies described in the Medicaid State Plan.

(B) Lieutenant Governor's Office

Home and Community Based Services (Meals on Wheels)

(C) Department of Commerce

Regional Economic Development Organizations as defined by proviso 40.30

(D) Department of Natural Resources

*Law Enforcement Program/Enforcement Operations as contained in
Program II. F. 1*

(E) Department of Parks, Recreation, and Tourism

(1) Program II. A. Special Item: Regional Promotions

(2) Program II. A. Special Item: Advertising

In addition the Department of Parks, Recreation and Tourism is prohibited from closing or reducing the FTE's in the State House Gift Shop, and the Santee Welcome Center.

Notwithstanding the prohibition on reducing or transferring funds from the programs or areas listed above, the Department of Natural Resources may reduce the specified programs or areas by an amount not to exceed the percentage associated with any mandated reduction.

89.135. (GP: Second Amendment Weekend - Sales Tax Exemption for Certain Firearms) The gross proceeds of sales or sales price of handguns as defined pursuant to Section 16-23-10(1) of the 1976 Code, rifles, and shot guns is exempt from the taxes imposed pursuant to Chapter 36, Title 12 of the 1976 Code and Chapter 10, Title 4 of the 1976 Code for sales occurring from 12:01 a.m., Friday, November 27, 2009, through twelve midnight, Saturday, November 28, 2009.

SECTION 90 - X91-STATEWIDE REVENUE

90.13. (SR: Health and Human Services Funding) The source of funds appropriated in this provision is \$450,762,894 of Department of Health and Human Services general fund appropriations, carry forward funds, earmarked and restricted special revenue fund accounts, and unobligated state match funds resulting from the increased Federal Medical Assistance Percentage provided by the American Recovery and Reinvestment Act of 2009. The funds designated herein shall be distributed, at a minimum, in four equal disbursements on a quarterly basis.

Of these funds, the department is directed to transfer \$225,945,013 to the General Fund of the State during the current fiscal year.

Of these funds, the department is directed to disburse the following Department of Health and Human Services appropriations for the purposes stated:

A. Transitional Medicaid	\$	4,250,000;	
B. HIV Waiver	\$	56,000;	
C. Breast and Cervical Cancer Screenings	\$	1,600,000;	
D. Childcare Disregards	\$	2,300,000;	
E. Community Long-Term Care	\$	575,000;	
F. Psychiatric Residential Treatment Facility Waiver	\$	142,000;	
G. Maintenance of Effort	\$	98,897,191	
H. Hospital Cost Rates	\$	3,500,000;	
I. Nursing Home Maintenance of Effort and Rate Restoration	\$	4,958,000;	
J. Adult Dental Services	\$	1,400,000;	
K. Podiatry Services	\$	354,000;	
L. Adult Vision Screenings	\$	354,000;	
M. Nutritional Supplements	\$	177,000;	
N. Allied Health Counseling Sessions	\$	177,000;	
O. Speech Therapy	\$	177,000;	

P. Home Health Visits \$ 495,000;
 Q. Home Health Venipuncture \$ 125,000;
 R. CLTC Home Health Meals \$ 557,000;
 S. Wheelchair Ramps \$ 195,000;
 T. MUSC Disproportionate Share \$ 7,500,000;
 U. GAPS \$ 4,000,000;
 V. Diabetes \$ 210,000;
 W. SYVEK Patch \$ 200,000;
****X. MUSC Transplant Services \$ 100,000;**

Text printed in italic, boldface indicates sections vetoed by the Governor on May 19, 2009.

**Indicates those vetoes overridden by the General Assembly on May 20 and 21, 2009.

Y. Kidney Early Evaluation Program (KEEP)
 Health Screenings \$ 250,000;
 Z. Supplemental Medicaid Teaching Physician
 Payments \$ 1,000,000;
 AA. Federally Qualified Health Centers \$ 750,000;
****BB. MUSC Rural Dentist Program \$ 250,000;**

Text printed in italic, boldface indicates sections vetoed by the Governor on May 19, 2009.

**Indicates those vetoes overridden by the General Assembly on May 20 and 21, 2009.

CC. Shared Care \$ 500,000;
 DD. OB & Delivery Rates \$ 1,141,000; and
 EE. Durable Medical Goods \$ 770,000.

A Medicaid Managed Care Organization or its Pharmacy Benefits Manager (PBM) is encouraged to contract with any Medicaid enrolled Durable Medical Equipment (DME) provider using the appropriate NDC or UPC for billing purposes, for the provision of durable medical equipment and supplies, including diabetic testing strips and meters. Due to the number of Medicaid beneficiaries that receive their durable medical equipment and supplies through mail delivery, a Medicaid Managed Care Organization is encouraged to contract with DME providers that provide diabetic testing supplies via mail order.

Of these funds the department is further directed to transfer the following amounts to the Department of Health and Environmental Control for the purposes stated:

A. Vaccine Purchases for Underinsured Children \$ 2,000,000;
 B. EMS Statewide Data System \$ 500,000;
 C. Environmental/Restaurant/Septic Inspections \$ 1,000,000;
 D. Water Quality Monitoring \$ 1,376,199;
 E. Health Regulation - Nursing Home Inspections \$ 400,000;
 F. Aids Drug Assistance Program (ADAP) \$ 2,400,000;
 G. Infant Mortality Reduction \$ 1,000,000;
 H. BabyNet \$ 1,600,000;
 I. Trauma Centers \$ 3,000,000;
 J. Best Chance Network \$ 2,000,000;

- K. Chronic Disease Prevention - Diabetes \$ 2,000,000;
- L. Youth Smoking Prevention & Cessation \$ 2,000,000;
- M. Colorectal Cancer Screenings \$ 1,000,000;
- N. Camp Burnt Gin \$ 200,000;
- O. Hemophilia Services \$ 100,000;
- P. Rural Hospital Grants \$ 4,000,000;
- Q. HIV Prevention \$ 1,000,000;
- **R. Rural Hospital Equipment and Facilities \$ 2,000,000; and**
- **S. USC Rural Health Clinics \$ 3,000,000.**

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**Indicates those vetoes overridden by the General Assembly on May 20 and 21, 2009.

Of these funds the department is further directed to transfer the following amounts to the Department of Mental Health for the purposes stated:

- A. Community Mental Health Centers \$ 9,000,000; and
- B. Inpatient Services Restoration \$ 10,000,000.

Of these funds the department is further directed to transfer the following amounts to the Department of Disabilities and Special Needs for the purposes stated:

- A. Attrition Slots MR/RD Waiver \$ 329,511;
- B. Attrition Slots HASCI Waiver \$ 327,600;
- C. Early Intervention Services to Children \$ 1,351,003;
- D. Day Support \$ 3,819,978;
- E. Residential Day Support Provider Adjustment \$ 1,833,210;
- F. Restoration of Waiver Capacity Reductions \$ 829,617;
- G. Service Coordination Restoration \$ 3,350,831;
- H. Ancillary Waiver Services \$ 1,500,000;
- I. Residential Services \$ 984,000;
- J. Traumatic Brain or Spinal Cord Injury Post
Acute Rehabilitation \$ 1,650,000;
- K. Family Support/Respite \$ 550,000; and
- L. Summer Services \$ 709,741.

Of these funds the department is further directed to transfer \$1,200,000 to the Department of Alcohol and Other Drug Abuse Services of which \$1,000,000 shall be utilized for State Block Grant.

Of these funds the department is further directed to transfer the following amounts to the Department of Social Services for the purposes stated:

- A. Child Support Enforcement System Development
& Penalty \$ 13,436,000; and
- B. Operating Expenses \$ 350,000.

Of these funds the department is further directed to transfer \$140,000 to the Commission for the Blind.

Of these funds the department is further directed to transfer \$100,000 to the Governor's Office of Executive Policy and Programs for Children's Trust Fund Prevention of Child Abuse and Neglect Matching Funds.

Of these funds the department is further directed to transfer \$3,050,000 to the Lieutenant

Governor's Office of which \$2,900,000 shall be utilized for Home and Community Based Services - Meals on Wheels and Congregate Meals.

Of these funds the department is further directed to transfer \$50,000 to the Human Affairs Commission.

Of these funds the department is further directed to transfer \$20,000 to the Commission on Minority Affairs.

Of these funds the department is further directed to transfer \$700,000 to John de la Howe School of which \$600,000 shall be utilized for Roof Repair.

Of these funds the department is further directed to transfer \$2,000,000 to Vocational Rehabilitation for Restoration of Services.

Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

There is created with the State Treasurer's Office the Health Care Annualization and Maintenance of Effort Fund which shall be separate and distinct from the General Fund and shall be used exclusively for health care purposes. All agencies, unless specifically exempt by another provision contained in this act, shall transfer unobligated state match funds resulting from the receipt of the increased Federal Medical Assistance Percentage to the State Treasurer to be deposited into the Health Care Annualization and Maintenance of Effort Fund.

90.15. (SR: State Budget Stabilization Fund) It is the intent of the General Assembly to accept all available funds from the State Budget Stabilization Fund contained within the American Recovery and Reinvestment Act of 2009 and to authorize expenditure of such funds as delineated in this act.

****90.16. (SR: ARRA Fund Authorization) It is the intent of the General Assembly to accept all available funds from the State Budget Stabilization Fund contained within the American Recovery and Reinvestment Act of 2009. The Office of State Budget is directed to increase agency federal fund authorizations for funds from the State Budget Stabilization Fund allocated by the General Assembly.**

90.21. (SR: Personnel for Increased Enforcement Collections) For Fiscal Year 2009-10, in order to increase enforced collections, two million two hundred thousand dollars allocated to the Department of Revenue in this act shall be used exclusively to hire and provide operations for specifically identified additional enforcement personnel (agents, auditors and support) to enhance audit and collection activity.

The department may collect revenues from any source within its jurisdiction, which may include but is not limited to corporate, individual or sales tax collections but especially shall focus on enforced collections and outstanding liabilities.

These funds shall be deposited in a fund separate and distinct from the general fund as established within the Office of the State Treasurer, except that any motor fuel funds collected as a result of the enforced collection efforts shall be distributed in the same manner as other motor fuel tax revenues are currently distributed.

For the fiscal year beginning July 1, 2009 and ending June 30, 2010, the State Treasurer shall disburse quarterly the following funds on a pro rata basis:

- (1) A01 - The Senate Reapportionment \$ 1,000,000;
- (2) F30 - Employee Benefits Other
Post-Employee Benefits \$ 3,245,659;

- (3) X44 - Aid to Subdivisions - Department of Revenue
Homestead Exemption Shortfall \$ 43,504,341; and
- (4) H03 - Commission on Higher Education
Need-Based Grants \$ 500,000.

Once sufficient revenue has been collected to fully fund the above items, the first \$8,000,000 of excess revenue shall be transferred to the Department of Motor Vehicles to reimburse the department for the funds transferred to other agencies by proviso 90.20 of this act. The next \$500,000 of excess revenue shall be transferred to the Forestry Commission. The next \$285,000 of excess revenue shall be transferred to Clemson University-PSA for the South Carolina Biotechnology Incubation Facility. The next \$500,000 of excess revenue shall be transferred to the Commission on Higher Education - University Center of Greenville. The next \$30,000 of excess revenue shall be transferred to the Department of Agriculture for Agri-Business Development. The next \$10,000,000 of excess revenue shall be transferred to Aid to Subdivisions-State Treasurer for the Local Government Fund.

The Department of Revenue shall develop internal mechanisms to insure the integrity of customary and usual enforced collections. When the department determines that the quarterly customary and usual enforced collections have been exceeded, the department shall deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision.

The funds in this account shall be appropriated for the purposes herein and disbursed quarterly on a pro rata basis unless otherwise stated. However no agency shall expend funds appropriated in this provision until they are received by that agency. Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purpose.

If revenues collected and deposited into the new account are less than the amounts appropriated, agencies receiving appropriations shall have their appropriations reduced on a pro rata basis.

Any excess revenue above the amounts identified in this provision shall be transferred to the General Fund of the State.

The Department of Revenue shall report on a quarterly basis to the finance committees of the General Assembly and to the Board of Economic Advisors on the collections received in this fund.

****PART III**
FISCAL YEAR 2009-10 STATE STABILIZATION FUND

SECTION 1. Pursuant to Title XVI of the American Recovery and Reinvestment Act of 2009 (ARRA), the Governor has certified that (1) the State will request and use funds provided by the ARRA, and (2) the funds will be used to create jobs and promote economic growth. As a result of the Governor's action, the General Assembly recognizes \$694,060,272 of federal funds pursuant to the State Fiscal Stabilization Fund established by Title XIV of the ARRA and that these funds are authorized for appropriation pursuant to the provisions of this Part. In order to fund the appropriations provided by this Part, the Governor and the State Superintendent of Education shall take all action necessary and required by the ARRA and the U.S. Secretary of Education in order to secure the receipt of the funds recognized and authorized for appropriation pursuant to this section. The action required by this Part includes but is not limited to: (1) within five days of the effective date of this Part, the Governor shall submit an application to the United State's Secretary of Education to obtain phase one State Fiscal Stabilization Funds, and (2) within thirty days of phase two State Fiscal Stabilization Funds becoming available or thirty days following the effective date of this act, whichever is later, the Governor shall submit an application to the United State's Secretary of Education to obtain phase two State Fiscal Stabilization Funds. The State Superintendent of Education shall take all action necessary and provide any information needed to assist the Governor in fulfilling his obligation to apply for State Fiscal Stabilization funds pursuant to this Section.

SECTION 2. (A) Upon the receipt of the funds in Section 1, the following sums must immediately be transferred to the following agencies to be expended for the specified purposes to supplement appropriations made for the expenses of state government in the annual general appropriation act for Fiscal Year 2009-10 and the Office of State Budget is directed to increase agency federal fund authorization for funds from the State Budget Stabilization Fund allocated herein:

(1) H63 - Department of Education EFA Base		
Student Cost	\$	184,922,339
(2) H09 - The Citadel	\$	2,161,240
(3) H12 - Clemson University	\$	14,691,917
(4) H15 - University of Charleston	\$	4,692,447
(5) H17 - Coastal Carolina University	\$	2,270,097
(6) H18 - Francis Marion University	\$	2,588,272
(7) H21 - Lander University	\$	1,440,348
(8) H24 - South Carolina State University	\$	3,253,587
(9) H27 - University of South Carolina - Columbia	\$	23,945,887
(10) H29 - University of South Carolina - Aiken	\$	1,469,806
(11) H34 - University of South Carolina - Upstate	\$	1,959,567
(12) H36 - University of South Carolina - Beaufort	\$	481,777
(13) H37 - University of South Carolina - Lancaster	\$	356,295
(14) H38 - University of South Carolina - Salkehatchie	\$	310,271
(15) H39 - University of South Carolina - Sumter	\$	575,463

(16) H40 - University of South Carolina - Union	\$	138,095
(17) H47 - Winthrop University	\$	3,092,270
(18) H51 - Medical University of South Carolina	\$	12,671,177
(19) H53 - Consortium of Community Teaching Hospitals	\$	2,012,569
(20) H59 - Board for Technical & Comprehensive Education	\$	21,811,254
(21) N04 - Department of Corrections	\$	22,000,000
(22) N12 - Department of Juvenile Justice	\$	5,000,000
(23) N20 - Law Enforcement Training Council Criminal Justice Academy	\$	120,000
(24) N08 - Department of Probation, Parole, and Pardon Services	\$	2,000,000
(25) K05 - Department of Public Safety	\$	15,000,000
(26) H87 - State Library State Aid for County Libraries	\$	1,685,045
(27) H91 - Arts Commission Statewide Education, Arts, and Cultural Grants	\$	500,000
(28) H79 - Department of Archives and History	\$	500,000
(29) H63 - Department of Education Governor's School for the Arts and the Humanities	\$	500,000
(30) H63 - Department of Education Governor's School for Science and Mathematics	\$	500,000
(31) H71 - Wil Lou Gray Opportunity School	\$	500,000
(32) H75 - School for the Deaf and the Blind	\$	500,000
(33) D10 - State Law Enforcement Division	\$	2,000,000
(34) B04 - Judicial Department	\$	4,000,000
(35) H67 - Educational Television Commission Satellite Lease	\$	540,000
(36) P20 - Clemson University - PSA	\$	2,500,000
(37) P21 - South Carolina State University - PSA	\$	500,000
(38) P32 - Department of Commerce Regional Economic Development Organizations	\$	3,450,000
(39) H03 - Commission on Higher Education University Center of Greenville	\$	364,440
(40) P12 - Forestry Commission	\$	500,000
(41) P16 - Department of Agriculture	\$	250,000
(42) P24 - Department of Natural Resources	\$	250,000
Total Funds Authorized for Fiscal Year 2009-10	\$	348,004,163

(B) Of the funds transferred to the Department of Commerce for Regional Economic Development Organizations in this section, the department shall divide \$3,150,000 equally to the following seven economic development organizations:

- (1) Central SC Economic Development Alliance;
- (2) Charleston Regional Development Alliance;
- (3) Economic Development Partnership;
- (4) North Eastern Strategic Alliance (NESAs);

- (5) *Southern Carolina Alliance;*
- (6) *Upstate Alliance; and*
- (7) *LowCountry Alliance.*

The funds dispersed to each organization must be matched with an equal amount of private funds. The organization receiving state funds must certify that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development.

The remaining \$300,000 shall be provided to Chester County, Lancaster County, Union County, and York County provided they meet the requirements established above.

Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disperse the funds to the requesting organization. Any funds remaining in the department's account for Regional Economic Development Organizations at the end of Fiscal Year 2009-2010 shall be transferred to the General Fund.

Funds recipients shall provide an annual report by November 1, to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Secretary of Commerce on the expenditure of the funds and on the outcome measures.

(C) Of the funds transferred to the State Law Enforcement Division in this section, the division must utilize the funds to maximize statutorily-mandated law enforcement services.

(D) Of the funds transferred to the Arts Commission in this section, the commission must utilize \$100,000 of the funds for Spoleto and \$10,435 of the funds for the McClellanville Arts Council.

(E) Of the funds transferred to the Department of Natural Resources in this section, the department must utilize \$100,000 of the funds for the Southeastern Wildlife Exposition.

(F) For purposes of the expenditures authorized by this section, the funds must be used in a manner consistent with the provisions of the State Fiscal Stabilization Fund established by the American Recovery and Reinvestment Act of 2009 and the provisions of this act.

(G) The remaining portion of the State Fiscal Stabilization funds received pursuant to Section 1 not necessary to meet the appropriations of this Part, must be deposited in a separate and distinct account in the State Treasurer's Office and may only be disbursed pursuant to an appropriation contained in a subsequent act of the General Assembly.

(H) The General Assembly recognizes that the receipt of the funds appropriated in this Part is designed to address a precipitous drop in revenue due to the pending economic crisis and the use of this money to fund recurring expenses is a means to address this shortfall in recurring funds until the economy improves. The General Assembly further recognizes that these funds are temporary in nature and may not be sufficient to address a shortfall in recurring revenue if the current economic crisis extends beyond the period currently contemplated. As a result, the General Assembly strongly encourages state agencies and institutions and school districts receiving these funds to limit the reliance on these funds and make contingency plans that include savings necessary to meet future recurring obligations.

SECTION 3. *If any section, subsection, part, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this severability, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs,*

subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This part takes effect upon approval by the Governor.

Text printed in italic, boldface indicates sections vetoed by the Governor on May 19, 2009.

**Indicates those vetoes overridden by the General Assembly on May 20 and 21, 2009.

END OF PART III

H 4657; ACT NO. 291 - 2010-11 APPROPRIATIONS ACT
SECTION 1 - H63-DEPARTMENT OF EDUCATION

1.1. (SDE: Appropriation Transfer Prohibition) The amounts appropriated herein for aid to subdivisions, allocations to school districts, or special line items shall not be transferred and must be expended in accordance with the intent of the appropriation, except that the department may transfer funds that are deducted and retained from a school district's transportation allocation to reimburse the department for the cost of unauthorized mileage. This transfer must be agreed upon by both the school district and the department. Those funds may be transferred into the department's school bus transportation operating account.

1.2. (SDE: DHEC - Comprehensive Health Assessment) All school districts shall participate, to the fullest extent possible, in the Medicaid program by seeking appropriate reimbursement for services and administration of health and social services. Reimbursements to the school districts shall not be used to supplant funds currently being spent on health and social services.

1.3. (SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for 100 percent of full implementation of the Education Finance Act to include an inflation factor projected by the Division of Budget and Analyses to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be \$1,630. In Fiscal Year 2010-11, the total pupil count is projected to be 694,303. The average per pupil funding is projected to be \$4,485 state, \$1,633 federal, and \$5,254 local. This is an average total funding level of \$11,372 excluding revenues of local bond issues. For Fiscal Year 2010-11 the South Carolina Public Charter School District shall receive and distribute state funds to the charter school as determined by the current year's base student cost, as funded by the General Assembly, plus an additional \$700, multiplied by the weighted students enrolled in the charter school, which must be subject to adjustment for student attendance and must not be reduced for state budget allocations.

In Fiscal Year 2010-11, the Abbeville School District total pupil count is projected to be 2,963. The per pupil funding is projected to be \$5,892 state, \$1,878 federal, and \$3,286 local. This is a total projected funding level of \$11,057 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Aiken School District total pupil count is projected to be 23,756. The per pupil funding is projected to be \$4,237 state, \$1,578 federal, and \$3,177 local. This is a total projected funding level of \$8,992 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Allendale School District total pupil count is projected to be 1,590. The per pupil funding is projected to be \$5,388 state, \$2,736 federal, and \$3,452 local. This is a total projected funding level of \$11,576 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Anderson School District 1 total pupil count is projected to be 9,042. The per pupil funding is projected to be \$4,267 state, \$922 federal, and \$3,060 local. This is a total projected funding level of \$8,249 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Anderson School District 2 total pupil count is projected to be 3,600. The per pupil funding is projected to be \$4,440 state, \$1,432 federal, and \$3,368 local. This is a total projected funding level of \$9,240 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Anderson School District 3 total pupil count is projected to be 2,588. The per pupil funding is projected to be \$4,534 state, \$1,578 federal, and \$3,571 local. This is a total projected funding level of \$9,683 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Anderson School District 4 total pupil count is projected to be 2,726. The per pupil funding is projected to be \$4,557 state, \$1,326 federal, and \$6,584 local. This is a total projected funding level of \$12,467 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Anderson School District 5 total pupil count is projected to be 12,010. The per pupil funding is projected to be \$4,546 state, \$1,635 federal, and \$4,032 local. This is a total projected funding level of \$10,213 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Bamberg School District 1 total pupil count is projected to be 1,387. The per pupil funding is projected to be \$5,491 state, \$2,166 federal, and \$3,299 local. This is a total projected funding level of \$10,956 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Bamberg School District 2 total pupil count is projected to be 846. The per pupil funding is projected to be \$6,283 state, \$2,477 federal, and \$3,768 local. This is a total projected funding level of \$12,529 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Barnwell School District 19 total pupil count is projected to be 829. The per pupil funding is projected to be \$5,252 state, \$2,775 federal, and \$3,212 local. This is a total projected funding level of \$11,238 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Barnwell School District 29 total pupil count is projected to be 1,075. The per pupil funding is projected to be \$4,356 state, \$1,453 federal, and \$2,675 local. This is a total projected funding level of \$8,484 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Barnwell School District 45 total pupil count is projected to be 2,261. The per pupil funding is projected to be \$5,398 state, \$1,663 federal, and \$3,030 local. This is a total projected funding level of \$10,091 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Beaufort School District total pupil count is projected to be 19,776. The per pupil funding is projected to be \$3,518 state, \$1,608 federal, and \$10,018 local. This is a total projected funding level of \$15,144 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Berkeley School District total pupil count is projected to be 28,797. The per pupil funding is projected to be \$4,177 state, \$1,528 federal, and \$4,768 local. This is a total projected funding level of \$10,473 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Calhoun School District total pupil count is projected to be 1,712. The per pupil funding is projected to be \$5,207 state, \$2,479 federal, and \$6,031 local. This is a total projected funding level of \$13,717 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Charleston School District total pupil count is projected to be 41,754. The per pupil funding is projected to be \$3,539 state, \$1,825 federal, and \$8,330 local. This is a total projected funding level of \$13,694 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Cherokee School District total pupil count is projected to be 8,654. The per pupil funding is projected to be \$4,584 state, \$2,050 federal, and \$4,723 local. This is a total projected funding level of \$11,357 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Chester School District total pupil count is projected to be 5,204. The per pupil funding is projected to be \$4,954 state, \$2,072 federal, and \$4,522 local. This is a total projected funding level of \$11,548 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Chesterfield School District total pupil count is projected to be 7,271. The per pupil funding is projected to be \$4,858 state, \$1,854 federal, and \$3,477 local. This is a total projected funding level of \$10,189 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Clarendon School District 1 total pupil count is projected to be 835. The per pupil funding is projected to be \$5,741 state, \$4,127 federal, and \$5,947 local. This is a total projected funding level of \$15,815 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Clarendon School District 2 total pupil count is projected to be

3,063. The per pupil funding is projected to be \$4,683 state, \$2,714 federal, and \$2,138 local. This is a total projected funding level of \$9,535 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Clarendon School District 3 total pupil count is projected to be 1,207. The per pupil funding is projected to be \$4,767 state, \$1,327 federal, and \$2,984 local. This is a total projected funding level of \$9,079 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Colleton School District total pupil count is projected to be 6,107. The per pupil funding is projected to be \$4,230 state, \$2,511 federal, and \$5,011 local. This is a total projected funding level of \$11,752 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Darlington School District total pupil count is projected to be 10,461. The per pupil funding is projected to be \$4,560 state, \$2,077 federal, and \$4,729 local. This is a total projected funding level of \$11,365 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Dillon School District 1 total pupil count is projected to be 835. The per pupil funding is projected to be \$4,555 state, \$2,323 federal, and \$1,730 local. This is a total projected funding level of \$8,608 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Dillon School District 2 total pupil count is projected to be 3,330. The per pupil funding is projected to be \$4,447 state, \$2,552 federal, and \$1,593 local. This is a total projected funding level of \$8,592 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Dillon School District 3 total pupil count is projected to be 1,731. The per pupil funding is projected to be \$3,781 state, \$1,537 federal, and \$1,913 local. This is a total projected funding level of \$7,231 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Dorchester School District 2 total pupil count is projected to be 23,163. The per pupil funding is projected to be \$4,281 state, \$840 federal, and \$3,133 local. This is a total projected funding level of \$8,255 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Dorchester School District 4 total pupil count is projected to be 2,079. The per pupil funding is projected to be \$5,069 state, \$2,557 federal, and \$7,710 local. This is a total projected funding level of \$15,336 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Edgefield School District total pupil count is projected to be 3,727. The per pupil funding is projected to be \$5,029 state, \$1,632 federal, and \$3,408 local. This is a total projected funding level of \$10,069 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Fairfield School District total pupil count is projected to be 2,715. The per pupil funding is projected to be \$6,049 state, \$2,644 federal, and \$7,916 local. This is a total projected funding level of \$16,609 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Florence School District 1 total pupil count is projected to be 15,598. The per pupil funding is projected to be \$4,441 state, \$1,670 federal, and \$3,854 local. This is a total projected funding level of \$9,965 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Florence School District 2 total pupil count is projected to be 1,299. The per pupil funding is projected to be \$4,210 state, \$1,501 federal, and \$3,286 local. This is a total projected funding level of \$8,998 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Florence School District 3 total pupil count is projected to be 3,335. The per pupil funding is projected to be \$5,061 state, \$4,100 federal, and \$2,349 local. This is a total projected funding level of \$11,511 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Florence School District 4 total pupil count is projected to be 822. The per pupil funding is projected to be \$6,881 state, \$3,205 federal, and \$5,021 local. This is a total projected funding level of \$15,107 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Florence School District 5 total pupil count is projected to be 1,405. The per pupil funding is projected to be \$4,777 state, \$1,522 federal, and \$4,263 local.

This is a total projected funding level of \$10,563 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Georgetown School District total pupil count is projected to be 9,345. The per pupil funding is projected to be \$4,202 state, \$1,935 federal, and \$6,614 local. This is a total projected funding level of \$12,751 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Greenville School District total pupil count is projected to be 70,951. The per pupil funding is projected to be \$4,312 state, \$1,355 federal, and \$4,365 local. This is a total projected funding level of 10,032 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Greenwood School District 50 total pupil count is projected to be 8,435. The per pupil funding is projected to be \$4,412 \$4,431 state, \$1,671 federal, and \$6,114 local. This is a total projected funding level of \$12,216 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Greenwood School District 51 total pupil count is projected to be 1,069. The per pupil funding is projected to be \$4,607 state, \$1,635 federal, and \$3,675 local. This is a total projected funding level of \$9,917 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Greenwood School District 52 total pupil count is projected to be 1,550. The per pupil funding is projected to be \$3,175 state, \$1,056 federal, and \$7,027 local. This is a total projected funding level of \$11,258 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Hampton School District 1 total pupil count is projected to be 2,291. The per pupil funding is projected to be \$5,723 state, \$2,292 federal, and \$2,981 local. This is a total projected funding level of \$10,995 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Hampton School District 2 total pupil count is projected to be 973. The per pupil funding is projected to be \$6,484 state, \$3,320 federal, and \$4,160 local. This is a total projected funding level of \$13,965 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Horry School District total pupil count is projected to be 36,702. The per pupil funding is projected to be \$3,691 state, \$1,555 federal, and \$8,142 local. This is a total projected funding level of \$13,388 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Jasper School District total pupil count is projected to be 3,164. The per pupil funding is projected to be \$4,742 state, \$2,278 federal, and \$4,891 local. This is a total projected funding level of \$11,912 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Kershaw School District total pupil count is projected to be 9,956. The per pupil funding is projected to be \$4,766 state, \$1,441 federal, and \$4,438 local. This is a total projected funding level of \$10,645 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Lancaster School District total pupil count is projected to be 11,220. The per pupil funding is projected to be \$4,394 state, \$2,176 federal, and \$3,937 local. This is a total projected funding level of \$10,507 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Laurens School District 55 total pupil count is projected to be 5,700. The per pupil funding is projected to be \$4,369 state, \$1,755 federal, and \$3,037 local. This is a total projected funding level of \$9,161 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Laurens School District 56 total pupil count is projected to be 2,830. The per pupil funding is projected to be \$5,150 state, \$3,271 federal, and \$3,343 local. This is a total projected funding level of \$11,764 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Lee School District total pupil count is projected to be 2,304. The per pupil funding is projected to be \$7,386 state, \$2,611 federal, and \$3,289 local. This is a total projected funding level of \$13,286 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Lexington School District 1 total pupil count is projected to be 23,348. The per pupil funding is projected to be \$4,786 state, \$826 federal, and \$5,441 local. This is a total projected funding level of \$11,054 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Lexington School District 2 total pupil count is projected to be 8,884. The per pupil funding is projected to be \$4,282 state, \$1,508 federal, and \$4,092 local. This is a total projected funding level of \$9,882 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Lexington School District 3 total pupil count is projected to be 1,804. The per pupil funding is projected to be \$5,608 state, \$2,049 federal, and \$6,765 local. This is a total projected funding level of \$14,422 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Lexington School District 4 total pupil count is projected to be 3,100. The per pupil funding is projected to be \$5,553 state, \$2,555 federal, and \$3,535 local. This is a total projected funding level of \$11,643 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Lexington School District 5 total pupil count is projected to be 16,333. The per pupil funding is projected to be \$5,785 state, \$914 federal, and \$5,611 local. This is a total projected funding level of \$12,310 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Marion School District 1 total pupil count is projected to be 2,615. The per pupil funding is projected to be \$4,771 state, \$2,531 federal, and \$2,473 local. This is a total projected funding level of \$9,775 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Marion School District 2 total pupil count is projected to be 1,607. The per pupil funding is projected to be \$5,184 state, \$3,774 federal, and \$3,044 local. This is a total projected funding level of \$12,002 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Marion School District 7 total pupil count is projected to be 562. The per pupil funding is projected to be \$9,241 state, \$4,601 federal, and \$2,789 local. This is a total projected funding level of \$16,631 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Marlboro School District total pupil count is projected to be 4,275. The per pupil funding is projected to be \$5,422 state, \$3,399 federal, and \$2,742 local. This is a total projected funding level of \$11,564 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the McCormick School District total pupil count is projected to be 782. The per pupil funding is projected to be \$7,504 state, \$3,324 federal, and \$8,710 local. This is a total projected funding level of \$19,539 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Newberry School District total pupil count is projected to be 5,460. The per pupil funding is projected to be \$5,294 state, \$2,288 federal, and \$5,755 local. This is a total projected funding level of \$13,338 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Oconee School District total pupil count is projected to be 10,490. The per pupil funding is projected to be \$4,016 state, \$1,559 federal, and \$6,519 local. This is a total projected funding level of \$12,095 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Orangeburg School District 3 total pupil count is projected to be 2,789. The per pupil funding is projected to be \$4,922 state, \$2,719 federal, and \$6,513 local. This is a total projected funding level of \$14,155 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Orangeburg School District 4 total pupil count is projected to be 3,778. The per pupil funding is projected to be \$4,871 state, \$1,909 federal, and \$4,836 local. This is a total projected funding level of \$11,615 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Orangeburg School District 5 total pupil count is projected to be 6,214. The per pupil funding is projected to be \$4,954 state, \$2,438 federal, and \$5,636 local. This is a total projected funding level of \$13,029 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Pickens School District total pupil count is projected to be 16,106. The per pupil funding is projected to be \$4,136 state, \$1,228 federal, and \$5,497 local. This is a total projected funding level of \$10,861 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Richland School District 1 total pupil count is projected to be

23,453. The per pupil funding is projected to be \$4,043 state, \$2,524 federal, and \$9,980 local. This is a total projected funding level of \$16,548 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Richland School District 2 total pupil count is projected to be 25,023. The per pupil funding is projected to be \$4,884 state, \$967 federal, and \$5,259 local. This is a total projected funding level of \$11,109 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Saluda School District total pupil count is projected to be 2,105. The per pupil funding is projected to be \$4,810 state, \$1,552 federal, and \$3,252 local. This is a total projected funding level of \$9,615 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Spartanburg School District 1 total pupil count is projected to be 4,801. The per pupil funding is projected to be \$5,684 state, \$1,194 federal, and \$3,884 local. This is a total projected funding level of \$10,763 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Spartanburg School District 2 total pupil count is projected to be 9,512. The per pupil funding is projected to be \$4,958 state, \$1,169 federal, and \$3,264 local. This is a total projected funding level of \$9,391 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Spartanburg School District 3 total pupil count is projected to be 2,808. The per pupil funding is projected to be \$4,654 state, \$1,517 federal, and \$5,114 local. This is a total projected funding level of \$11,285 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Spartanburg School District 4 total pupil count is projected to be 2,912. The per pupil funding is projected to be \$4,295 state, \$990 federal, and \$2,848 local. This is a total projected funding level of \$8,133 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Spartanburg School District 5 total pupil count is projected to be 7,530. The per pupil funding is projected to be \$4,467 state, \$1,049 federal, and \$5,720 local. This is a total projected funding level of \$11,236 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Spartanburg School District 6 total pupil count is projected to be 10,032. The per pupil funding is projected to be 4,582 state, \$1,173 federal, and \$4,388 local. This is a total projected funding level of \$10,144 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Spartanburg School District 7 total pupil count is projected to be 6,729. The per pupil funding is projected to be \$5,523 state, \$2,842 federal, and \$6,425 local. This is a total projected funding level of \$14,791 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Sumter School District 2 total pupil count is projected to be 8,216. The per pupil funding is projected to be \$4,378 state, \$2,007 federal, and \$3,317 local. This is a total projected funding level of \$9,702 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Sumter School District 17 total pupil count is projected to be 7,847. The per pupil funding is projected to be \$4,636 state, \$2,246 federal, and \$3,102 local. This is a total projected funding level of \$9,984 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Union School District total pupil count is projected to be 4,234. The per pupil funding is projected to be \$5,349 state, \$1,793 federal, and \$2,843 local. This is a total projected funding level of \$9,984 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Williamsburg School District total pupil count is projected to be 4,800. The per pupil funding is projected to be \$5,122 state, \$3,469 federal, and \$4,910 local. This is a total projected funding level of \$13,500 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the York School District 1 total pupil count is projected to be 5,021. The per pupil funding is projected to be \$4,728 state, \$1,691 federal, and \$4,244 local. This is a total projected funding level of \$10,663 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the York School District 2 total pupil count is projected to be 6,520. The per pupil funding is projected to be \$5,000 state, \$852 federal, and \$7,546 local. This is a

total projected funding level of \$13,398 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the York School District 3 total pupil count is projected to be 17,569. The per pupil funding is projected to be \$4,892 state, \$1,151 federal, and \$4,564 local. This is a total projected funding level of \$10,607 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the York School District 4 total pupil count is projected to be 11,004. The per pupil funding is projected to be \$4,652 state, \$552 federal, and \$5,398 local. This is a total projected funding level of \$10,602 excluding revenues of local bond issues.

1.4. (SDE: EFA - Formula) The amount appropriated in Part IA, Section 1 for "Education Finance Act" shall be the maximum paid under the provisions of Act 163 of 1977 (the South Carolina Education Finance Act of 1977) to the aggregate of all recipients. The South Carolina Education Department shall develop formulas to determine the state and required local funding as stipulated in the South Carolina Education Finance Act of 1977. Such formulas shall require the approval of the State Board of Education and the Budget and Control Board. After computing the EFA allocations for all districts, the department shall determine whether any districts' minimum required local revenue exceeds the districts' total EFA Foundation Program. When such instance is found, the department shall adjust the index of taxpaying ability to reflect a local effort equal to the cost of the districts' EFA Foundation Program. The districts' weighted pupil units are to be included in determination of the funds needed for implementation of the Education Finance Act statewide.

In the event that the formulas as devised by the Department of Education and approved by the State Board of Education and the Budget and Control Board should provide for distribution to the various school districts totaling more than the amount appropriated for such purposes, subject to the provisions of this proviso, the Department of Education shall reduce each school district entitlement by an equal amount per weighted pupil so as to bring the total disbursements into conformity with the total funds appropriated for this purpose. If a reduction is required in the state's contribution, the required local funding shall be reduced by the proportionate share of local funds per weighted pupil unit. The Department of Education shall continually monitor the distribution of funds under the provisions of the Education Finance Act and shall make periodic adjustments to disbursements to insure that the aggregate of such disbursements do not exceed the appropriated funds.

Local districts shall not be mandated or required to inflate the base number in their respective salary schedules by any percentage greater than the percentage by which the appropriated base student cost exceeds the appropriated base student cost of the prior fiscal year.

1.5. (SDE: Employer Contributions/Allocations) It is the intent of the General Assembly that the appropriation contained herein for "Public School Employee Benefits" shall not be utilized to provide employer contributions for any portion of a school district employee's salary which is federally funded.

State funds allocated for school district employer contributions must be allocated by the formula and must be used first by each district to cover the cost of fringe benefits for personnel required by the Defined Program, food service personnel and other personnel required by law.

Once a district has expended all state allocated funds for fringe benefits, the district may utilize food service revenues to fund a proportionate share of fringe benefits costs for food service personnel.

The Department of Juvenile Justice and the Department of Corrections' school districts must be allocated funds under the fringe benefits program in accordance with criteria established for all school districts.

1.6. (SDE: Employer Contributions/Obligations) In order to finalize each school district's allocations of Employer Contributions funds for retiree insurance from the prior fiscal year, the Department of Education is authorized to adjust a school district's allocation in the current fiscal year accordingly to reflect actual payroll and payments to the Retirement System from the prior fiscal year. In the event the Department of Education is notified that an educational subdivision has failed to remit proper payments to cover Employee Fringe Benefit obligations, the Department of Education is directed to withhold the educational subdivision's state funds until such obligations are met.

1.7. (SDE: Governor's School for Science & Math) Any unexpended balance on June 30 of the prior fiscal year of funds appropriated to or generated by the Governor's School for Science and Mathematics may be carried forward and expended in the current fiscal year pursuant to the direction of the board of trustees of the school.

1.8. (SDE: Educational Responsibility/Foster Care) The responsibility for providing a free and appropriate public education program for all children including disabled students is vested in the public school district wherein a child of lawful school age resides in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental illness or chemical dependence and habilitation centers for mentally retarded persons or persons with related conditions located within the jurisdiction of the school district or alternative residences. The districts concerned may agree upon acceptable local cost reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child last resided before placement in a facility an additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. If a child from out of state is residing in a facility owned and/or operated by a for profit entity, the district providing educational services shall be reimbursed by the for profit entity the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. This also applies to John de la Howe School who also has the authority to seek reimbursement in any situation that the school district has participation in the placement of the student. John de la Howe school shall be reimbursed the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. Participation will be evidenced by a written agreement from the IEP team or 504 team, written referral, or the school district initiating the placement process. School districts providing the education shall notify the nonresident district in writing within forty-five calendar days that a student from the nonresident district is receiving education services pursuant to the provisions of the proviso. The notice shall also contain the student's name, date of birth, and disabling condition if available. If appropriate financial arrangements cannot be effected between institutions of the state, including independent school districts under the authority of the Department of Disabilities and Special Needs, and school districts, institutions receiving educational appropriations shall pay the local base student cost multiplied by the appropriate pupil weighting. Children residing in institutions of state agencies shall be educated with nondisabled children in the public school districts if appropriate to their educational needs. Such institutions shall determine, on an individual basis, which children residing in the institution might be eligible to receive appropriate educational services in a public school setting. Once these children are identified, the institution shall convene an IEP meeting with officials of the public school district in which the institution is located. If it is determined by the committee that

the least restrictive environment in which to implement the child's IEP is a public school setting, then the school district in which the institution is located must provide the educational services.

However, that school district may enter into contractual agreements with any other school district having schools located within a forty-five mile radius of the institution. The cost for educating such children shall be allocated in the following manner: the school district where the child last resided before being placed in an institution shall pay to the school district providing the educational services an amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act; the school district providing the educational services shall be able to count the child for all funding sources, both state and federal. The institution and school district, through contractual agreements, will address the special education and related services to be provided to students. Should the school district wherein the institution is located determine that the child cannot be appropriately served in a public school setting, then the institution may request a due process hearing pursuant to the procedures provided for in the Individuals with Disabilities Education Act.

The agreed upon acceptable local cost reimbursement or the additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to out-of-district students, shall be paid within sixty days of billing, provided the billing district has provided a copy of the invoice to both the Superintendent and the finance office of the district being invoiced. Should the district not pay within sixty days, the billing district can seek relief from the Department of Education. The department shall withhold EFA funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the billing school district.

The agency placing a child in any situation that requires changing school districts, must work with the schools to assure that all required school records, including confidential records, are transferred from the sending to the receiving school within three working days. School records to be transferred should include grade transcripts, state birth certificate, certificate of immunization, social security card, attendance records, discipline records, IEP's, psychological reports (or notation in the school records that a psychological report on the child is available at the school district office) and any other records necessary for the appropriate placement of the child in the new school. School districts must release all records upon presentation of a court order or appropriate permission for confidential release. If evaluation or placement is pending, the receiving school district is responsible to secure information and to complete the placement. The receiving school will maintain appropriate confidentiality of all records received on a child.

1.9. (SDE: Disabled/Preschool Children) The state funding for free appropriate public education provided for the three and four-year-old disabled children served under Act 86 of 1993, shall be distributed based on the district's index of taxpaying ability as defined in Section 59-20-20(3). Five-year-old disabled children shall continue to be funded under the Education Finance Act of 1977.

1.10. (SDE: Instruction in Juvenile Detention Centers) It shall be the responsibility of the school district where a local juvenile detention center is located to provide adequate teaching staff and to ensure compliance with the educational requirements of this State. Students housed in local detention centers are to be included in the average daily membership count of students for that district and reimbursement by the Department of Education made accordingly.

1.11. (SDE: Revenue Authorization) The State Department of Education is hereby authorized to collect, expend, and carry forward revenues in the following areas to offset the cost

of providing such services: the sale of publications, manuals and forms, the sale of Apple Tags, royalties, contributions, donations, foundation funds, special grants and contracts, brochures, photo copies, listings and labels, Directory of South Carolina Schools, student health record cards, items to be recycled, and high school diplomas and certificates; the collection of out-of-state and in-state investigation fees, registration fees for non-SDE employees, recurring facility inspection fees, teacher certification fees; the handling of audio-visual film; the provision of contract computer services to school districts and other state agencies, joint broadcast service to school districts, and education-related statistics through agreement with the National Center for Education Statistics; the lease or sale of programs of television, audio or microcomputer software; the lease or sale of virtual courses to other states; the collection of damage fees for instructional materials and the sale of unusable instructional materials; sale of fuel; use and repair of transportation equipment; fees for Medicaid reimbursable transportation; the receipt of insurance and warranty payments on Department of Education equipment and the sale of used school buses and support equipment. The Department of Education is authorized to collect revenue for deposit into the State General Fund for testing material purchases and test rescoring fees. The Department of Education is authorized to expend revenue collected for lost and damaged instructional materials and the sale of unusable instructional materials for the purpose of contracting for the purchase and maintenance of a statewide textbook inventory management system, provided that schools' newly-adopted instructional materials needs are met first.

1.12. (SDE: School District Bank Accounts) Each school district in this State, upon the approval of the district's governing body, may maintain its own bank account for the purpose of making disbursement of school district funds as necessary to conduct school district business and each county treasurer is hereby authorized to transfer such amount as needed, upon receipt of a written order certified by the district governing body or their designee. Such order shall contain a statement that such amount is for immediate disbursement for the payment of correct and legal obligation of the school district.

1.13. (SDE: School Lunch Program Aid) The amount appropriated herein for School Lunch Program Aid shall be divided among the District and/or County Boards of Education of the State upon the basis of the number of schools participating in the School Lunch Program in each district during the prior school year. The travel expenses of the District and/or County School Lunch Supervisor shall be paid from this appropriation at the prevailing rate of mileage allowed by the State. These funds may be used as an aid in improving the School Lunch Program. These funds may not be used to supplement the salaries of school lunch supervisors. In the absence of a County Board of Education in multi-district counties, the funds will be divided among the school districts of the county on the basis of the number of schools participating in the School Lunch Program in each district during the prior school year.

1.14. (SDE: Teachers/Temporary Certificates) Of the funds provided for teacher salaries funds may be used to pay salaries for those teachers holding temporary certificates which shall remain valid for the current school year if the local board of education so requests. The State Department of Education shall submit to the General Assembly by March first of the current fiscal year a report showing by district the number of temporary certificates by category; including an enumeration of the certificates carried forward from the previous year. No temporary certificate shall be continued more than twice.

1.15. (SDE: Travel/Outside of Continental U.S.) School District allocations from General Funds and EIA funds shall not be used for travel outside of the continental United States. The International Baccalaureate Program shall be exempt from this restriction.

1.16. (SDE: Year End Closeout) The State Department of Education is authorized to expend federal and earmarked funds (not including state or EIA funds) in the current fiscal year for expenditures incurred in the prior year; however, state funds appropriated in Part IA, Section 1, XIII, Aid to School Districts, for the Children's Case Resolution System or private placements for services provided to children with disabilities may be used for those expenditures in prior fiscal years. The department is also authorized to use appropriated funds to pay for textbooks shipped in the fourth quarter of the prior fiscal year.

1.17. (SDE: Transportation Collaboration) The Department of Education School Bus Maintenance Shops shall be permitted, on a cost reimbursable-plus basis, to deliver transportation maintenance and services to vehicles owned or operated by public agencies in South Carolina.

School buses operated by school districts, other governmental agencies or head start agencies for the purpose of transporting students for school or school related activities shall not be subject to state motor fuel taxes. Further, that school districts, other governmental agencies or head start agencies may purchase this fuel, on a cost reimbursable-plus basis, from the Department of Education School Bus Maintenance Shops.

1.18. (SDE: Assisting, Developing, and Evaluating Professional Teaching--ADEPT) Funds appropriated in Part IA, Section 1, XIII.A-Aid to School Districts-Aid to Subdivision-APT/ADEPT, may be used for the implementation of the ADEPT system. Of the funds appropriated, ten percent is to be used to pay colleges and universities for ADEPT services. The remaining funds will be distributed to school districts, School for the Deaf and the Blind, John de la Howe School, Governor's School for Arts and Humanities and the Department of Juvenile Justice on a per induction contract teacher basis to offset the costs of implementing the ADEPT program. Governing boards of public institutions of higher education may provide by policy or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public school teachers who serve as supervisors for full-time students completing education degree requirements. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

1.19. (SDE: Summer Exit Exam Cost) Funds appropriated in Part IA, Section 1, III may be used to offset the costs of the summer administration of the Exit Examination. These funds may be expended to cover the costs related to developing, printing, shipping, scoring, and reporting the results of the assessments. Local school districts may absorb local costs related to administration.

1.20. (SDE: Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.

1.21. (SDE: School Bus Insurance) The Department of Education shall maintain comprehensive and collision insurance or self-insure state-owned buses. In no event shall the

department charge local school districts for damages to the buses which are commonly covered by insurance.

1.22. (SDE: Teacher Data Collection) Of the non-program funds appropriated to the Department of Education, the department and the Commission on Higher Education shall share data about the teaching profession in South Carolina. The data sharing should ensure (1) a systematic report on teacher supply and demand information and (2) data to determine classes being taught by public school teachers out of field of their preparation. The data collection should include but not be limited to: classes/subjects taught, number of students taught, percentage of teacher education graduates from South Carolina colleges/universities who go into teaching, percentage of teacher education graduates who teach in public schools in South Carolina, percentage of new teachers who leave the South Carolina teaching profession in the first three years of public school teaching due to unsuccessful evaluations, percentage of new teachers who leave the profession in the first three years of public school teaching in South Carolina who have successful evaluations, turnover rate of teachers and certification areas with highest vacancies. All database items should be set up so that it can be disaggregated by ethnicity, gender, geographic location, etc.

1.23. DELETED

1.24. (SDE: School Building Aid Allocation) Funds appropriated for School Building Aid shall be transferred to a special trust fund established by the Comptroller General. Funds appropriated shall be distributed to the school districts of the State for use in accordance with Section 59-21-350 of the Code of Laws of 1976. Funds shall be allocated to eligible school districts on a per pupil basis. The allocation must be based on the 135 day count of average daily membership for the second preceding fiscal year.

1.25. DELETED

1.26. (SDE: School Building Aid) Of the funds appropriated in Part IA for School Building Aid, \$500,000 shall be allocated on a K-12 per pupil basis to Multi-District Area Vocational Schools.

1.27. (SDE: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. SDE is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring statewide accountability assessment.

1.28. (SDE: Basic Skill Exam) Any person seeking candidacy in an undergraduate teacher education program is required to take and pass the teacher candidate basic skill examination pursuant to Sections 59-26-20 and 59-26-40. Any person who fails to achieve a passing score on all sections shall be allowed to retake the test or a portion thereof. All sections of the teacher candidate basic skill examination must be passed before any person is formally admitted into any undergraduate teacher preparation program in South Carolina. However, any person having attained 1650 or better on the SAT or a comparable ACT score shall be exempt from this requirement.

1.29. (SDE: School Bus Driver CDL) From funds provided in Part IA, Section 1, IX.B., local school districts shall request a criminal record history from the South Carolina Law Enforcement Division for past conviction of any crime before the initial employment of a school bus driver or school bus aide. The Department of Education and the school districts shall be treated as a charitable organization for purposes of the fee charged for the criminal records

search.

1.30. (SDE: SAT Preparation) From the funds appropriated for SAT Preparation, the State Department of Education shall institute a plan reviewing, on an individual basis, weaknesses of students on actual PSAT administrations, and providing assistance. To accomplish this, the Department shall use reports that analyze student weaknesses and provide guidance to local schools on the effective use of the reports.

1.31. (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State Superintendent of Education.

The School Bus Specifications Committee shall allow for input from all school bus chassis and body manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus specifications of Georgia or North Carolina in the procurement of school buses.

1.32. (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program IX.B. - Bus Shops and funds appropriated in IX.C. - Buses may be used to purchase buses, fuel, parts, or other school bus related items. All funds appropriated for bus fuel, parts/supplies, maintenance, and bus purchases may be carried forward from the prior fiscal year and expended in FY 2010-11 to support bus transportation services.

1.33. (SDE: Mitford Transportation Costs) Transportation costs for the transporting of students from the Mitford area of Fairfield County to schools in the Great Falls area of Chester County is not the responsibility of and shall not be borne by the Chester County School District.

These transportation costs shall continue to be the responsibility of the State Department of Education.

1.34. (SDE: Refurbishing Science Kits) Funds appropriated for the purchase of textbooks and other instructional materials may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted textbook inventory, purchasing new kits from the central textbook depository, or a combination of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs, equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs.

1.35. (SDE: Status Offenders/John de la Howe) The funds appropriated for the Status Offender Program shall be distributed to John de la Howe School to expand residential programs to include court ordered status offenders. Components of such a program shall include collaboration between the home school district and the residential school and treatment or related services to the families of students in placement.

1.36. DELETED

1.37. (SDE: Governor's School Leave Policy) The S.C. Governor's School for the Arts and Humanities and the S.C. Governor's School for Science and Mathematics are authorized to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of their respective board of directors. This policy shall address their respective school calendars in order to comply with the instructional needs of students attending both special schools.

1.38. (SDE: Sale of School District Property) Notwithstanding Section 59-19-250 of the 1976 Code, during the current fiscal year, school trustees of a school district which do not currently have the authority to do so, may sell or lease school property, real or personal, in their

school district whenever they deem it expedient to do so and apply the proceeds of the sale or lease to the school fund of the district.

1.39. (SDE: School Facilities Management System) School Districts may use capital improvement bond funds, lapsed funds or any other unexpended appropriated funds or revenues to access the Department of Education's School Facilities Management System database.

1.40. (SDE: School Board Meetings) Of the funds appropriated through the Department of Education for technology related expenses, school districts that have a web site shall place a notice of a regularly scheduled school board meeting twenty-four hours in advance of such meeting. The notice shall include the date, time, and agenda for the board meeting. The school district shall place the minutes of the board meeting on their web site within ten days of the next regularly scheduled board meeting.

1.41. (SDE: Alternative Certification/Displaced Employees) The Department of Education is directed to give priority in the Program for Alternative Certification for Educators (PACE) to the recruitment of qualified state employees impacted by reduction in force actions of agencies. The Student Loan Corporation is directed to give priority in the Career-Changer Loan program to qualified state employees. The Department of Education shall provide information to the Office of Human Resources and the personnel offices of state agencies instituting a reduction in force to advertise and inform employees of this program and state agencies shall work with the department in this effort.

1.42. (SDE: Proviso Allocations) In the event an official General Fund revenue shortfall is declared by the Board of Economic Advisors, the Department of Education may reduce any allocation in Section 1 specifically designated by proviso in accordance with the lower Board of Economic Advisors revenue estimate as directed by the Office of State Budget, except the additional EFA allocation to the South Carolina Public Charter School District. The reduction may not be greater than the total percentage of reduction of the Section 1 appropriation. Should the department hold back funds in excess of the total percentage reduction those funds must be allocated per the proviso. No allocation for teacher salaries shall be reduced as a result of this proviso.

1.43. (SDE: School Districts and Special Schools Flexibility) All 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. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, at least seventy percent of the school district's per pupil expenditures must be utilized within the InSite categories of instruction, instructional support, and non-instruction pupil services. No portion of the seventy percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by InSite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the school year ending June 30, 2011. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

"InSite" means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the 2010-11 fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions taken. 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.

For Fiscal Year 2010-11, Section 59-21-1030 is suspended. Writing assessments in grades three, four, six, and seven, formative assessments for grades one, two, and nine, the foreign language program assessment, financial literacy, and the physical education assessment must be suspended. Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list must be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

For Fiscal Year 2010-11, savings generated from the suspension of the writing assessments and the suspension of new textbooks adoptions enumerated above must be allocated to school districts based on the Education Finance Act formula.

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. 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.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also 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. The credit card number on each statement must be

redacted prior to posting on the internet website. 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.

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.

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

The Comptroller General shall distribute to the districts a methodology and resources for compliance. 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.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

1.44. (SDE: Medical Examination and Security Reimbursement/Expenditures) From funds authorized in Part IA, Section 1, IX.B. Other Operating Expenses, the Department of Education may directly pay, or reimburse employees, for the cost of a medical examination as required in Part 391, Subpart E of the Federal Motor Carrier Safety Regulations, for employees that are required to operate a state vehicle transporting hazardous materials and that are required to undergo a national security background check because of the required Hazmat endorsement to their CDL.

1.45. (SDE: Budget Reduction) In compensating for any reduction in funding, local districts must give priority to preserving classroom teachers and operations. Funding reductions should first be applied to administrative and non-classroom expenses before classroom expenses are affected.

1.46. (SDE: Governor's School for the Arts and Humanities Carry Forward) Any unexpended balance on June 30 of the prior fiscal year of funds appropriated to or generated by the Governor's School for the Arts and Humanities may be carried forward and expended in the current fiscal year pursuant to the discretion of the Board of Trustees of the School.

1.47. (SDE: Governor's Schools' Fees) The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to charge, collect, expend, and carry forward student fees as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality in both academics and residential support. No student will be denied admittance or participation due to financial inability to pay. The respective Board of Directors shall promulgate administrative policy governing the collection of all student fees.

1.48. (SDE: National Board Certification Incentive) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July 1 in the year following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la

Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010, may receive a loan equal to the amount of the application fee. Teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010 shall have one-half of the loan principal amount and interest forgiven when the required portfolio is submitted to the national board. Teachers who applied to the National Board for Professional Teaching standards for certification prior to July 1, 2010 who attain certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward by the department. The department may retain up to ten percent of the funds collected to offset the administrative costs of loan collection. All other funds shall be retained by the department and used for National Board loan purposes. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program for teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010. In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification. Teacher specialists remain eligible for state supplement for National Board certification.

Teachers who begin the application process after July 1, 2007 and prior to July 1, 2010 and who teach in schools which have an absolute rating of below average or at-risk at the time the teacher applies to the National Board for certification, but who fail to obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one-half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the loan will be at the rate of 33% for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or at-risk during the forgiveness period, or for each year of full time teaching in another school that has an absolute rating of below average or at risk.

1.49. (SDE: National Board Certification Incentive Surplus) National Board Certification Incentive appropriation excess of all obligations to include the national board certification incentive salary supplement, related fringe, loan principal amount and interest forgiven, and the administration funds necessary for the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) and the Department of Education shall be distributed to school districts and allocated based on the Education Finance Act Formula.

1.50. (SDE: School District Furlough) If state funds appropriated for a school district in this State are less than state funds appropriated for that school district in the preceding fiscal year, or if the General Assembly or the Budget and Control Board implements a midyear across-the-board budget reduction, school districts may institute employee furlough programs for district-level and school-level professional staff. Before any of these employees may be furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

The local school district board of trustees may implement a furlough of personnel once certification to the State Superintendent documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall have the authority to authorize furloughs of these employees in the manner in which it sees fit. However, instructional personnel may be furloughed for up to five non-instructional days if not prohibited by an applicable employment contract with the district and provided district administrators are furloughed for twice the number of days. District administrators may only be furloughed on non-instructional days and may not be furloughed for a period exceeding ten days. District administrators shall be defined by the Department of Education using the Professional Certified Staff (PCS) System. For individuals not coded in PCS, the determination shall be made based upon whether the individual performs the functions outlined in position codes identified by the department as administration. Educators who would have received a year's experience credit had a furlough not been implemented, shall not have their experience credit negatively impacted because of a furlough implementation.

During any furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions, including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the district will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under any employee grievance procedure. The district may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs.

This proviso shall not abrogate the terms of any contract between any school district and its employees.

1.51. (SDE: Base Student Cost Funding) The funding for particular items and areas in the

Department of Education's base budget that have been reduced or eliminated and provisos that directed funding for specific items that have been deleted, shall be redirected to the Base Student Cost.

1.52. (SDE: School Lunch/Attendance Supervisors) For those counties in which an entity other than the school district administers the school lunch supervisor and/or attendance supervisor programs, the school districts in that county shall transfer to the entity the amount available in the previous fiscal year for administration of the school lunch supervisor and/or attendance supervisor programs. Each district shall transfer a pro-rata share of the total cost based upon the percentage of state EFA funds distributed to the districts within the county.

1.53. (SDE: Replacement Facilities) The Department of Education is directed to proceed with the development of a joint-use school transportation maintenance and operations facility in Greenville County. Prior to the availability of this new facility the department shall continue to operate state school bus maintenance services from the existing Greenville School Bus Maintenance Facility located on Halton Road. All proceeds from the sale of the Halton Road Facility and Property shall become pupil transportation operating revenue of the department.

The cost of the State share of the new joint-use facility, the cost of preparing the old Halton Road Facility and Property for disposal, interim relocation/construction financing, all associated relocation expenses, and all other related costs shall be funded from the proceeds received from the sale of the existing Halton Road Facility and Property. The State Treasurer shall make available all necessary interim financing to accomplish the proviso directives.

1.54. (SDE: SCGSAH Certified Teacher Designation) Because of the unique nature of the South Carolina Governor's School for the Arts and Humanities, the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are authorized to employ at its discretion non-certified classroom teachers teaching in the literary, visual and performing arts subject areas who are otherwise considered to be appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.

1.55. DELETED

1.56. (SDE: No Discrimination Requirement) State funds must not be appropriated to a school that discriminates against or participates with or is a member of an association with policies that discriminate or afford different treatment of students based on race or national origin.

1.57. (SDE: High School Reading Initiative) The funds appropriated for the High School Reading Initiative are to be used to expand the South Carolina Reading Initiative to the high school level by providing research based targeted assistance in improving and accelerating the reading ability of ninth and tenth grade students scoring Not Met on the 8th grade PASS reading and research tests or not passing the English 1 end-of-course test as ninth graders.

1.58. (SDE: Medicaid Cash Match Accounting) The department is granted authority to transfer funds between budget lines and object codes to identify, reconcile, reimburse, and remit funds required for Medicaid cash match to the Department of Health and Human Services.

1.59. (SDE: Student Report Card-GPA) For each high school student, school districts shall be required to print the student's individual cumulative grade point average for grades nine through twelve on the student's report card.

1.60. (SDE: Governor's School Reporting) The Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics are required to submit reports as to how the non-recurring funding appropriated in this act is expended. The report must be submitted to the Chairman of the House Ways and Means Committee and the Chairman

of the Senate Finance Committee by the end of the fiscal year.

1.61. DELETED

1.62. (SDE: Lost & Damaged Textbook Fees) Fees for lost and damaged textbooks for the prior school year are due no later than December 1 of the current school year when invoiced by the Department of Education. The department may withhold textbook funding from schools that have not paid their fees by the payment deadline.

1.63. (SDE: Physical Education Teachers) A school district's allocation from the funds appropriated in Part IA, Section 1, Program III are to be used to increase the number of physical education teachers to the extent possible.

1.64. (SDE: Education and Economic Development Act Carry Forward) Funds provided for the Education and Economic Development Act may be carried forward into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools.

1.65. (SDE: High Schools That Work Carry Forward) Funds provided for High Schools That Work may be carried forward into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools.

1.66. (SDE: Career Cluster Industry Partnerships) From the funds appropriated to the Department of Education, \$800,000 must be provided as direct grants to the private sector statewide trade association or educational foundation providing nationally certified programs in career and technology education representing the automotive, construction, engineering, healthcare, mechanical contracting/construction, and hospitality tourism career clusters.

Organizations applying for a grant must do so by July first and the Department of Education must award a minimum of one grant of at least \$150,000 in at least four of these specified career clusters to be used exclusively for career and technology education. The recipient industry organization must conduct end-of-course exams graded by a national industry organization and must include in their grant request how the money will be spent to further industry-specific career technology education; a description and history of their program nationally and within South Carolina; estimates of future employment growth in their industry; and the national scope of their program. By August first of the following year, the organization must submit to the department a report detailing how the grant increased industry/employer awareness; the number of increased schools using the industry-based curriculum and partnered with the industry organization; the increased number of students in the program; and an overview and analysis of the organization's statewide student competition. The grant must be used for career awareness programs for that industry cluster; statewide student competitions leading to national competitions; teacher development and training; post-secondary scholarships in industry-specific degree programs; student recruitment into that career cluster programs; programs to educate middle and high school Career or Guidance Counselors about the industry; service to disadvantaged youth; and administering business/employer awareness and partnerships which help lead to experience-based, career-oriented experiences including internships, apprenticeships, mentoring, co-op education and service learning. The Office of Career and Technology Education of the department will develop goals with each career cluster on the number of new schools using the industry-based curriculum and partnered with that career cluster organization. These funds may not be used to supplant or replace, in whole or in part, other existing resources/assets sourced outside the present grant being used to provide the same services or programs. Organizations may carry-over grants for up to three years when a large project is identified in the grant application to be used at a future date; otherwise excess funds

must be returned to the state.

1.67. (SDE: Education Finance Act Reserve Fund) There is created in the State Treasury a fund separate and distinct from the General Fund of the State and all other funds entitled the Education Finance Act Reserve Fund. All unexpended general funds appropriated to the Department of Education for the Education Finance Act in the current fiscal year shall be transferred to the Education Finance Act Reserve Fund. In the event that the amount appropriated for the Education Finance Act is insufficient to fully fund the base student cost as established by this act, revenues from the Education Finance Act Reserve Fund may be used to supplement the funds appropriated. The General Assembly may make direct appropriations to this fund. All unexpended funds in the Education Finance Act Reserve Fund and any interest accrued by the fund must remain in the fund and may be carried forward into the current fiscal year.

1.68. DELETED

1.69. (SDE: GSAH Human Resources Annual Report) Of the funds appropriated to the Governor's School for the Arts and the Humanities, the school shall provide to the Senate Finance Committee, the House Ways and Means Committee, the Budget and Control Board Office of Human Resources, and the Commission on Human Affairs an annual report detailing the school's human resource statistics for both filled and vacant positions. The report shall include specifics as to advertising, applicants, and selections as well as the composition of the selection team. In addition, an annual report of recruiting activities that address the school's Access Plan shall be required. A comprehensive enrollment report must be furnished annually.

1.70. (SDE: Prohibit Advertising on School Buses) The Department of Education and local school districts are prohibited from selling space for or the placement of advertisements on the outside or inside of school buses.

1.71. (SDE: Charter School Funding Schedule) Of the funds appropriated, districts with charter schools will receive funds after verification of student attendance on the fifth day of school at the beginning of each school year for those charter schools with approved incremental growth and due to expansion as provided in their charter application for new charter schools opening in the current fiscal year. The Department of Education will release funds to districts on behalf of their charter schools no later than fifteen days after receipt of verified enrollment.

Districts must provide this funding to eligible charters no later than thirty days after receipt from the Department of Education. Funding will be adjusted at the forty-five-day school count as is currently the case with the Education Finance Act.

1.72. (SDE: Residential Treatment Facilities Student Enrollment and Funding) Each South Carolina resident of lawful school age residing in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section 44-7-130 of the 1976 Code, ("students") shall be entitled to receive educational services from the school district in which the RTF is located ("facility school district"). The responsibility for providing appropriate educational programs and services for these students, both with and without disabilities, who are referred or placed by the State is vested in the facility school districts.

A facility school district must provide the necessary educational programs and services directly to the student at the RTF's facility, provided that the RTF facility provides and maintains comparable adequate space for the educational programs and services consistent with all federal and state least restrictive environment requirements. Adequate space shall include appropriate electrical support and Internet accessibility. Unless the parent or legal guardian of the student seeks to continue the student's enrollment in the resident school district under a medical

homebound instruction program and the district approves, if appropriate, then, under these circumstances, the facility school district shall enroll the student and assume full legal and financial responsibility for the educational services including enrolling the student, approving the student's entry into a medical homebound instructional program, if appropriate, and receiving and expending funds, unless the resident school district undertakes to carry out its educational responsibilities for the student directly.

Alternatively, a facility school district may choose to provide the necessary educational programs and services by contracting with the RTF provided that the RTF agrees to provide educational services to the student at the RTF's facility. Under these circumstances, the facility school district must enroll the student and pay the RTF for the educational services provided. If the facility school district determines the educational program being offered by the RTF does not meet the educational standards outlined in the contract, the facility district shall be justified in terminating the contract.

The State shall appropriate one hundred percent of the base student cost to provide for the education of the students referred or placed by the State in an RTF. The facility school districts are entitled to receive the base student cost multiplied by the appropriate Education Finance Act pupil weighting, as set forth in Section 59-20-40 of the 1976 Code and any eligible federal funds. These funds may be retained by the facility school districts for the purpose of providing the educational programs and services directly to students referred or placed by the State or the facility school districts may use these funds to reimburse RTF's for the educational programs and services provided directly by the RTFs. A facility school district is entitled to reimbursement from a resident school district for the difference between (1) the reasonable costs expended for the educational services provided directly by the facility school district or the amount paid to the RTF and (2) the aggregate amount of federal and state funding received by the facility school district for that student. Should the facility school district be unable to reach agreement with the resident school district regarding reasonable costs differences, the facility school district shall notify the Department of Education's Office of General Counsel. The Department of Education shall facilitate a resolution of the dispute between the facility school district and the resident school district. If the issue of reasonable cost differences should remain unresolved, the case shall be referred to the Administrative Law Court for a final decision.

If a child from out of state is placed in a RTF by an out-of-state school district or agency, the child's home state remains responsible for the educational services. The facility school district may choose to provide the educational program to the child and, upon choosing to do so, shall contract with the appropriate entity for payment of educational services provided to the child.

If a child is placed in a RTF by the child's parent or guardian, the facility school district may choose to provide the educational program to the child, and upon doing so, must negotiate with the resident school district for services through medical homebound procedures. A facility school district is responsible for compliance with all child find requirements under Section 504 of the Rehabilitation Act of 1973 and IDEA.

All students enrolled in the facility school districts shall have access to the facility school districts' general education curriculum, which will be tied to the South Carolina academic standards in the core content areas. All students with disabilities who are eligible for special education and related services under the Individuals with IDEA, as amended, and the State Board of Education (SBE) regulations, as amended, shall receive special education and related services in the least restrictive environment by appropriately certified personnel. Students in an RTF will at all times be eligible to receive the educational credits (e.g., Carnegie Units) earned through

their educational efforts.

With respect to students enrolled in the facility school districts, for accountability purposes, the assessment and accountability measures for students residing in RTFs shall be attributed to a specific school only if the child physically attends the school. The performance of students residing in a RTF who receive their educational program on site at the RTF must be reflected on a separate line on the facility school district's report card and must not be included in the overall performance ratings of the facility school district. The Department of Education shall examine the feasibility of issuing report cards for RTFs. For the 2010-11 school year, a facility school district shall not have the district's state accreditation rating negatively impacted by deficiencies related to the delivery of an educational program at a RTF.

RTFs shall notify the facility school district as soon as practical, and before admission to the RTF if practical, of a student's admission to the RTF. RTFs, the facility school districts and the Department of Education shall use their best efforts to secure and/or exchange information, including documents and records necessary to provide appropriate educational services and/or related services as necessary to assist the facility school district in determining the resident school district. The Department of Education, in collaboration with state placing agencies, RTFs, facility school districts, and resident school districts, shall implement a system to follow the release of students from a RTF and re-enrollment in public, private, or special schools to ensure these students, when appropriate, are not recorded as dropouts.

The Department of Education shall convene a task force to research and make recommendations to the State Superintendent of Education by December 1, 2010, regarding oversight of the educational programs provided to students residing in a RTF. Recommendations may include, but not be limited to, implementing a system of state oversight, state standards for an appropriate educational program for students residing in a RTF, and requirements for collaboration between the Department of Health and Environmental Control and the Department of Education regarding educational program requirements when new RTFs are licensed. The task force shall include, but not be limited to, representation of the following groups: state placing agencies, RTFs, facility school districts, resident school districts, Department of Health and Environmental Control, and other interested entities. The report shall be made available to the General Assembly no later than January 1, 2011.

1.73. (SDE: Transparency) The department must publish a link on its homepage to a listing of all programs funded during the current fiscal year with Federal Stimulus Funds to include program name, location, starting date, funding level and contact person with telephone number. This listing must be updated monthly to allow the public to easily identify how these funds are being used.

1.74. (SDE: Prohibit Use of ARRA for Administration) The department and school districts are prohibited from using funds received from the American Recovery and Reinvestment Act of 2009 for state department or school district administrative salary increases, bonuses, retirement incentives, or severance packages. The department shall provide to the General Assembly a list of federal stimulus expenditures.

1.75. (SDE: Special Schools Flexibility) For Fiscal Year 2010-11 the special schools are authorized to transfer funds among funding categories, including capital funds.

1.76. (SDE: High School Driver Education) For Fiscal Year 2010-11 the requirement for high schools to provide a course in driver education is suspended however, high schools may continue to offer driver education courses if they choose to do so. The Department of Education is directed to survey school districts and collect information concerning, but not limited to, the

costs of delivering the driver education program, the number of students participating in the program, and recommendations regarding continuation of the program. The department shall submit a report outlining the survey findings and recommended changes to the public school driver education course to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 1, 2011. The Department of Education shall work with the Department of Motor Vehicles in collecting and reporting driver education input.

1.77. (SDE: Background Checks for Substitute Teachers) Each individual hired by a local board of trustees to serve as a substitute teacher must undergo a name based South Carolina criminal records search conducted by the local school district using records maintained by the State Law Enforcement Division (SLED). SLED shall provide these records without charge to the school district or the substitute teacher. District school boards of trustees must adopt a written policy outlining this requirement as well as how the information received from the background check will impact hiring decisions. The policy must include, at a minimum, hiring recommendations relative to felony convictions and relevant "just cause" examples cited in Section 59-25-160 of the 1976 Code. SLED, working with the Department of Education, shall provide training to appropriate school district personnel regarding appropriate use of the information provided in background checks. The Department of Education shall adopt a model policy.

1.78. (SDE: Program Reports) For Fiscal Year 2010-11, all programmatic reports required by the General Assembly shall be submitted electronically. By December 1, 2010, the department shall develop a template outlining a triennial reporting cycle for all reports required by the General Assembly except for the Accountability Report or other reports required specifically for annual budget preparation.

1.79. (SDE: Consolidated Funds Allocation) In the current fiscal year, funds consolidated from the Middle School Initiative, Credits for High School Diploma, and Principal Salary Supplement programs will be allocated to school districts based solely on the number of weighted pupil units in each district.

1.80. (SDE: Index of Taxpaying Ability) For the current fiscal year, the provisions of Section 59-20-20(3) of the 1976 Code providing for the calculation of the Index of Taxpaying Ability are suspended. In lieu of the index as calculated pursuant to that provision, the index as calculated by the Department of Revenue for 2009 applies for the current fiscal year.

1.81. **DELETED**

1.82. **DELETED**

1.83. (SDE: AED Study) The Department of Education may coordinate a study to determine if training on the proper use of an automated external defibrillator (AED) should be required of all public and private high school instructional and administrative staff. In the event the study is conducted, the department shall report the findings of the study to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than January 31, 2011.

1.84. (SDE: Carry Forward Authorization) For Fiscal Year 2010-11 the Department of Education is authorized to carry forward and expend any General Fund balances for school bus transportation.

1.85. (SDE: Administrative Costs Report Posting) School districts must report the amount of funds spent on administrative costs and post the report on the districts website.

1.86. **DELETED**

1.87. (SDE: Effectiveness of Strategies for Teaching Reading) Funds appropriated in

Section XIII.A. in the amount of \$34,911 shall be coordinated by the Department of Education to provide evidence of the effectiveness of strategies for the teaching of reading.

1.88. (SDE: Index of Taxpaying Ability Study Committee) From the funds appropriated or authorized for the Department of Education, there is created the Index of Taxpaying Ability Study Committee. The committee shall examine the index of taxpaying ability and its relationship to Education Finance Act resources available to the individual school districts in support of the education foundation program required by the State. The committee shall also examine the manner in which the index is calculated and the impact of property tax measures on the calculation.

The committee shall also examine how funds should be distributed to school districts that receive less than forty percent of state support as computed in Section 59-20-40(1) of the 1976 Code, taking into consideration whether each district's amount should be determined in accordance with the district's number of weighted students, subject to adjustment for student attendance.

The committee shall be composed of fourteen members, which shall be appointed as follows:

(1) four members appointed by the President Pro Tempore of the Senate, and four members appointed by the Speaker of the House of Representatives. Appointees must possess experience in business, school district finance, or economics, and must include representatives from the Department of Education, the Department of Revenue, and the Budget and Control Board Office of Research and Statistics as well as members of the business and education communities;

(2) one member of the Senate appointed by the Senate President Pro Tempore; one member of the Senate appointed by the Senate Majority Leader; and one member of the Senate appointed by the Senate Minority Leader; and

(3) three members of the House appointed by the Speaker of the House of Representatives, one of which must be a member of the minority caucus.

The members shall elect a chairman at the first meeting of the committee.

No later than January 1, 2011, the committee shall prepare and deliver a report and recommendation to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of House Education and Public Works Committee.

Members of the study committee shall serve without compensation for per diem, mileage, and subsistence.

1.89. (SDE: Incentive for National Board Certification After 6/30/10) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who complete the application process on or after July 1, 2010 shall be paid a \$5,000 salary supplement in the year of achieving certification. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$5,000 salary supplement shall be added to the annual pay of the teacher, not to exceed ten years of the national certificate. However, the \$5,000 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer whereby teachers who are United States citizens or

permanent resident aliens apply to the National Board for Professional Teaching Standards for certification on or after July 1, 2010. Beginning July 1, 2010, up to nine hundred applications shall be processed annually. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of teachers applying to the National Board for Professional Teaching Standards for certification.

Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified or certified for renewal by the National Board for Professional Teaching Standards or completed the application or renewal application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July 1 in the year following the year of achieving certification, beginning with 2009 applicants.

1.90. (SDE: Application of Reductions) The department is authorized to proportionately apply 38% of the Fiscal Year 2010-11 agency base reductions among the other state entities and non-flow thru appropriations housed within the department's budget with the remaining 62% of the Fiscal Year 2010-11 agency base reduction first exempting the EFA and EFA Employer Contributions prior to being proportionately applied throughout the department's budget. The Governor's School for the Arts and the Humanities and the Governor's School for Science and Mathematics base reduction shall be limited to no more than 5%.

1.91. (SDE: Salary Increase Suspension) For Fiscal Year 2010-11, the requirement that school districts provide a salary step increase pursuant to Section 59-20-50 is suspended provided that the school district desiring to suspend the salary step increase provide in their Fiscal Year 2010-11 budget for at least two furlough days for school administrators. Said skip, if implemented, shall not negatively impact the experience credit of teachers to whom skip applies. Nothing herein shall be deemed to mandate that step increases be skipped.

1.92. (SDE: Teaching Requirement for Certified School Employees) From the funds appropriated, all certified public school teachers, certified special school classroom teachers, certified media specialists, certified guidance counselors, certified full-time athletic directors, certified principals, certified assistant principals, and certified school district administrators that are employed by a school district should, if practicable, teach at least two classes per week within the school district they are employed.

SECTION 1A - H63-DEPARTMENT OF EDUCATION-EIA

1A.1. (SDE-EIA: XI-Prohibition on Appropriation Transfers) The amounts appropriated herein for aid to subdivisions or allocations to school districts shall not be transferred or reduced and must be expended in accordance with the intent of the appropriation. However, transfers are authorized from allocations to school districts or special line items with projected year-end excess appropriations above requirements, to allocations to school districts or special line items with projected deficits in appropriations.

1A.2. (SDE-EIA: XI.A.1 Services for Students with Disabilities) The money appropriated in Part IA, Section 1, XI.A.1. for Services for Students with Disabilities shall be used only for educational services for trainable mentally disabled pupils and profoundly mentally disabled pupils.

1A.3. (SDE-EIA: XI.B - Half Day Program for Four-Year-Olds) Funds appropriated in Part IA, Section 1, XI.B. for half-day programs for four-year-olds shall be distributed based on the prior year number of students in kindergarten eligible for free and reduce price lunch, however, no district shall receive less than 90 percent of the amount it received in the prior fiscal year.

1A.4. (SDE-EIA: XI.A.3. African-American History) Funds provided for the development of the African-American History curricula may be carried forward into the current fiscal year to be expended for the same purpose.

1A.5. (SDE-EIA: XI.C.2-Teacher Evaluations, XI.F.2- Implementation/Education Oversight) The Department of Education is directed to oversee the evaluation of teachers at the School for the Deaf and the Blind, the John de la Howe School and the Department of Juvenile Justice under the ADEPT model.

1A.6. (SDE-EIA: XI.C.2.-Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers salaries of the southeastern states as projected by the Division of Budget and Analyses. For the current school year the Southeastern average teacher salary is projected to be \$48,725. The statewide minimum teacher salary schedule used in Fiscal Year 2008-09 will continue to be used in Fiscal Year 2010-11.

The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Funds appropriated in Part IA, Section 1, XI.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50 (b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state.

1A.7. (SDE-EIA: XI.F.2-Teacher Salaries/State Agencies) Each state agency which does not contain a school district but has instructional personnel shall receive an allocation from the line item "Alloc. EIA - Teacher/Other Pay" in Part IA, Section 1, XI.F.2. for teachers salaries based on the following formula: Each state agency shall receive such funds as are necessary to adjust the pay of all instructional personnel to the appropriate salary provided by the salary schedules of the school district in which the agency is located. Instructional personnel may include all positions which would be eligible for EIA supplements in a public school district, and may at the discretion of the state agency, be defined to cover curriculum development specialists, educational testing psychologists, psychological and guidance counselors, and principals. The twelve-month agricultural teachers located at Clemson University are to be included in this allocation of funds for base salary increases. The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to increase the salaries of instructional personnel by an amount equal to the percentage increase given by the School District in which they are both located.

The funds appropriated herein in the line item "Alloc. EIA-Teacher/Other Pay" must be distributed to the agencies by the Budget and Control Board.

1A.8. (SDE-EIA: XI.A.1-Work-Based Learning) Of the funds appropriated in Part IA, Section 1, XI.A.1. for the Work-Based Learning Program, \$75,000 shall be used by the State Department of Education to provide for regional professional development in contextual methodology techniques and integration of curriculum, and professional development in career guidance for teachers and guidance counselors and training mentors. Pilot-site delivery of

contextual methodology training in mathematics will be supported by technology and hands-on lab activities. In addition, \$500,000 shall be allocated for Regional Career Specialists. Each Regional Career Specialist shall (1) be housed within the regional centers/WIA geographic areas, (2) provide career development activities throughout all schools within the region, (3) be under the program supervision of the Office of Career and Technology Education, State Department of Education, and (4) adhere to an accountability and evaluation plan created by the Office of Career and Technology Education, State Department of Education. The Office of Career and Technology Education, State Department of Education, shall provide a report, in February of the current fiscal year to the Senate Finance Committee and the House Ways and Means Committee on accomplishments of the Career Counseling Specialists. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

1A.9. DELETED

1A.10. (SDE-EIA: XI.E.2.-Evaluation/EIA Programs) Of the funds appropriated in Part IA, Section 1, XI.E.2. for EIA Implementation, Other Operating Expenses, 50% may only be used by the State Department of Education to support its contracted program evaluations. Of the remaining funds appropriated in Part IA, Section 1, XI.E.2. for EIA Implementation, Other Operating Expenses shall be used to support the continuation of program and policy evaluations and studies and to support the state's participation in the Middle Grades Project, at no less than 25%. Provided further, for the current fiscal year, 25% shall be provided to the South Carolina Educational Policy Center for collaborative projects with the Department of Education and the Education Oversight Committee to provide research based information and consultation services on technical issues related to establishing a more thorough accountability system for public schools, school districts, and the K-12 education system. These entities shall pursue grants and contracts to supplement state appropriations.

1A.11. (SDE-EIA: XI.F.2-CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, XI.F.2. for the Teacher Recruitment Program, the S.C. Commission on Higher Education shall distribute a total of 92% to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which 78% must be used for the Teaching Fellows Program specifically to provide scholarships for future teachers, and of which 22% must be used for other aspects of the state teacher recruitment program, including the Teacher Cadet Program and \$166,302 which must be used for specific programs to recruit minority teachers; and shall distribute 8% to S.C. State University to be used only for the operation of a minority teacher recruitment program and therefore shall not be used for the operation of their established general education programs. Working with districts with an absolute rating of At-Risk or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA will report annually by October 1 to the Education Oversight Committee and the Department of Education on the success of the recruitment and retention efforts in these schools. The S.C. Commission on Higher Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The S.C. State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations to the House and Senate Education

Committees, the State Board of Education and the Education Oversight Committee by October 1 annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.

1A.12. (SDE-EIA: XI.F.2-Disbursements/Other Entities) Notwithstanding the provisions of Sections 2-7-66 and 11-3-50, S.C. Code of Laws, it is the intent of the General Assembly that funds appropriated in Part IA, Section 1, XI.F.2. Other State Agencies and Entities shall be disbursed on a quarterly basis by the Department of Revenue directly to the state agencies and entities referenced except for the Teacher Loan Program, Centers of Excellence, the Education Oversight Committee and School Technology, which shall receive their full appropriation at the start of the fiscal year from available revenue. The Comptroller General's Office is authorized to make necessary appropriation reductions in Part IA, Section 1, XI.F.2. to prevent duplicate appropriations. If the Education Improvement Act appropriations in the agency and entity respective sections of the General Appropriations Act at the start of the fiscal year do not agree with the appropriations in Part IA, Section 1, XI.F.2. Other State Agencies and Entities, the "other funds" appropriations in the respective agency and entity sections of the General Appropriations Act will be adjusted by the Comptroller General's Office to conform to the appropriations in Part IA, Section 1, XI.F.2. Other State Agencies and Entities.

1A.13. (SDE-EIA: XI.A.1-Arts in Education) Funds appropriated in Part IA, Section 1, XI.A.1. Arts Curricula shall be used to support innovative practices in arts education curriculum, instruction, and assessment in the visual and performing arts including dance, music, theatre, and visual arts which incorporates strengths from the Arts in Education sites. They shall also be used to support the advancement of the implementation of the visual and performing arts academic standards. These funds shall be distributed to schools and school districts under a competitive grants program; however, up to 33% of the total amount of the grant fund shall be made available as "Aid to Other Agencies" to facilitate the funding of professional development arts institutes that have been approved by the State Department of Education for S.C. arts teachers, appropriate classroom teachers, and administrators. Arts Curricular Grants funds may be retained and carried forward into the current fiscal year to be expended in accordance with the proposed award.

1A.14. (SDE-EIA: XI.C.2-National Board Certification Incentive) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010, may receive a loan equal to the amount of the application fee.

Teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010 shall have one-half of the loan principal amount and interest forgiven when the required portfolio is submitted to the national board. Teachers who applied to the National Board for Professional Teaching standards for certification prior to July 1, 2010 who attain certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward by the department. The department may retain up to ten percent of the funds collected to offset the administrative costs of loan collection. All other funds shall be retained by the department and used for National Board loan purposes. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program for teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010. In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification. Teacher specialists remain eligible for state supplement for National Board certification.

Teachers who begin the application process after July 1, 2007 and prior to July 1, 2010 and who teach in schools which have an absolute rating of below average or at-risk at the time the teacher applies to the National Board for certification, but who fail to obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one-half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the loan will be at the rate of 33% for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or at-risk during the forgiveness period, or for each year of full time teaching in another school that has an absolute rating of below average or at risk.

1A.15. (SDE: XI-Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State

Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.

1A.16. (SDE-EIA: XI.A.1-Autism Parent-School Partnership Program) From funds appropriated for Services For Students with Disabilities, \$350,000 shall be provided to the South Carolina Autism Society for the Parent-School Partnership Program.

1A.17. (SDE-EIA: XI.C.2-Teacher Supplies) For FY 2010-11 a local school board, in a public school board meeting prior to the first contract day of the school year, by majority vote may decide to retain the school district's allocation for Teacher Supply funds and instead of disbursing the funds to all certified public school teachers, certified special school classroom teachers, certified media specialists, and certified guidance counselors may utilize the school district's allocation for the purposing of funding teacher salaries either to avoid or decrease the impact of a teacher furlough imposed by the school board or to avoid the elimination of a teaching position as determined by the school board. A school district may not utilize this provision to increase district or school level administrators or teacher salaries. A school board utilizing this provision must notify the certified public school teacher, certified special school classroom teachers, certified media specialists, and certified guidance counselors in written communication on or before the first contract day of the school year of the school board's decision not to provide the teacher supply reimbursement along with the school board's purpose in utilizing the reimbursement funds. All certified public school teachers, certified special school classroom teachers, certified media specialists, and certified guidance counselors who are employed by a school district or a charter school as of November thirtieth of the current fiscal year, based on the public decision of the school board may receive reimbursement of up to two hundred seventy-five dollars each school year to offset expenses incurred by them for teaching supplies and materials. Funds shall be disbursed by the department to School districts by July fifteenth based on the last reconciled Professional Certified Staff (PCS) listing from the previous year. With remaining funds for this program, any deviation in the PCS and actual teacher count will be reconciled by December thirty-first or as soon as practicable thereafter. Based on the public decision of the school district these funds shall be disbursed in a manner separate and distinct from their payroll check on the first day teachers, by contract, are required to be in attendance at school for the current contract year. This reimbursement shall not be considered by the state as taxable income. Special schools include the Governor's School for Science and Math, the Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and Palmetto Unified School District. Funds distributed to school districts or allocated to schools must not supplant existing supply money paid to teachers from other sources. If a school district requires receipts for tax purposes the receipts may not be required before December thirty-first. Districts that do not wish to require receipts may have teachers retain the receipts and certify for the district they have received the allocation for purchase of teaching supplies and/or materials and that they have purchased or will purchase supplies and/or materials during the fiscal year for the amount of the allocation. Districts shall not have an audit exception related to non-retention of receipts in any instances where a similar instrument is utilized. Any district requiring receipts must notify any teacher from whom receipts have not been submitted between November twenty-fifth and December sixth that receipts must be submitted to the district. Districts may not add any additional requirement not listed herein related to this reimbursement. School districts utilizing this provision to retain the teaching supplies

funding for purposes other than reimbursement to the teacher must publicly display on the school district's website the number of jobs saved through the use of these funds and to electronically forward the report on jobs saved to the Department of Education no later than December 31 of the current fiscal year to be compiled in a report for electronic presentation to the General Assembly by January 15 of the current fiscal year.

1A.18. (SDE-EIA: XI.C.2-Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each district Teacher of the Year shall receive an award of \$1,000. In addition, the State Teacher of the Year shall receive an award of \$25,000, and each of the four Honor Roll Teachers of the Year will receive an award of \$10,000. To be eligible, districts must participate in the State Teacher of the Year Program sponsored by the State Department of Education.

1A.19. (SDE-EIA: XI-State of Emergency District) Funds may be used for retired educators serving as teacher specialists, principal specialists, principal leaders, or curriculum specialists on site in districts in which a state of emergency is declared. These educators may be hired as a principal specialist in a state of emergency district for up to four years.

1A.20. (SDE-EIA: EOC) The Education Oversight Committee may collect, retain and expend revenue from conference registration and fees; charges for materials supplied to local school districts or other entities not otherwise mandated to be provided by state law; and from other activities or functions sponsored by the committee including public awareness campaign activities. Any unexpended revenue from these sources may be carried forward into the current fiscal year and expended for the same purposes. The Education Oversight Committee is permitted to utilize the funds appropriated to it to fund programs promoting the teaching of economic education in South Carolina.

1A.21. (SDE-EIA: Technical Assistance) In order to best meet the needs of underperforming schools, funds appropriated for technical assistance to schools with an absolute rating of below average or at-risk on the most recent annual school report card must be allocated according to the severity of not meeting report card criteria.

Schools receiving an absolute rating of below average or at-risk must develop and submit to the Department of Education a school renewal plan outlining how technical assistance allocations will be utilized and goals for improvements will be obtained. Each allocation must address specific strategies designed to increase student achievement and must include measures to evaluate success. The school renewal plan may include expenditures for recruitment incentives for faculty and staff, performance incentives for faculty and staff, assistance with curriculum and test score analysis, professional development activities based on curriculum and test score analysis that may include daily stipends if delivered on days outside of required contract days. School expenditures shall be monitored by the Department of Education.

With the funds appropriated to the Department of Education for technical assistance services, the department will assist schools with an absolute rating of below average or at-risk in designing and implementing technical assistance school renewal plans and in brokering for technical assistance personnel as needed and as stipulated in the plan. In addition, the department must monitor student academic achievement and the expenditure of technical assistance funds in schools receiving these funds and report their findings to the General Assembly and the Education Oversight Committee by January first of each fiscal year as the General Assembly may direct. If the Education Oversight Committee or the department requests information from schools or school districts regarding the expenditure of technical assistance funds pursuant to evaluations, the school or school district must provide the evaluation

information necessary to determine effective use. If the school or school district does not provide the evaluation information necessary to determine effective use, the principal of the school or the district superintendent may be subject to receiving a public reprimand by the State Board of Education if it is determined that those individuals are responsible for the failure to provide the required information.

The department shall coordinate with and monitor the services provided by the School Improvement Council Assistance and the Writing Improvement Network to the schools. Based on criteria jointly determined by the department and the Education Oversight Committee, the School Improvement Council Assistance and the Writing Improvement Network must submit external evaluations to the Education Oversight Committee at least once every three years.

No more than five percent of the total amount appropriated for technical assistance services to schools with an absolute rating of below average or at-risk may be retained and expended by the department for implementation and delivery of technical assistance services. Using previous report card data, the department shall identify priority schools. Up to \$13,000,000 of the total funds appropriated for technical assistance shall be used by the department to work with those schools identified as priority schools.

The department will create a system of levels of technical assistance for schools that will receive technical assistance funds. The levels will be determined by the severity of not meeting report card criteria. The levels of technical assistance may include a per student allocation, placement of a principal mentor, replacement of the principal, and/or reconstitution of a school.

Reconstitution means the redesign or reorganization of the school, which includes the declaration that all positions in the school are considered vacant. Certified staff currently employed in priority schools must undergo a formal evaluation in the spring following the school's identification as a priority school and must meet determined goals to be rehired and continue their employment at that school. Student achievement will be considered as a significant factor when determining whether to rehire existing staff. Educators who were employed at a school that is being reconstituted prior to the effective date of this proviso and to whom the employment and dismissal laws apply will not lose their rights in the reconstitution. If they are not rehired or are not assigned to another school in the school district they have the opportunity for a hearing. However, employment and dismissal laws shall not apply to educators who are employed in the district and assigned to the priority schools after the effective date of this proviso, in the event of a reconstitution of the school in which the educator is employed.

Those rights are only suspended in the event of a reconstitution of the entire school staff.

Additionally, the rights and requirements of the employment and dismissal laws do not apply to educators who are currently on an induction or annual contract, that subsequently are offered continuing contract status after the effective date of this proviso, and are employed at a school that is subject to reconstitution under this proviso.

The reconstitution of a school could take place if the school has been identified as a priority school that has failed to improve satisfactorily. The decision to reconstitute a school shall be made by the State Superintendent of Education in consultation with the principal and/or principal mentor, the school board of trustees, and the district superintendent. The decision to reconstitute a school shall be made by April 1, at which time notice shall be given to all employees of the school. The department, in consultation with the principal and district superintendent, shall develop a staffing plan, recruitment and performance bonuses, and a budget for each reconstituted school.

Upon approval of the school renewal plans by the department and the State Board of

Education, a newly identified school or a currently identified school with an absolute rating of below average or at-risk on the report card will receive a base amount and a per pupil allocation based on the previous year's average daily membership as determined by the annual budget appropriation. No more than fifteen percent of funds not expended in the prior fiscal year may be carried forward and expended in the current fiscal year for strategies outlined in the school's renewal plan. Schools must use technical assistance funds to augment or increase, not to replace or supplant local or state revenues that would have been used if the technical assistance funds had not been available. Schools must use technical assistance funds only to supplement, and to the extent practical, increase the level of funds available from other revenue sources.

1A.22. (SDE-EIA: Proviso Allocations) In the event an official EIA revenue shortfall is declared by the Board of Economic Advisors, the Department of Education may reduce any allocation in Section 1A specifically designated by proviso in accordance with the lower Board of Economic Advisors revenue estimate as directed by the Office of State Budget. No allocation for teacher salaries shall be reduced as a result of this proviso.

1A.23. (SDE-EIA: School Districts and Special Schools Flexibility) All 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. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, at least seventy percent of the school district's per pupil expenditures must be utilized within the In\$ite categories of instruction, instructional support, and non-instruction pupil services. No portion of the seventy percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the school year ending June 30, 2011. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

"In\$ite" means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the 2010-11 fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions taken. 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.

For Fiscal Year 2010-11, Section 59-21-1030 is suspended. Writing assessments in grades three, four, six, and seven, formative assessments for grades one, two, and nine, the foreign language program assessment, financial literacy, and the physical education assessment must be suspended. Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list must be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

For Fiscal Year 2010-11, savings generated from the suspension of the writing assessments and the suspension of new textbooks adoptions enumerated above must be allocated to school districts based on the Education Finance Act formula.

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. 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.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also 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. The credit card number on each statement must be redacted prior to posting on the internet website. 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.

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.

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

The Comptroller General shall distribute to the districts a methodology and resources for compliance. 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.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

1A.24. (SDE-EIA: Teacher Salary Supplement) The department is directed to carry forward prior year unobligated teacher salary supplement and related employer contribution funds into the current fiscal year to be used for the same purpose.

1A.25. (SDE-EIA: High Schools That Work Programs) The Department of Education must report annually by December first, to the Governor, the Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public Works Committee on the High Schools that Work Programs' progress and effectiveness in providing a better prepared workforce and student success in post-secondary education. The department, school districts, and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal that were allocated for High Schools That Work.

1A.26. (SDE-EIA: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. SDE is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring statewide accountability assessment.

1A.27. DELETED

1A.28. (SDE-EIA: Early Childhood Review) From the funds appropriated for EIA Four-Year-Old Early Childhood, the Department of Education shall utilize up to \$300,000 to provide monitoring and oversight of the program and to institute a plan for tracking 4K students through fifth grade, examining components that have contributed to student academic success and to review on a district basis, professional development needs based on successful program components. The department shall use all pertinent information obtained to implement statewide professional development to guide efforts aimed at increasing the success of all children.

1A.29. DELETED

1A.30. (SDE-EIA: Report Card Information) The percentage each school district expended on classroom instruction as defined by the Department of Education's In\$ite classification for "Instruction" must be printed on the Annual School and District Report Card.

1A.31. (SDE-EIA: Core Curriculum Materials) The funds appropriated in Part IA, Section 1, XI.A.3 for instructional materials for core curriculum shall be expended consistent with the requirements of Section 59-31-600 of the 1976 Code requiring the development of higher order thinking skills and critical thinking which should be integrated throughout the core curriculum instructional materials. Furthermore, the evaluation criteria used to select instructional materials with funds appropriated in Part IA, Section 1, XI.A.3 shall include a weight of up to ten percent of the overall criteria to the development of higher order thinking skills and critical thinking.

1A.32. (SDE-EIA: XI-E.2.-Teacher Technology Proficiency) To ensure the effective and efficient use of the funding provided by the General Assembly in Part IA, Section 1 XI.E.2 for school technology in the classroom and internet access, the State Department of Education shall approve district technology plans that specifically address and incorporate teacher technology competency standards and local school districts must require teachers to demonstrate proficiency in these standards as part of each teacher's Professional Development plan. The Department of Education's professional development tracking, prescriptive and electronic portfolio system for teachers is the preferred method for demonstrating technology proficiency as this system is

aligned to the International Society for Technology in Education (ISTE) teacher standards. Evidence that districts are meeting the requirement is a prerequisite to expenditure of a district's technology funds.

1A.33. (SDE-EIA: Accountability Program Implementation) To support implementation of the accountability program, the Education Oversight Committee may carry forward unexpended Education Accountability Act funds authorized specifically for the administration of the Education Oversight Committee.

1A.34. (SDE-EIA: One Year Suspension of EIA Programs) The following program funded with EIA revenues will be temporarily suspended for Fiscal Year 2010-11 and funds appropriated to this program allocated to teacher salaries and fringe benefits, National Board Certification Incentive salary supplements, teacher supplies, Science PLUS, and the Teaching Fellows Program administered by CERRA to hold the funding level to maintain fellowships for existing cohorts of participants in the Teacher Fellows Program: the Palmetto Gold and Silver program. Schools may still be recognized as Palmetto Gold and Silver recipients in Fiscal Year 2010-11 but will not receive financial compensation.

1A.35. (SDE-EIA: 4K Targeting) EIA funds allocated for the provision of four-year-old kindergarten shall be utilized for the provision of services to age-eligible children qualifying for free or reduced-price lunch or Medicaid. Children with developmental delays documented through state approved screening assessments or children with medically documented disabilities who do not already qualify for special need services should also be considered for enrollment. In the event that more students seek to enroll than available space permits, districts shall prioritize students (at the time of acceptance) on the basis of family income expressed as a percentage of the federal poverty guidelines, with the lowest family incomes given the highest enrollment priority.

1A.36. (SDE-EIA: Reading) Of the funds appropriated for reading/literacy, the Department of Education, schools, and districts shall ensure that resources are utilized to improve student achievement in reading/literacy. To focus on the importance of early reading and writing skills and to ensure that all students acquire reading/literacy skills by the end of grade 3, fifty percent of the appropriation shall be directed toward acquisition of reading proficiency to include, but not be limited to, strategies in phonemic awareness, phonics, fluency, vocabulary, and comprehension. Forty percent of the appropriation shall be directed toward classroom instruction and intervention to focus on struggling readers and writers in grades four through eight. Ten percent of the appropriation should be directed toward acceleration to provide additional opportunities for deepening and refinement of literacy skills.

Fifty percent of the funds shall be allocated to school districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the 135 day count of the prior school year. Fifty percent of the funds shall be allocated to the Department of Education to provide districts with research-based strategies and professional development and to work directly with schools and districts to assist with implementation of research-based strategies. When providing professional development the department and school districts must use the most cost effective method and when able utilize ETV to provide such services throughout the state. The department shall provide for an evaluation to review first year implementation activities and to establish measurements for monitoring impact on student achievement.

1A.37. (SDE-EIA: Artistically and Academically High-Achieving Students) EIA funds appropriated for high achieving students must be allocated to districts based on three factors: (1)

the number of students served in academic gifted and talented programs based on the prior year's 135-day count of average daily membership adjusted for the current year's 45-day count and the number of students identified as artistically gifted and talented; (2) the number of students taking Advanced Placement or International Baccalaureate (IB) exams in the prior year; and (3) a per pupil allocation for charter schools serving state-identified artistically and academically high-achieving students in core academic classes with an accelerated curriculum that has been verified by the Department of Education to meet the requirements of State Board of Education Regulation 43-220 and if they are serving state-identified artistically and academically high-achieving students in core academic courses which are included on the prior year's Commission on Higher Education's list of transferable courses. The Department of Education shall report to the Senate Education Committee and the House Education and Public Works Committee regarding the allocation and distribution of the funds by June first. At least eighty-five percent of the funds appropriated for each student classified herein must be spent for instruction and instructional support for students who generated the funds. Up to \$500,000 of the funds may be retained by the Department of Education for teacher endorsement activities. Twelve percent of the funds shall be set-aside for serving artistically gifted and talented students in grades three through twelve.

The board of trustees of a school district electing to charge a fee to the parent or legal guardian of a student taking the Advanced Placement or International Baccalaureate exam is required to develop a policy for such a fee which accounts for the student's ability to pay and at an amount not to exceed the actual test cost. A test fee may not be charged to students eligible for free lunch and must be pro rata for students eligible for reduced price lunch if the parent or legal guardian requests.

Endorsement criteria established by the State Board of Education for teachers assigned to teach gifted and talented and advanced placement classes shall be suspended for the current school year.

1A.38. (SDE-EIA: Students at Risk of School Failure) For Fiscal Year 2010-11, EIA funds appropriated for students at academic risk of school failure, which include funds for Act 135 Academic Assistance, summer school, reduce class size, alternative schools, parent support and family literacy, must be allocated to school districts based two factors: (1) the poverty index of the district as documented on the most recent district report card, which measures student eligibility for the free or reduced price lunch program and Medicaid; and (2) the number of students not in poverty or eligible for Medicaid but who fail to meet state standards on state standards-based assessments in either reading or mathematics. At least eighty-five percent of the funds allocated for students classified as at academic risk must be spent on instruction and instructional support for these students who generated the funds. Instructional support may include family literacy and parenting programs to students at-risk for school failure and their families. Students at academic risk are defined as students who are at risk of not graduating from high school because they failed either the English language arts or mathematics portion of the High School Assessment Program on first attempt and who score not met on grades three through eight in reading and mathematics state assessments. Public charter schools, the Palmetto Unified School District, and the Department of Juvenile Justice must also receive a proportionate per pupil allocation based on the number of students at academic risk of school failure served.

Of the funds appropriated for students at academic risk of school failure, \$350,000 must be allocated to the Francis Marion University Center of Excellence to Prepare Teachers of Children of Poverty to expand statewide training for individuals who teach children of poverty through

weekend college, non-traditional or alternative learning opportunities. The Center also is charged with developing a sequence of knowledge and skills and program of study for add-on certification for teachers specializing in teaching children of poverty.

1A.39. (SDE-EIA: Professional Development) EIA funds appropriated for professional development must be allocated to districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the one hundred thirty-five day count of the prior school year. The funds must be expended on professional development for certificated instructional and instructional leadership personnel in grades kindergarten through twelve across all content areas, including teaching in and through the arts. No more than twenty-five percent of the funds appropriated for professional development may be retained by the Department of Education for the administration and provision of professional development services. The Department of Education must provide professional development on assessing student mastery of the content standards through classroom, formative and end-of-year assessments. The Department of Education also must post on the agency's website the South Carolina Professional Development Standards and provide training through telecommunication methods to school leadership on the professional development standards.

1A.40. (SDE-EIA: Assessments-Gifted & Talented, Advanced Placement, & International Baccalaureate Exams) Of the funds appropriated and/or authorized for assessment, up to \$2,455,000 shall be used for assessments to determine eligibility of students for gifted and talented programs and for the cost of Advanced Placement and International Baccalaureate exams.

1A.41. (SDE-EIA: Statewide Student Information System) Contingent on the availability of a Fiscal Year 2009-10 end of year EIA cash balance the department is authorized in Fiscal Year 2010-11 to utilize up to \$5,000,000 for the costs related to the conversion, implementation, support, maintenance, and training activities for state, school district, and school users for the statewide student information system essential for sustaining accountability and transparency. The department may utilize any remaining balance for transportation purposes.

1A.42. (SDE-EIA: Adult Education) A minimum of thirty percent of the funds appropriated for adult education must be allocated to school districts to serve adult education students between the ages of seventeen and twenty-one who are enrolled in programs leading to a state high school diploma, state high school equivalency diploma (GED), or career readiness certificate (WorkKeys). The remaining funds will be allocated to districts based on a formula which includes target populations without a high school credential, program enrollment the previous school year, total hours of attendance the previous school year, and performance factors such as number of high school credentials and career readiness certificates awarded the previous school year. Overall levels of state funding must meet the federal requirement of state maintenance of effort.

1A.43. (SDE-EIA: Clemson Agriculture Education Teachers) The funds appropriated in Part IA, Section XI.F3 for Clemson Agriculture Education Teachers must be transferred to Clemson University PSA to fund summer employment of agriculture teachers and to cover state-mandated salary increases on that portion of the agriculture teachers' salaries attributable to summer employment.

1A.44. DELETED

1A.45. (SDE-EIA: Education Oversight Committee Transfer) For Fiscal Year 2010-11 the Education Oversight Committee is directed to transfer \$250,000 to Teacher Supplies. The Education Oversight Committee is further directed to transfer the funds for the EOC 4 Year Old

Evaluation to the Office of First Steps only for use in the CDEPP program.

1A.46. (SDE-EIA: Effectiveness of Strategies for Teaching Reading) Funds appropriated in Section XI.A.1. Other Entities in the amount of \$106,790 shall be coordinated by the Department of Education to provide evidence of the effectiveness of strategies for the teaching of reading.

1A.47. (SDE-EIA: Incentive for National Board Certification After 6/30/10) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who complete the application process on or after July 1, 2010 shall be paid a \$5,000 salary supplement in the year of achieving certification. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$5,000 salary supplement shall be added to the annual pay of the teacher, not to exceed ten years of the national certificate. However, the \$5,000 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer whereby teachers who are United States citizens or permanent resident aliens apply to the National Board for Professional Teaching Standards for certification on or after July 1, 2010. Beginning July 1, 2010, up to nine hundred applications shall be processed annually. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of teachers applying to the National Board for Professional Teaching Standards for certification.

Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified or certified for renewal by the National Board for Professional Teaching Standards or completed the application or renewal application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants.

1A.48. (SDE-EIA: First Steps-CDEPP Program) For Fiscal Year 2010-11 the Office of First Steps is directed to utilize the funds transferred from the Education Oversight Committee only to serve students in the CDEPP program and shall report the number of students served to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2011.

1A.49. (SDE-EIA: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program (CDEPP). This program shall be available for the 2010-11 school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

(A) For the 2010-11 school year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et. al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and

Orangeburg 3. With any remaining funds available, the pilot shall be expanded to the remaining plaintiff school districts in Abbeville County School District et. al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of 90% or greater.

Priority shall be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at-risk four-year-old children.

Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September first, of the school year, and meets the at-risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.

The parent of each eligible child may enroll the child in one of the following programs:

(1) a school-year four-year-old kindergarten program delivered by an approved public provider; or

(2) a school-year four-year-old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and documentation of the student's eligibility as evidenced by family income documentation showing an annual family income of 185% or less of the federal poverty guidelines as promulgated annually by the U.S. Department of Health and Human Services or a statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of 6.5 hours of instructional time daily and operates for a period of not less than 180 days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

If by October 1 of the school year at least 75% of the total number of eligible CDEPP children in a district or county are projected to be enrolled in CDEPP, Head Start or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, CDEPP providers may then enroll pay-lunch children who score at or below the 25th national percentile on two of the three DIAL-3 subscales and may receive reimbursement for these children if funds are available.

(C) Public school providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider

meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.

Providers shall:

- (1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;
- (2) comply with all state and local health and safety laws and codes;
- (3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;
- (4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;
- (5) comply with all program, reporting, and assessment criteria required of providers;
- (6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;
- (7) designate whether extended day services will be offered to the parents/guardians of children participating in the program;
- (8) be approved, registered, or licensed by the Department of Social Services; and
- (9) comply with all state and federal laws and requirements specific to program providers.

Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre-kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment.

However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

(D) The Department of Education and the Office of First Steps to School Readiness shall:

- (1) develop the provider application form;
- (2) develop the child enrollment application form;
- (3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;
- (4) develop a list of approved pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;
- (5) establish criteria for awarding new classroom equipping grants;
- (6) establish criteria for the parenting education program providers must offer;
- (7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;
- (8) develop a list of data collection needs to be used in implementation and evaluation of the program;
- (9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;
- (10) establish criteria for granting student retention waivers; and

(11) establish criteria for granting classroom size requirements waivers.

(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice and a research based preschool curriculum aligned with school success. The program must focus on the developmental and learning support children must have in order to be ready for school. The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:

(1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;

(2) employ an education assistant with pre-service or in-service training in early childhood education;

(3) maintain classrooms with at least ten four-year-old children, but no more than twenty four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of ten children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;

(4) offer a full day, center-based program with 6.5 hours of instruction daily for one hundred eighty school days;

(5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;

(6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and

(7) adhere to professional development requirements outlined in this article.

(F) Every classroom providing services to four-year-old children established pursuant to this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire.

Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children five years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child

Development Education Pilot Program to participate annually in a minimum of fifteen hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of pre-kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than \$185 per student shall be retained by the Department of Education for the purposes of transporting four-year-old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act.

(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;

- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the 2010-11 school year, the funded cost per child shall be \$4,218 increased annually by the rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro-rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall be eligible for a reimbursement of \$550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. Providers enrolling between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed \$10,000. Providers receiving equipment grants are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.

(L) Pursuant to this provision, the Department of Social Services shall:

- (1) maintain a list of all approved public and private providers; and
- (2) provide the Department of Education and the Office of First Steps information necessary to carry out the requirements of this provision.

(M) The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers.

SECTION 2 - H66-LOTTERY EXPENDITURE ACCOUNT

2.2. (LEA: SDE Lottery Carry Forward) The Department of Education is authorized to carry forward and expend any unexpended balances of lottery funds from the prior fiscal year into the current fiscal year for expenditures incurred in the prior fiscal year or to be expended for the same purpose.

2.6. (LEA: FY 2010-11 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Budget and Control Board as directed below.

These appropriations must be used to supplement and not supplant existing funds for education.

The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.

All Education Lottery Account revenue shall be carried forward from the prior fiscal year into

the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.

For Fiscal Year 2010-11 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

- (1) Commission on Higher Education--Tuition Assistance
Two-Year Institutions \$47,000,000;
- (2) Commission on Higher Education--LIFE Scholarships as
provided in Chapter 149, Title 59 \$87,370,916;
- (3) Commission on Higher Education--HOPE Scholarships as
provided in Section 59-150-370 \$7,823,474;
- (4) Commission on Higher Education--Palmetto Fellows
Scholarships as provided in Section 59-104-20 \$30,277,240;
- (5) Commission on Higher Education--
Need-Based Grants \$11,631,566;
- (6) Tuitions Grants Commission--Tuition Grants \$7,766,604;
- (7) Commission on Higher Education--National
Guard Tuition Repayment Program as provided
in Section 59-111-75 \$1,700,000;
- (8) South Carolina State University \$2,500,000;
- (9) Technology--Public Four-Year Universities,
Two-Year Institutions, and State
Technical Colleges \$4,154,702;
- (10) Department of Education--K-5 Reading,
Math, Science & Social Studies Program as provided
in Section 59-1-525 \$41,891,798;
- (11) Department of Education--Grades 6-8
Reading, Math, Science & Social Studies
Program \$2,000,000;
- (12) Commission on Higher Education--Higher
Education Excellence Enhancement Program \$3,000,000;
and
- (13) School for the Deaf and the Blind--Technology
Replacement \$200,000.

Fiscal Year 2010-11 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided in Section 59-150-360.

Of the funds appropriated to South Carolina State University, \$250,000 may be used for the BRIDGE Program.

The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.

The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full time students.

Fiscal Year 2010-11 net lottery proceeds and investment earnings in excess of the certified

net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for Fiscal Year 2010-11 are fully funded.

If the lottery revenue received for Fiscal Year 2010-11 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

The Commission on Higher Education is authorized to use up to \$260,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process.

For Fiscal Year 2010-11, \$8,400,000 certified from unclaimed prizes shall be appropriated as follows: \$5,722,729 to the Department of Education for K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525 and \$2,677,271 for Technology: Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges. The allocations of Section 59-150-230(1) of the 1976 Code are suspended for the current fiscal year.

Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first \$7,618,477 shall be directed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships. The next \$100,000 shall be directed to the Department of Alcohol and Other Drug Abuse Services for Prevention/Treatment of Gambling Disorders.

The next \$1,500,000 shall be directed to the Commission on Higher Education for the Partnership Among South Carolina Academic Libraries (PASCAL) Program. The next \$5,470,093 shall be directed for Technology: Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges. The next \$2,000,000 shall be directed to the State Library for Aid to County Libraries. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Higher Education Excellence Enhancement Program. The next \$4,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the Allied Health Initiative. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Critical Needs Nursing. All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships.

Notwithstanding the provisions of Section 59-150-355 of the 1976 Code or any other provision of law, the Budget and Control Board may distribute funds from the Education Lottery Account on a monthly basis during the final quarter of the fiscal year.

SECTION 89 - X90-GENERAL PROVISIONS

89.1. (GP: Revenues, Deposits Credited to General Fund) For the current fiscal year, except as hereinafter specifically provided, all general state revenues derived from taxation, licenses, fees, or from any other source whatsoever, and all institutional and departmental revenues or collections, including income from taxes, licenses, fees, the sale of commodities and services, and income derived from any other departmental or institutional source of activity, must be remitted to the State Treasurer at least once each week, when practical, and must be credited, unless otherwise directed by law, to the General Fund of the State. Each institution, department or agency, in remitting such income to the State Treasurer, shall attach with each such remittance a report or statement, showing in detail the sources itemized according to

standard budget classification from which such income was derived, and shall, at the same time, forward a copy of such report or statement to the Comptroller General and the Budget and Control Board. In order to facilitate the immediate deposit of collections, refunds of such collections by state institutions where properly approved by the authorities of same, may be made in accordance with directions from the State Comptroller General and State Treasurer.

General fund appropriations herein made for the support of the public school system of the State must be greater than or equal to the revenues derived from the General Retail Sales Tax, the Soft Drinks Tax, and the state's portion of the Alcoholic Liquors Tax and Cable Television Fees as forecasted in the general fund revenue estimate of the Board of Economic Advisors as accounted for in Section 88 of this act. Appropriations in this act for the support of the public school system shall include the following:

- Department of Education;
- State Board for Technical and Comprehensive Education;
- Educational Television Commission;
- Wil Lou Gray Opportunity School;
- School for the Deaf and the Blind;
- John de la Howe School;
- Debt Service on Capital Improvement Bonds Applicable to
Above Agencies;
- Debt Service on School Bonds;
- Other School Purposes.

Nothing contained herein shall be construed as diminishing the educational funding requirements of this section.

89.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year 2010-11, and for other purposes specifically designated.

89.8. (GP: Fee Increases) (A) No state agency, department, board, committee, commission, or authority, may increase an existing fee for performing any duty, responsibility, or function unless the fee for performing the particular duty, responsibility, or function is authorized by statutory law and set by regulation except as provided in this paragraph.

(B) This paragraph does not apply to:

- (1) state-supported governmental health care facilities;
- (2) state-supported schools, colleges, and universities;
- (3) educational, entertainment, recreational, cultural, and training programs;
- (4) the State Board of Financial Institutions;
- (5) sales by state agencies of goods or tangible products produced for or by these agencies;
- (6) charges by state agencies for room and board provided on state-owned property;
- (7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;
- (8) court fees or fines levied in a judicial or adjudicatory proceeding;
- (9) the South Carolina Public Service Authority or the South Carolina Ports

Authority.

(C) This paragraph does not prohibit a state agency, department, board, committee, or commission from increasing fees for services provided to other state agencies, departments, boards, committees, commissions, political subdivisions, or fees for health care and laboratory services regardless of whether the fee is set by statute.

(D) Statutory law for purposes of this paragraph does not include regulations promulgated pursuant to the State Administrative Procedures Act.

89.10. (GP: Transfers of Appropriations) Agencies and institutions shall be authorized to transfer appropriations within programs and within the agency with notification to the Division of Budget and Analyses and Comptroller General. No such transfer may exceed twenty percent of the program budget. Upon request, details of such transfers may be provided to members of the General Assembly on an agency by agency basis. Transfers of appropriations from personal service accounts to other operating accounts or from other operating accounts to personal service accounts may be restricted to any established

89.27. (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior fiscal year into the current fiscal year, up to a maximum of ten percent of its original general fund appropriations less any appropriation reductions for the current fiscal year. Agencies shall not withhold services in order to carry forward general funds.

This provision shall be suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this proviso, the amount of the general fund deficit shall be determined after first applying the Capital Reserve Fund provisions in Section 11-11-320(D) of the 1976 Code, and before any transfers from the General Reserve. The amount of general funds needed to avoid a year-end deficit shall be reduced proportionately from each agency's carry forward amount.

Agencies which have separate general fund carry forward authority must exclude the amount carried forward by such separate authority from their base for purposes of calculating the ten percent carry forward authorized herein. Any funds that are carried forward as a result of this provision are not considered part of the base of appropriations for any succeeding years.

89.33. (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the Department of Education, in consultation with the Budget and Control Board's Division of State Information Technology, the State Library and Educational Television Commission shall administer the K-12 technology initiative funds. These funds are intended to provide technology, encourage effective use of technology in K-12 public schools throughout the state, conduct cost/benefit analyses of the various technologies and should, to the maximum extent possible, involve public-private sector collaborative efforts. Funds may also be used to establish pilot projects for new technologies with selected school districts as part of the evaluation process. K-12 technology initiative funds shall be retained and carried forward to be used for the same purpose.

89.42. (GP: Alternative Commitment to Truancy) As part of its plan for an alternative school, a school district receiving funds from the Department of Education for an alternative school shall identify available alternatives to commitment for children whose truancy is approaching the level of being referred to family court. When proceeding under S.C. Code Section 59-65-50 to bring an individual case before the family court, the school district must present this plan as well as the district's efforts with respect to the individual child to the court. Each school district's plan under

this proviso shall include possible assignment to alternative school for a nonattending child before petitioning the court.

89.87. (GP: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to Fiscal Year 2008-09 general fund appropriations, agencies are authorized for FY 2010-11 to spend agency earmarked and restricted accounts designated as "special revenue funds" as defined in the Comptroller General's records, to maintain critical programs previously funded with general fund appropriations. Any spending authorization for these purposes must receive the prior approval of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Budget and Control Board, Office of State Budget in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

State institutions of higher learning whose budgets have been reduced from the Fiscal Year 2009-10 state funding level, shall have the authority to use other sources of available funds to support and maintain state funded programs affected by state reductions during Fiscal Year 2010-11 and may adjust appropriations from special items or programs contained in this act in an amount greater or less than the percentage of the reduction assessed to the institution's base budget. Institutions shall submit to the Office of State Budget, the Senate Finance Committee, and the House Ways and Means Committee the amount of base budget reductions associated with these programs.

Notwithstanding the flexibility authorized in this provision, the following agencies are prohibited from reducing or transferring funds from the following programs or areas:

- (A) Department of Health and Human Services
 - (1) Teen Pregnancy/Abstinence Programs including, but not limited to MAPPS
 - (2) PACE
 - (3) Federally Qualified Health Centers
 - (4) Provider Rates

The Department of Health and Human Services shall not decrease provider reimbursement rates from their current levels.

It is not the intent of this proviso to restrict the annual updating of cost based rates and those rates which are indexed to methodologies described in the Medicaid State Plan.

- (B) Lieutenant Governor's Office
 - Home and Community Based Services (Meals on Wheels)
- (C) Department of Commerce
 - Regional Economic Development Organizations as defined by proviso 40.15
- (D) Department of Natural Resources
 - Law Enforcement Program/Enforcement Operations as contained in Program II. F. 1
- (E) Department of Parks, Recreation, and Tourism
 - (1) Program II. A. Special Item: Regional Promotions
 - (2) Program II. C. Special Item: Palmetto Pride

In addition the Department of Parks, Recreation and Tourism is prohibited from closing or

reducing the FTE's in the State House Gift Shop, and the Santee Welcome Center.

Notwithstanding the prohibition on reducing or transferring funds from the programs or areas listed above, the Department of Natural Resources may reduce the specified programs or areas by an amount not to exceed the percentage associated with any mandated reduction.

89.87. (GP: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to Fiscal Year 2008-09 general fund appropriations, agencies are authorized for FY 2010-11 to spend agency earmarked and restricted accounts designated as "special revenue funds" as defined in the Comptroller General's records, to maintain critical programs previously funded with general fund appropriations. Any spending authorization for these purposes must receive the prior approval of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Budget and Control Board, Office of State Budget in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

State institutions of higher learning whose budgets have been reduced from the Fiscal Year 2009-10 state funding level, shall have the authority to use other sources of available funds to support and maintain state funded programs affected by state reductions during Fiscal Year 2010-11 and may adjust appropriations from special items or programs contained in this act in an amount greater or less than the percentage of the reduction assessed to the institution's base budget. Institutions shall submit to the Office of State Budget, the Senate Finance Committee, and the House Ways and Means Committee the amount of base budget reductions associated with these programs.

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- (B) Lieutenant Governor's Office
 - Home and Community Based Services (Meals on Wheels)
- (C) Department of Commerce
 - Regional Economic Development Organizations as defined by proviso 40.15
- (D) Department of Natural Resources
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In addition the Department of Parks, Recreation and Tourism is prohibited from closing or reducing the FTE's in the State House Gift Shop, and the Santee Welcome Center.

Notwithstanding the prohibition on reducing or transferring funds from the programs or areas listed above, the Department of Natural Resources may reduce the specified programs or areas by an amount not to exceed the percentage associated with any mandated reduction.

89.99. (GP: ARRA Oversight) In order to provide transparency and accountability, and to maintain the separation of duties as provided by our Constitution, the State Treasurer and Comptroller General shall organize and co-chair a committee for monitoring funds associated with the American Recovery and Reinvestment Act of 2009. This committee shall collect information from state agencies and institutions regarding funds received from the American Recovery and Reinvestment Act of 2009. Information collected shall include, but not be limited to, the name of state agency or institution, the program designation, the purpose for which the funds were received and expended, and the amount of funds received and expended. The information shall also include data and documentation on job creation resulting from receipt of the federal stimulus funds and any other data or explanation as required by the American Recovery and Reinvestment Act of 2009. The co-chairs may also require local government entities to provide any information deemed relevant to provide disclosure of the American Recovery and Reinvestment Act of 2009 funds to the public, including audit reports.

To provide funding for the central oversight costs for transparency and accountability of ARRA funding, the committee is directed to assess state agencies, except the Department of Transportation, as allowed by HR1 of 2009, an amount of funds equal to their pro rata share of ARRA funds received, adequate to fund the activities related to carrying out these functions.

The total assessment shall not exceed the central administrative budget submitted to the federal government for these activities. The funds shall be transferred by the agencies assessed into an account established by the State Treasurer. Agencies are authorized and directed to transfer the invoiced amounts from appropriated or authorized funds. The Budget and Control Board, Office of State Budget shall assist agencies in identifying funding sources and making the necessary transfers. Funds are to be transferred by no later than October 1, 2010. At the end of the ARRA reporting period, any funds not expended for central administrative costs shall be remitted to the contributing agencies on a pro-rata basis.

89.107. (GP: Second Amendment Weekend - Sales Tax Exemption for Certain Firearms) The gross proceeds of sales or sales price of handguns as defined pursuant to Section 16-23-10(1) of the 1976 Code, rifles, and shot guns is exempt from the taxes imposed pursuant to Chapter 36, Title 12 of the 1976 Code and Chapter 10, Title 4 of the 1976 Code for sales occurring from 12:01 a.m., Friday, November 26, 2010, through twelve midnight, Saturday, November 27, 2010.

89.117. (GP: Retirement Systems) A charter school employing an individual on leave from a local school district on, or after July 1, 2006 shall participate in the South Carolina Retirement Systems as a covered employer with respect to the employee on leave through June 30, 2011 only to the extent that the charter school and the employee have made required employer and employee contributions to the South Carolina Retirement Systems from the employee's date of employment with the charter school. The employee on leave from a local school district employed by a charter school shall accrue benefits and credits in the South Carolina Retirement Systems. The charter school shall remit to the Retirement Systems the employer contributions

required by law for participating employers. The employee shall make the employee contributions to the Retirement Systems required by law and the contributions must be picked up in accordance with Section 9-1-1020. The South Carolina Retirement Systems may impose reasonable requirements to administer this section.

SECTION 90 - X91-STATEWIDE REVENUE

90.16. (SR: Nonrecurring Revenue - Increased Enforcement Collections) For Fiscal Year 2010-11, the Department of Revenue shall continue its efforts pertaining to increased enforcement collections as established in Fiscal Year 2009-10.

The department may collect revenues from any source within its jurisdiction, which may include but is not limited to corporate, individual or sales tax collections but especially shall focus on enforced collections and outstanding liabilities.

These funds shall be deposited in a fund separate and distinct from the general fund as established within the Office of the State Treasurer, except that any motor fuel funds collected as a result of the enforced collection efforts shall be distributed in the same manner as other motor fuel tax revenues are currently distributed.

The Department of Revenue shall develop internal mechanisms to insure the integrity of customary and usual enforced collections. When the department determines that the quarterly customary and usual enforced collections have been exceeded, the department shall deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision.

For the fiscal year beginning July 1, 2010 and ending June 30, 2011, the State Treasurer shall disburse \$3,625,000 to E28 - Election Commission for the 2010 General Election, \$250,000 to D05 - Governor's Office of Executive Control of State for transition costs, and \$100,000 to E04 - Office of Lieutenant Governor for transition costs, and shall then disburse quarterly the following funds on a pro rata basis:

- (1) Part IA State General Fund \$11,257,832;
- (2) F03 - Budget and Control Board
SCEIS \$2,179,716;
- (3) H03 - Commission on Higher Education
SREB Dues \$413,929;
- (4) H59 - State Board for Technical and
Comprehensive Education CATT Program \$7,000,000;
- (5) P32 - Department of
Commerce
Deal Closing Fund \$5,000,000;
- (6) A01 - The Senate
Reapportionment \$1,000,000;
- (7) A05 - House of Representatives
Reapportionment \$1,000,000;
- (8) F03 - Budget and Control Board
Reapportionment \$20,000;
- (9) F03 - Budget and Control Board
Operating Expenses \$297,855;
- (10) P28 - Department of Parks, Recreation and
Tourism
Operating Expenses \$1,000,000;
- (11) H63 - Department of Education

- Career and Technology Education (CATE)
 Textbooks and Resource Materials \$662,000;
- (12) H63 - Department of Education
 Transportation \$900,000;
 - (13) H63 - Department of Education
 School Bus Fuel \$11,000,000
 - (14) H63 - Department of Education
 Governor's School for the Arts and
 the Humanities \$500,000;
 - (15) H63 - Department of Education
 Governor's School for Math and Science \$500,000;
 - (16) E21 - Prosecution Coordination Commission
 Operating Expenses \$1,000,000;
 - (17) E23 - Commission on Indigent Defense
 Operating Expenses \$1,000,000;
 - (18) F30 - B&C Board, Employee Benefits
 Health Plan - Employer Increase \$147,076;
 - (19) X44 - Aid to Subdivisions - Department of Revenue
 Homestead Exemption Shortfall \$35,480,071;
 - (20) L12 - John de la Howe School
 Operating Expenses \$308,765;
 - (21) L71 - Wil Lou Gray Opportunity School
 Operating Expenses \$308,764;
 - (22) N04 - Department of Corrections
 Operating Expenses \$8,571,992;
 - (23) N08 - Department of Probation, Parole and
 Pardon Services Sentencing Reform Act \$510,000;
 - (24) N08 - Department of Probation, Parole and Pardon
 Services Ignition Interlock Implementation \$67,000;
 - (25) N12 - Department of Juvenile Justice
 Operating Expenses \$2,000,000;
 - (26) B04 - Judicial Department
 Operating Expenses \$2,900,000; and
 - (27) P16 - Department of Agriculture
 Operating Expenses \$1,000,000.

Once sufficient revenue has been collected to fully fund the above items, the first \$8,000,000 of excess revenue shall be transferred to the Department of Motor Vehicles to reimburse the department for the funds transferred to other agencies by proviso 90.17 of this act. The next \$1,000,000 of excess revenue shall be transferred to the Forestry Commission for expenses associated with firefighting activities. The next \$1,000,000 shall be transferred to the National Guard. Any excess increased tax enforcement collections revenue above the amounts identified in this provision shall be transferred to the General Fund of the State.

To insure that customary and usual enforced collections are unaffected by this provision, the Office of the State Treasurer may not disburse funds from this account until the following schedule of General Fund enforced collections are deposited by the Department of Revenue by the end of each quarter in the fiscal year. If quarterly General Fund enforced collections do not

reach the required levels, distributions from this account are suspended for that quarter. The required deposits of quarterly General Fund enforced collections by the end of each quarter are:

July to September 2010	\$ 90,000,000
October to December 2010	\$180,000,000
January to March 2011	\$270,000,000
April to June 2011	\$360,000,000

The Department of Revenue shall report on a quarterly basis to the finance committees of the General Assembly and to the Board of Economic Advisors on the amount of customary and usual enforced collections and the excess collections from the enhanced collection activities.

The Department of Revenue shall provide data to the finance committees of the General Assembly and the Board of Economic Advisors on prior years enforced collections to assist in monitoring revenue collection seasonal flows that impact the funding of state government programs.

By this provision these funds are deemed to have been received and are available for appropriation.

South Carolina General Assembly
118th Session, 2009-2010

H. 4657

General Appropriations Bill for fiscal year 2010-2011
As Ratified by the General Assembly

PLEASE NOTE

Provisions not vetoed by the Governor took effect June 9, 2010, and generally apply for the fiscal year beginning July 1, 2010. To see those items vetoed by the Governor, see the Governor's veto message which follows. To determine which vetoes were sustained and which vetoes were overridden, refer to the Journal of the House of Representatives for June 16, 2010, and the Senate Journals for June 17 and 29, 2010.

PART III
FISCAL YEAR 2010-11 STATE STABILIZATION FUND

SECTION 1. Pursuant to the State Fiscal Stabilization Fund Program established by Title IV of the American Recovery and Reinvestment Act of 2009 (ARRA), \$346,056,109 of federal funds are authorized for appropriation pursuant to the provisions of this Part.

SECTION 2. (A) The following sums shall be transferred to the following agencies to be expended for the specified purposes to supplement appropriations made for the expenses of state government in the annual general appropriation act for Fiscal Year 2010-11 and the Office of State Budget is directed to increase agency federal fund authorization for funds from the State Budget Stabilization Fund allocated herein:

- (1) H63 - Department of Education School
District Stabilization \$174,430,646
- (2) H03 - Commission on Higher Education \$364,440
- (3) H09 - The Citadel \$2,363,807
- (4) H12 - Clemson University \$16,484,608
- (5) H15 - University of Charleston \$4,988,026
- (6) H17 - Coastal Carolina University \$2,426,619
- (7) H18 - Francis Marion University \$2,811,497
- (8) H21 - Lander University \$1,594,370
- (9) H24 - South Carolina State University \$3,458,970
- (10) H27 - University of South Carolina -
Columbia \$26,892,783
- (11) H29 - University of South Carolina -
Aiken \$1,632,206
- (12) H34 - University of South Carolina -
Upstate \$2,129,109
- (13) H36 - University of South Carolina -
Beaufort \$481,777

- (14) H37 - University of South Carolina -
Lancaster \$406,379
 - (15) H38 - University of South Carolina -
Salkehatchie \$346,335
 - (16) H39 - University of South Carolina - Sumter \$642,876
 - (17) H40 - University of South Carolina - Union \$156,660
 - (18) H47 - Winthrop University \$3,415,182
 - (19) H51 - Medical University of
South Carolina \$14,201,190
 - (20) H53 - Consortium of Community
Teaching Hospitals \$2,184,649
 - (21) H59 - Board for Technical & Comprehensive
Education \$23,676,177
 - (22) H87 - State Library \$1,172,758
 - (23) P12 - Forestry Commission \$500,000
 - (24) P16 - Department of Agriculture \$200,000
 - (25) P20 - Clemson University - PSA \$2,600,000
 - (26) P21 - South Carolina State University - PSA \$500,000
 - (27) B04 - Judicial Department \$2,150,000
 - (28) C05 - Administrative Law Court \$100,000
 - (29) D10 - State Law Enforcement Division \$2,000,000
 - (30) E20 - Office of Attorney General \$500,000
 - (31) E21 - Prosecution Coordination Commission \$500,000
 - (32) E23 - Commission on Indigent Defense \$700,000
 - (33) N04 - Department of Corrections \$40,428,008
 - (34) N20 - Law Enforcement Training Council \$120,000
 - (35) P24 - Department of Natural Resources \$1,145,089
 - (36) E08 - Secretary of State \$40,000
 - (37) A15 - Leg Dept. - Codification of Laws and
Legislative Council \$100,000
 - (38) F27 - Budget and Control Board, State
Auditor's Office \$111,948
 - (39) H79 - Department of Archives and History \$200,000
 - (40) H91 - Arts Commission \$250,000
 - (41) N08 - Department of Probation, Parole and
Pardon Services - Operating Expenses \$2,000,000
 - (42) N08 - Department of Probation, Parole and
Pardon Services - Sentencing Reform \$600,000
 - (43) N12 - Department of Juvenile Justice \$5,000,000 and
 - (44) H95 - State Museum \$50,000
- Total Funds Authorized for
Fiscal Year 2010-11 \$346,056,109.

(B) Of the funds transferred to the State Law Enforcement Division in this section, the division must utilize the funds to maximize statutorily-mandated law enforcement services.

(C) For purposes of the expenditures authorized by this section, the funds must be used in a manner consistent with the provisions of the State Fiscal Stabilization Fund established by the American Recovery and Reinvestment Act of 2009 and the provisions of this act.

(D) The General Assembly recognizes that the receipt of the funds appropriated in this Part is designed to address a precipitous drop in revenue due to the pending economic crisis and the use of this money to fund recurring expenses is a means to address this shortfall in recurring funds until the economy improves. The General Assembly further recognizes that these funds are temporary in nature and may not be sufficient to address a shortfall in recurring revenue if the current economic crisis extends beyond the period currently contemplated. As a result, the General Assembly strongly encourages state agencies and institutions and school districts receiving these funds to limit the reliance on these funds and make contingency plans that include savings necessary to meet future recurring obligations.

(E) Unexpended federal funds authorized in Part III of the prior appropriation act and in Part III of this act shall be carried forward from the prior fiscal year into the current and subsequent fiscal years and be expended for the same purpose in accordance with federal guidelines.

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

END OF PART III

H 3700; Act No. 73 - 2011-12 Appropriations Act
SECTION 1 - H63-DEPARTMENT OF EDUCATION

1.1. (SDE: Appropriation Transfer Prohibition) The amounts appropriated herein for aid to subdivisions, allocations to school districts, or special line items shall not be transferred and must be expended in accordance with the intent of the appropriation, except that the department may transfer funds that are deducted and retained from a school district's transportation allocation to reimburse the department for the cost of unauthorized mileage. This transfer must be agreed upon by both the school district and the department. Those funds may be transferred into the department's school bus transportation operating account.

1.2. (SDE: DHEC - Comprehensive Health Assessment) All school districts shall participate, to the fullest extent possible, in the Medicaid program by seeking appropriate reimbursement for services and administration of health and social services. Reimbursements to the school districts shall not be used to supplant funds currently being spent on health and social services.

1.3. (SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for one hundred percent of full implementation of the Education Finance Act to include an inflation factor projected by the Division of Budget and Analyses to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be \$1,788. In Fiscal Year 2011-2012, the total pupil count is projected to be 690,111. The average per pupil funding is projected to be \$4,834 state, \$1,215 federal, and \$5,705 local. This is an average total funding level of \$11,754 excluding revenues of local bond issues. For Fiscal Year 2011-2012 the South Carolina Public Charter School District shall receive and distribute state EFA funds to the charter school as determined by one hundred percent of the current year's base student cost, as funded by the General Assembly multiplied by the weighted students pupils enrolled in the charter school, which must be subject to adjustment for student attendance.

In Fiscal Year 2011-2012, the Abbeville School District total pupil count is projected to be 2,971. The per pupil funding is projected to be \$6,059 state, \$1,354 federal, and \$3,316 local. This is a total projected funding level of \$10,729 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Aiken School District total pupil count is projected to be 23,658. The per pupil funding is projected to be \$4,499 state, \$1,071 federal, and \$3,713 local. This is a total projected funding level of \$9,283 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Allendale School District total pupil count is projected to be 1,351. The per pupil funding is projected to be \$8,564 state, \$2,461 federal, and \$5,261 local. This is a total projected funding level of \$16,286 excluding revenues of local bond issues.

In Fiscal Year, 2011-2012 the Anderson School District 1 total pupil count is projected to be 8,933. The per pupil funding is projected to be \$4,637 state, \$763 federal, and \$3,362 local. This is a total projected funding level of \$8,762 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Anderson School District 2 total pupil count is projected to be 3,625. The per pupil funding is projected to be \$4,791 state, \$1,168 federal, and \$3,489 local. This is a total projected funding level of \$9,448 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Anderson School District 3 total pupil count is projected to be 2,479. The per pupil funding is projected to be \$4,930 state, \$1,290 federal, and \$3,747 local. This is a total projected funding level of \$9,967 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Anderson School District 4 total pupil count is projected to be 2,734. The per pupil funding is projected to be \$4,997 state, \$1,186 federal, and \$6,182 local. This is a total projected funding level of \$12,366 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Anderson School District 5 total pupil count is projected to be 12,150. The per pupil funding is projected to be \$4,597 state, \$1,413 federal, and \$4,295 local. This is a total projected funding level of \$10,305 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Bamberg School District 1 total pupil count is projected to be 1,410. The per pupil funding is projected to be \$6,040 state, \$1,840 federal, and \$3,420 local. This is a total projected funding level of \$11,300 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Bamberg School District 2 total pupil count is projected to be 795. The per pupil funding is projected to be \$6,864 state, \$2,085 federal, and \$3,729 local. This is a total projected funding level of \$12,678 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Barnwell School District 19 total pupil count is projected to be 818. The per pupil funding is projected to be \$5,843 state, \$2,257 federal, and \$4,680 local. This is a total projected funding level of \$12,780 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Barnwell School District 29 total pupil count is projected to be 953. The per pupil funding is projected to be \$4,826 state, \$1,281 federal, and \$4,042 local. This is a total projected funding level of \$10,149 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Barnwell School District 45 total pupil count is projected to be 2,375. The per pupil funding is projected to be \$5,551 state, \$1,268 federal, and \$3,434 local. This is a total projected funding level of \$10,253 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Beaufort School District total pupil count is projected to be 18,817. The per pupil funding is projected to be \$3,621 state, \$1,138 federal, and \$11,656 local. This is a total projected funding level of \$16,415 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Berkeley School District total pupil count is projected to be 28,674. The per pupil funding is projected to be \$4,554 state, \$1,092 federal, and \$4,753 local. This is a total projected funding level of \$10,399 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Calhoun School District total pupil count is projected to be 1,649. The per pupil funding is projected to be \$5,903 state, \$1,646 federal, and \$6,810 local. This is a total projected funding level of \$14,359 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Charleston School District total pupil count is projected to be 43,088. The per pupil funding is projected to be \$3,326 state, \$1,169 federal, and \$9,283 local. This is a total projected funding level of \$13,778 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Cherokee School District total pupil count is projected to be 8,498. The per pupil funding is projected to be \$4,878 state, \$1,606 federal, and \$4,844 local. This is a total projected funding level of \$11,328 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Chester School District total pupil count is projected to be 5,182. The per pupil funding is projected to be \$5,273 state, \$1,315 federal, and \$4,051 local. This is a total projected funding level of \$10,639 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Chesterfield School District total pupil count is projected to be 7,372. The per pupil funding is projected to be \$5,137 state, \$1,316 federal, and \$3,673 local. This is a total projected funding level of \$10,126 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Clarendon School District 1 total pupil count is projected to be 863. The per pupil funding is projected to be \$5,699 state, \$2,878 federal, and \$5,862 local. This is a total projected funding level of \$14,438 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Clarendon School District 2 total pupil count is projected to be

2,911. The per pupil funding is projected to be \$4,570 state, \$1,829 federal, and \$2,848 local. This is a total projected funding level of \$9,247 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Clarendon School District 3 total pupil count is projected to be 1,193. The per pupil funding is projected to be \$5,369 state, \$1,038 federal, and \$2,894 local. This is a total projected funding level of \$9,301 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Colleton School District total pupil count is projected to be 5,733. The per pupil funding is projected to be \$4,663 state, \$2,070 federal, and \$6,363 local. This is a total projected funding level of \$13,096 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Darlington School District total pupil count is projected to be 10,153. The per pupil funding is projected to be \$5,240 state, \$1,633 federal, and \$4,995 local. This is a total projected funding level of \$11,868 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Dillon School District 1 total pupil count is projected to be 833. The per pupil funding is projected to be \$5,333 state, \$1,456 federal, and \$1,813 local. This is a total projected funding level of \$8,603 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Dillon School District 2 total pupil count is projected to be 3,408. The per pupil funding is projected to be \$4,856 state, \$1,891 federal, and \$1,580 local. This is a total projected funding level of \$8,327 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Dillon School District 3 total pupil count is projected to be 1,527. The per pupil funding is projected to be \$4,753 state, \$1,537 federal, and \$2,168 local. This is a total projected funding level of \$8,459 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Dorchester School District 2 total pupil count is projected to be 22,783. The per pupil funding is projected to be \$4,942 state, \$722 federal, and \$2,967 local. This is a total projected funding level of \$8,631 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Dorchester School District 4 total pupil count is projected to be 2,057. The per pupil funding is projected to be \$5,521 state, \$2,157 federal, and \$7,355 local. This is a total projected funding level of \$15,033 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Edgefield School District total pupil count is projected to be 3,921. The per pupil funding is projected to be \$5,181 state, \$1,302 federal, and \$4,375 local. This is a total projected funding level of \$10,858 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Fairfield School District total pupil count is projected to be 2,852. The per pupil funding is projected to be \$5,424 state, \$1,768 federal, and \$7,970 local. This is a total projected funding level of \$15,162 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Florence School District 1 total pupil count is projected to be 15,460. The per pupil funding is projected to be \$5,002 state, \$1,271 federal, and \$3,734 local. This is a total projected funding level of \$10,007 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Florence School District 2 total pupil count is projected to be 1,121. The per pupil funding is projected to be \$5,380 state, \$1,284 federal, and \$3,442 local. This is a total projected funding level of \$10,106 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Florence School District 3 total pupil count is projected to be 3,243. The per pupil funding is projected to be \$5,932 state, \$3,251 federal, and \$2,390 local. This is a total projected funding level of \$11,574 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Florence School District 4 total pupil count is projected to be 738. The per pupil funding is projected to be \$6,721 state, \$2,589 federal, and \$4,569 local. This is a total projected funding level of \$13,879 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Florence School District 5 total pupil count is projected to be 1,386. The per pupil funding is projected to be \$5,264 state, \$1,129 federal, and \$4,020 local.

This is a total projected funding level of \$10,413 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Georgetown School District total pupil count is projected to be 9,335. The per pupil funding is projected to be \$3,735 state, \$1,298 federal, and \$7,241 local.

This is a total projected funding level of \$12,273 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Greenville School District total pupil count is projected to be 70,978. The per pupil funding is projected to be \$4,575 state, \$1,114 federal, and \$4,739 local.

This is a total projected funding level of \$10,429 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Greenwood School District 50 total pupil count is projected to be 8,735. The per pupil funding is projected to be \$4,922 state, \$1,073 federal, and \$6,042 local.

This is a total projected funding level of \$12,036 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Greenwood School District 51 total pupil count is projected to be 884. The per pupil funding is projected to be \$6,262 state, \$1,472 federal, and \$3,866 local.

This is a total projected funding level of \$11,600 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Greenwood School District 52 total pupil count is projected to be 1,540. The per pupil funding is projected to be \$4,015 state, \$605 federal, and \$6,229 local.

This is a total projected funding level of \$10,849 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Hampton School District 1 total pupil count is projected to be 2,392. The per pupil funding is projected to be \$6,027 state, \$1,576 federal, and \$3,304 local.

This is a total projected funding level of \$10,907 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Hampton School District 2 total pupil count is projected to be 935. The per pupil funding is projected to be \$7,615 state, \$2,706 federal, and \$4,633 local.

This is a total projected funding level of \$14,954 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Horry School District total pupil count is projected to be 37,987. The per pupil funding is projected to be \$3,567 state, \$1,191 federal, and \$9,073 local.

This is a total projected funding level of \$13,831 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Jasper School District total pupil count is projected to be 2,968. The per pupil funding is projected to be \$5,224 state, \$1,891 federal, and \$5,114 local. This is a total projected funding level of \$12,228 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Kershaw School District total pupil count is projected to be 10,182. The per pupil funding is projected to be \$4,325 state, \$1,109 federal, and \$5,562 local.

This is a total projected funding level of \$10,995 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Lancaster School District total pupil count is projected to be 11,360. The per pupil funding is projected to be \$4,742 state, \$1,514 federal, and \$4,067 local.

This is a total projected funding level of \$10,322 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Laurens School District 55 total pupil count is projected to be 5,467. The per pupil funding is projected to be \$4,949 state, \$1,319 federal, and \$3,204 local.

This is a total projected funding level of \$9,473 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Laurens School District 56 total pupil count is projected to be 2,814. The per pupil funding is projected to be \$5,600 state, \$2,552 federal, and \$4,618 local.

This is a total projected funding level of \$12,770 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Lee School District total pupil count is projected to be 2,031. The per pupil funding is projected to be \$8,924 state, \$2,604 federal, and \$3,838 local. This is a total projected funding level of \$15,366 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Lexington School District 1 total pupil count is projected to be 22,433. The per pupil funding is projected to be \$5,747 state, \$620 federal, and \$5,454 local.

This is a total projected funding level of \$11,820 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Lexington School District 2 total pupil count is projected to be 8,441. The per pupil funding is projected to be \$4,731 state, \$1,149 federal, and \$4,477 local. This is a total projected funding level of \$10,357 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Lexington School District 3 total pupil count is projected to be 1,936. The per pupil funding is projected to be \$5,853 state, \$1,255 federal, and \$5,444 local. This is a total projected funding level of \$12,552 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Lexington School District 4 total pupil count is projected to be 3,218. The per pupil funding is projected to be \$5,757 state, \$1,680 federal, and \$4,020 local. This is a total projected funding level of \$11,458 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Lexington School District 5 total pupil count is projected to be 16,348. The per pupil funding is projected to be \$6,198 state, \$728 federal, and \$5,778 local. This is a total projected funding level of \$12,703 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Marion School District 1 total pupil count is projected to be 2,659. The per pupil funding is projected to be \$4,881 state, \$1,558 federal, and \$2,650 local. This is a total projected funding level of \$9,089 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Marion School District 2 total pupil count is projected to be 1,764. The per pupil funding is projected to be \$5,474 state, \$2,269 federal, and \$2,667 local. This is a total projected funding level of \$10,410 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Marion School District 7 total pupil count is projected to be 599. The per pupil funding is projected to be \$7,598 state, \$4,130 federal, and \$2,920 local. This is a total projected funding level of \$14,648 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Marlboro School District total pupil count is projected to be 4,098. The per pupil funding is projected to be \$5,445 state, \$2,587 federal, and \$3,850 local. This is a total projected funding level of \$11,881 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the McCormick School District total pupil count is projected to be 741. The per pupil funding is projected to be \$8,698 state, \$2,678 federal, and \$8,935 local. This is a total projected funding level of \$20,310 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Newberry School District total pupil count is projected to be 5,560. The per pupil funding is projected to be \$5,402 state, \$1,658 federal, and \$5,339 local. This is a total projected funding level of \$12,399 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Oconee School District total pupil count is projected to be 10,158. The per pupil funding is projected to be \$4,281 state, \$1,079 federal, and \$7,019 local. This is a total projected funding level of \$12,379 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Orangeburg School District 3 total pupil count is projected to be 2,813. The per pupil funding is projected to be \$5,229 state, \$1,852 federal, and \$6,036 local. This is a total projected funding level of \$13,117 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Orangeburg School District 4 total pupil count is projected to be 3,708. The per pupil funding is projected to be \$5,294 state, \$1,431 federal, and \$4,515 local. This is a total projected funding level of \$11,240 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Orangeburg School District 5 total pupil count is projected to be 6,238. The per pupil funding is projected to be \$5,426 state, \$1,947 federal, and \$5,480 local. This is a total projected funding level of \$12,853 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Pickens School District total pupil count is projected to be 15,778. The per pupil funding is projected to be \$4,678 state, \$917 federal, and \$6,393 local. This is a total projected funding level of \$11,987 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Richland School District 1 total pupil count is projected to be

22,883. The per pupil funding is projected to be \$4,343 state, \$1,730 federal, and \$11,113 local. This is a total projected funding level of \$17,186 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Richland School District 2 total pupil count is projected to be 26,013. The per pupil funding is projected to be \$5,898 state, \$658 federal, and \$5,469 local.

This is a total projected funding level of \$12,025 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Saluda School District total pupil count is projected to be 2,060. The per pupil funding is projected to be \$4,963 state, \$1,060 federal, and \$2,925 local.

This is a total projected funding level of \$8,948 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Spartanburg School District 1 total pupil count is projected to be 4,794. The per pupil funding is projected to be \$6,191 state, \$979 federal, and \$4,515 local.

This is a total projected funding level of \$11,685 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Spartanburg School District 2 total pupil count is projected to be 9,695. The per pupil funding is projected to be \$5,276 state, \$851 federal, and \$3,392 local.

This is a total projected funding level of \$9,519 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Spartanburg School District 3 total pupil count is projected to be 2,863. The per pupil funding is projected to be \$5,019 state, \$950 federal, and \$4,987 local.

This is a total projected funding level of \$10,955 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Spartanburg School District 4 total pupil count is projected to be 2,733. The per pupil funding is projected to be \$4,991 state, \$851 federal, and \$2,743 local.

This is a total projected funding level of \$8,585 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Spartanburg School District 5 total pupil count is projected to be 7,316. The per pupil funding is projected to be \$5,304 state, \$851 federal, and \$5,832 local.

This is a total projected funding level of \$11,988 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Spartanburg School District 6 total pupil count is projected to be 10,244. The per pupil funding is projected to be \$4,772 state, \$918 federal, and \$4,558 local.

This is a total projected funding level of \$10,248 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Spartanburg School District 7 total pupil count is projected to be 6,714. The per pupil funding is projected to be \$6,002 state, \$2,417 federal, and \$6,144 local.

This is a total projected funding level of \$14,563 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Sumter School District 2 total pupil count is projected to be 7,933. The per pupil funding is projected to be \$4,984 state, \$1,414 federal, and \$3,740 local.

This is a total projected funding level of \$10,138 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Sumter School District 17 total pupil count is projected to be 8,274. The per pupil funding is projected to be \$4,745 state, \$1,395 federal, and \$3,247 local.

This is a total projected funding level of \$9,388 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Union School District total pupil count is projected to be 4,145. The per pupil funding is projected to be \$5,773 state, \$1,314 federal, and \$2,852 local. This is a total projected funding level of \$9,939 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the Williamsburg School District total pupil count is projected to be 4,463. The per pupil funding is projected to be \$5,919 state, \$2,516 federal, and \$4,180 local.

This is a total projected funding level of \$12,615 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the York School District 1 total pupil count is projected to be 4,885. The per pupil funding is projected to be \$5,457 state, \$1,261 federal, and \$8,325 local.

This is a total projected funding level of \$15,043 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the York School District 2 total pupil count is projected to be 6,218. The per pupil funding is projected to be \$4,780 state, \$591 federal, and \$8,517 local.

This is a total projected funding level of \$13,888 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the York School District 3 total pupil count is projected to be 16,481. The per pupil funding is projected to be \$5,788 state, \$983 federal, and \$6,035 local. This is a total projected funding level of \$12,806 excluding revenues of local bond issues.

In Fiscal Year 2011-2012, the York School District 4 total pupil count is projected to be 10,589. The per pupil funding is projected to be \$5,580 state, \$458 federal, and \$5,686 local. This is a total projected funding level of \$11,724 excluding revenues of local bond issues.

1.4. (SDE: EFA - Formula) The amount appropriated in Part IA, Section 1 for "Education Finance Act" shall be the maximum paid under the provisions of Act 163 of 1977 (the South Carolina Education Finance Act of 1977) to the aggregate of all recipients. The South Carolina Education Department shall develop formulas to determine the state and required local funding as stipulated in the South Carolina Education Finance Act of 1977. Such formulas shall require the approval of the State Board of Education and the Budget and Control Board. After computing the EFA allocations for all districts, the department shall determine whether any districts' minimum required local revenue exceeds the districts' total EFA Foundation Program. When such instance is found, the department shall adjust the index of taxpaying ability to reflect a local effort equal to the cost of the districts' EFA Foundation Program. The districts' weighted pupil units are to be included in determination of the funds needed for implementation of the Education Finance Act statewide.

In the event that the formulas as devised by the Department of Education and approved by the State Board of Education and the Budget and Control Board should provide for distribution to the various school districts totaling more than the amount appropriated for such purposes, subject to the provisions of this proviso, the Department of Education shall reduce each school district entitlement by an equal amount per weighted pupil so as to bring the total disbursements into conformity with the total funds appropriated for this purpose. If a reduction is required in the state's contribution, the required local funding shall be reduced by the proportionate share of local funds per weighted pupil unit. The Department of Education shall continually monitor the distribution of funds under the provisions of the Education Finance Act and shall make periodic adjustments to disbursements to insure that the aggregate of such disbursements do not exceed the appropriated funds.

Local districts shall not be mandated or required to inflate the base number in their respective salary schedules by any percentage greater than the percentage by which the appropriated base student cost exceeds the appropriated base student cost of the prior fiscal year.

1.5. (SDE: Employer Contributions/Allocations) It is the intent of the General Assembly that the appropriation contained herein for "Public School Employee Benefits" shall not be utilized to provide employer contributions for any portion of a school district employee's salary which is federally funded.

State funds allocated for school district employer contributions must be allocated by the formula and must be used first by each district to cover the cost of fringe benefits for personnel required by the Defined Program, food service personnel and other personnel required by law.

Once a district has expended all state allocated funds for fringe benefits, the district may utilize food service revenues to fund a proportionate share of fringe benefits costs for food service personnel.

The Department of Juvenile Justice and the Department of Corrections' school districts must be allocated funds under the fringe benefits program in accordance with criteria established for all school districts.

1.6. (SDE: Employer Contributions/Obligations) In order to finalize each school district's allocations of Employer Contributions funds for retiree insurance from the prior fiscal year, the Department of Education is authorized to adjust a school district's allocation in the current fiscal year accordingly to reflect actual payroll and payments to the Retirement System from the prior fiscal year. In the event the Department of Education is notified that an educational subdivision has failed to remit proper payments to cover Employee Fringe Benefit obligations, the Department of Education is directed to withhold the educational subdivision's state funds until such obligations are met.

1.7. (SDE: Governor's School for Science & Math) Any unexpended balance on June 30 of the prior fiscal year of funds appropriated to or generated by the Governor's School for Science and Mathematics may be carried forward and expended in the current fiscal year pursuant to the direction of the board of trustees of the school.

1.8. (SDE: Educational Responsibility/Foster Care) The responsibility for providing a free and appropriate public education program for all children including disabled students is vested in the public school district wherein a child of lawful school age resides in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental illness or chemical dependence and habilitation centers for mentally retarded persons or persons with related conditions located within the jurisdiction of the school district or alternative residences. The districts concerned may agree upon acceptable local cost reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child last resided before placement in a facility an additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. If a child from out of state is residing in a facility owned and/or operated by a for profit entity, the district providing educational services shall be reimbursed by the for profit entity the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. This also applies to John de la Howe School who also has the authority to seek reimbursement in any situation that the school district has participation in the placement of the student. John de la Howe school shall be reimbursed the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. Participation will be evidenced by a written agreement from the IEP team or 504 team, written referral, or the school district initiating the placement process. School districts providing the education shall notify the nonresident district in writing within forty-five calendar days that a student from the nonresident district is receiving education services pursuant to the provisions of the proviso. The notice shall also contain the student's name, date of birth, and disabling condition if available. If appropriate financial arrangements cannot be effected between institutions of the state, including independent school districts under the authority of the Department of Disabilities and Special Needs, and school districts, institutions receiving educational appropriations shall pay the local base student cost multiplied by the appropriate pupil weighting. Children residing in institutions of state agencies shall be educated with nondisabled children in the public school districts if appropriate to their educational needs. Such institutions shall determine, on an individual basis, which children residing in the institution might be eligible to receive appropriate educational services in a public school setting. Once these children are identified, the institution shall convene an IEP meeting with officials of the public school district in which the institution is located. If it is determined by the committee that

the least restrictive environment in which to implement the child's IEP is a public school setting, then the school district in which the institution is located must provide the educational services.

However, that school district may enter into contractual agreements with any other school district having schools located within a forty-five mile radius of the institution. The cost for educating such children shall be allocated in the following manner: the school district where the child last resided before being placed in an institution shall pay to the school district providing the educational services an amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act; the school district providing the educational services shall be able to count the child for all funding sources, both state and federal. The institution and school district, through contractual agreements, will address the special education and related services to be provided to students. Should the school district wherein the institution is located determine that the child cannot be appropriately served in a public school setting, then the institution may request a due process hearing pursuant to the procedures provided for in the Individuals with Disabilities Education Act.

The agreed upon acceptable local cost reimbursement or the additional amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to out-of-district students, shall be paid within sixty days of billing, provided the billing district has provided a copy of the invoice to both the Superintendent and the finance office of the district being invoiced. Should the district not pay within sixty days, the billing district can seek relief from the Department of Education. The department shall withhold EFA funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the billing school district.

The agency placing a child in any situation that requires changing school districts, must work with the schools to assure that all required school records, including confidential records, are transferred from the sending to the receiving school within three working days. School records to be transferred should include grade transcripts, state birth certificate, certificate of immunization, social security card, attendance records, discipline records, IEP's, psychological reports (or notation in the school records that a psychological report on the child is available at the school district office) and any other records necessary for the appropriate placement of the child in the new school. School districts must release all records upon presentation of a court order or appropriate permission for confidential release. If evaluation or placement is pending, the receiving school district is responsible to secure information and to complete the placement. The receiving school will maintain appropriate confidentiality of all records received on a child.

1.9. (SDE: Disabled/Preschool Children) The state funding for free appropriate public education provided for the three and four-year-old disabled children served under Act 86 of 1993, shall be distributed based on the district's index of taxpaying ability as defined in Section 59-20-20(3). Five-year-old disabled children shall continue to be funded under the Education Finance Act of 1977.

1.10. (SDE: Instruction in Juvenile Detention Centers) It shall be the responsibility of the school district where a local juvenile detention center is located to provide adequate teaching staff and to ensure compliance with the educational requirements of this State. Students housed in local detention centers are to be included in the average daily membership count of students for that district and reimbursement by the Department of Education made accordingly.

1.11. (SDE: Revenue Authorization) The State Department of Education is hereby authorized to collect, expend, and carry forward revenues in the following areas to offset the cost

of providing such services: the sale of publications, manuals and forms, the sale of Apple Tags, royalties, contributions, donations, foundation funds, special grants and contracts, brochures, photo copies, listings and labels, Directory of South Carolina Schools, student health record cards, items to be recycled, and high school diplomas and certificates; the collection of out-of-state and in-state investigation fees, registration fees for nonSDE employees, recurring facility inspection fees, teacher certification fees; the handling of audio-visual film; the provision of contract computer services to school districts and other state agencies, joint broadcast service to school districts, and education-related statistics through agreement with the National Center for Education Statistics; the lease or sale of programs of television, audio or microcomputer software; the lease or sale of virtual courses to other states; the collection of damage fees for instructional materials and the sale of unusable instructional materials; sale of fuel; use and repair of transportation equipment; fees for Medicaid reimbursable transportation; the receipt of insurance and warranty payments on Department of Education equipment and the sale of used school buses and support equipment. The Department of Education is authorized to collect revenue for deposit into the State General Fund for testing material purchases and test rescoring fees. The Department of Education is authorized to expend revenue collected for lost and damaged instructional materials and the sale of unusable instructional materials for the purpose of contracting for the purchase and maintenance of a statewide textbook inventory management system, provided that schools' newly-adopted instructional materials needs are met first.

1.12. (SDE: School District Bank Accounts) Each school district in this State, upon the approval of the district's governing body, may maintain its own bank account for the purpose of making disbursement of school district funds as necessary to conduct school district business and each county treasurer is hereby authorized to transfer such amount as needed, upon receipt of a written order certified by the district governing body or their designee. Such order shall contain a statement that such amount is for immediate disbursement for the payment of correct and legal obligation of the school district.

1.13. (SDE: School Lunch Program Aid) The amount appropriated herein for School Lunch Program Aid shall be divided among the District and/or County Boards of Education of the State upon the basis of the number of schools participating in the School Lunch Program in each district during the prior school year. The travel expenses of the District and/or County School Lunch Supervisor shall be paid from this appropriation at the prevailing rate of mileage allowed by the State. These funds may be used as an aid in improving the School Lunch Program. These funds may not be used to supplement the salaries of school lunch supervisors. In the absence of a County Board of Education in multi-district counties, the funds will be divided among the school districts of the county on the basis of the number of schools participating in the School Lunch Program in each district during the prior school year.

1.14. (SDE: Teachers/Temporary Certificates) Of the funds provided for teacher salaries funds may be used to pay salaries for those teachers holding temporary certificates which shall remain valid for the current school year if the local board of education so requests. The State Department of Education shall submit to the General Assembly by March first of the current fiscal year a report showing by district the number of temporary certificates by category; including an enumeration of the certificates carried forward from the previous year. No temporary certificate shall be continued more than twice.

1.15. (SDE: Travel/Outside of Continental U.S.) School District allocations from General Funds and EIA funds shall not be used for travel outside of the continental United States. The International Baccalaureate Program shall be exempt from this restriction.

1.16. (SDE: Year End Closeout) The State Department of Education is authorized to expend federal and earmarked funds (not including state or EIA funds) in the current fiscal year for expenditures incurred in the prior year; however, state funds appropriated in Part IA, Section 1, XIII, Aid to School Districts, for the Children's Case Resolution System or private placements for services provided to children with disabilities may be used for those expenditures in prior fiscal years. The department is also authorized to use appropriated funds to pay for textbooks shipped in the fourth quarter of the prior fiscal year.

1.17. (SDE: Transportation Collaboration) The Department of Education School Bus Maintenance Shops shall be permitted, on a cost reimbursable-plus basis, to deliver transportation maintenance and services to vehicles owned or operated by public agencies in South Carolina.

School buses operated by school districts, other governmental agencies or head start agencies for the purpose of transporting students for school or school related activities shall not be subject to state motor fuel taxes. Further, that school districts, other governmental agencies or head start agencies may purchase this fuel, on a cost reimbursable-plus basis, from the Department of Education School Bus Maintenance Shops.

1.18. DELETED

1.19. (SDE: Summer Exit Exam Cost) Funds appropriated in Part IA, Section 1, XV may be used to offset the costs of the summer administration of the Exit Examination. These funds may be expended to cover the costs related to developing, printing, shipping, scoring, and reporting the results of the assessments. Local school districts may absorb local costs related to administration.

1.20. (SDE: Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.

1.21. (SDE: School Bus Insurance) The Department of Education shall maintain comprehensive and collision insurance or self-insure state-owned buses. In no event shall the department charge local school districts for damages to the buses which are commonly covered by insurance.

1.22. (SDE: Teacher Data Collection) Of the nonprogram funds appropriated to the Department of Education, the department and the Commission on Higher Education shall share data about the teaching profession in South Carolina. The data sharing should ensure (1) a systematic report on teacher supply and demand information and (2) data to determine classes being taught by public school teachers out of field of their preparation. The data collection should include but not be limited to: classes/subjects taught, number of students taught, percentage of teacher education graduates from South Carolina colleges/universities who go into teaching, percentage of teacher education graduates who teach in public schools in South Carolina, percentage of new teachers who leave the South Carolina teaching profession in the

first three years of public school teaching due to unsuccessful evaluations, percentage of new teachers who leave the profession in the first three years of public school teaching in South Carolina who have successful evaluations, turnover rate of teachers and certification areas with highest vacancies. All database items should be set up so that it can be disaggregated by ethnicity, gender, geographic location, etc.

1.23. DELETED

1.24. (SDE: School Building Aid) Of the funds appropriated in Part IA for School Building Aid, \$500,000 shall be allocated on a K-12 per pupil basis to Multi-District Area Vocational Schools.

1.25. (SDE: Assessment) For the current fiscal year PSAT/PLAN shall be suspended and savings generated from suspension of PSAT/PLAN Reimbursement shall be allocated to the Education Finance Act. The department is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring statewide accountability assessment.

1.26. (SDE: Basic Skill Exam) Any person seeking candidacy in an undergraduate teacher education program is required to take and pass the teacher candidate basic skill examination pursuant to Sections 59-26-20 and 59-26-40. Any person who fails to achieve a passing score on all sections shall be allowed to retake the test or a portion thereof. All sections of the teacher candidate basic skill examination must be passed before any person is formally admitted into any undergraduate teacher preparation program in South Carolina. However, any person having attained 1650 or better on the SAT or a comparable ACT score shall be exempt from this requirement.

1.27. (SDE: School Bus Driver CDL) From funds provided in Part IA, Section 1, IX.B., local school districts shall request a criminal record history from the South Carolina Law Enforcement Division for past conviction of any crime before the initial employment of a school bus driver or school bus aide. The Department of Education and the school districts shall be treated as a charitable organization for purposes of the fee charged for the criminal records search.

1.28. (SDE: SAT Preparation) From the funds appropriated for SAT Preparation, the State Department of Education shall institute a plan reviewing, on an individual basis, weaknesses of students on actual PSAT administrations, and providing assistance. To accomplish this, the Department shall use reports that analyze student weaknesses and provide guidance to local schools on the effective use of the reports.

1.29. (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State Superintendent of Education.

The School Bus Specifications Committee shall allow for input from all school bus chassis and body manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus specifications of Georgia or North Carolina in the procurement of school buses.

1.30. (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program IX.B. - Bus Shops and funds appropriated in IX.C. - Buses may be used to purchase buses, fuel, parts, or other school bus related items. All funds appropriated for bus fuel, parts/supplies, maintenance, and bus purchases may be carried forward from the prior fiscal year and expended in the current fiscal year to support bus transportation services.

1.31. (SDE: Mitford Transportation Costs) Transportation costs for the transporting of students from the Mitford area of Fairfield County to schools in the Great Falls area of Chester County is not the responsibility of and shall not be borne by the Chester County School District. These transportation costs shall continue to be the responsibility of the State Department of Education.

1.32. (SDE: Refurbishing Science Kits) Funds appropriated for the purchase of textbooks and other instructional materials may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted textbook inventory, purchasing new kits from the central textbook depository, or a combination of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs, equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs.

1.33. (SDE: Status Offenders/John de la Howe) The funds appropriated for the Status Offender Program shall be distributed to John de la Howe School to expand residential programs to include court ordered status offenders. Components of such a program shall include collaboration between the home school district and the residential school and treatment or related services to the families of students in placement.

1.34. (SDE: Governor's School Leave Policy) The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of their respective board of directors. This policy shall address their respective school calendars in order to comply with the instructional needs of students attending both special schools.

1.35. (SDE: Sale of School District Property) Notwithstanding Section 59-19-250 of the 1976 Code, during the current fiscal year, school trustees of a school district which do not currently have the authority to do so, may sell or lease school property, real or personal, in their school district whenever they deem it expedient to do so and apply the proceeds of the sale or lease to the school fund of the district.

1.36. (SDE: School Facilities Management System) School Districts may use capital improvement bond funds, lapsed funds or any other unexpended appropriated funds or revenues to access the Department of Education's School Facilities Management System database.

1.37. (SDE: School Board Meetings) Of the funds appropriated through the Department of Education for technology related expenses, school districts that have a web site shall place a notice of a regularly scheduled school board meeting twenty-four hours in advance of such meeting. The notice shall include the date, time, and agenda for the board meeting. The school district shall place the minutes of the board meeting on their web site within ten days of the next regularly scheduled board meeting.

1.38. (SDE: Alternative Certification/Displaced Employees) The Department of Education is directed to give priority in the Program for Alternative Certification for Educators (PACE) to the recruitment of qualified state employees impacted by reduction in force actions of agencies. The Student Loan Corporation is directed to give priority in the Career-Changer Loan program to qualified state employees. The Department of Education shall provide information to the Office of Human Resources and the personnel offices of state agencies instituting a reduction in force to advertise and inform employees of this program and state agencies shall work with the department in this effort.

1.39. (SDE: Proviso Allocations) In the event an official General Fund revenue shortfall is declared by the Board of Economic Advisors, the Department of Education may reduce any allocation in Section 1 specifically designated by proviso in accordance with the lower Board of Economic Advisors revenue estimate as directed by the Office of State Budget, except the additional EFA allocation to the South Carolina Public Charter School District. The reduction may not be greater than the total percentage of reduction of the Section 1 appropriation. Should the department hold back funds in excess of the total percentage reduction those funds must be allocated per the proviso. No allocation for teacher salaries shall be reduced as a result of this proviso.

1.40. (SDE: School Districts and Special Schools Flexibility) All 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 allocated specifically for state level maintenance of effort requirements under IDEA, required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, at least seventy 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 seventy percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and noninstruction pupil services for the current school year ending June 30. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

"In\$ite" means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the current fiscal year, 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 flexibility actions taken. 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.

For the current fiscal year, Section 59-21-1030 is suspended. Writing assessments in grades three, four, six, and seven, formative assessments for grades one, two, and nine, the foreign language program assessment, financial literacy, and the physical education assessment must be suspended. Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list may be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

For the current fiscal year, savings generated from the suspension of the writing assessments and the suspension of new textbooks adoptions enumerated above must be allocated to school districts based on the Education Finance Act formula.

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. 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.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also 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. The credit card number on each statement must be redacted prior to posting on the internet website. 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.

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.

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

The Comptroller General shall distribute to the districts a methodology and resources for compliance. 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.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

1.41. (SDE: Medical Examination and Security Reimbursement/Expenditures) From funds authorized in Part IA, Section 1, IX.B. Other Operating Expenses, the Department of

Education may directly pay, or reimburse employees, for the cost of a medical examination as required in Part 391, Subpart E of the Federal Motor Carrier Safety Regulations, for employees that are required to operate a state vehicle transporting hazardous materials and that are required to undergo a national security background check because of the required Hazmat endorsement to their CDL.

1.42. (SDE: Budget Reduction) In compensating for any reduction in funding, local districts must give priority to preserving classroom teachers and operations. Funding reductions should first be applied to administrative and nonclassroom expenses before classroom expenses are affected.

1.43. (SDE: Governor's School for the Arts and Humanities Carry Forward) Any unexpended balance on June 30 of the prior fiscal year of funds appropriated to or generated by the Governor's School for the Arts and Humanities may be carried forward and expended in the current fiscal year pursuant to the discretion of the Board of Trustees of the School.

1.44. (SDE: Governor's Schools' Fees) The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to charge, collect, expend, and carry forward student fees as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality in both academics and residential support. No student will be denied admittance or participation due to financial inability to pay. The respective Board of Directors shall promulgate administrative policy governing the collection of all student fees.

1.45. DELETED

1.46. DELETED

1.47. (SDE: School District Furlough) School districts may institute employee furlough programs for district-level and school-level professional staff. Before any of these employees may be furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

The local school district board of trustees may implement a furlough of personnel once certification to the State Superintendent documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall have the authority to authorize furloughs of these employees in the manner in which it sees fit. However, instructional personnel may be furloughed for up to five noninstructional days if not prohibited by an applicable employment contract with the district and provided district administrators are furloughed for twice the number of days. District administrators may only be furloughed on noninstructional days and may not be furloughed for a period exceeding ten days. District administrators shall be defined by the Department of Education using the Professional Certified Staff (PCS) System. For individuals not coded in PCS, the determination shall be made based upon whether the individual performs the functions outlined in position codes identified by the department as administration. Educators who would have received a year's experience credit had a furlough not been implemented, shall not have their experience credit negatively impacted because of a furlough implementation.

During any furlough, affected employees shall be entitled to participate in the same benefits

as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions, including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the district will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under any employee grievance procedure. The district may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs.

Each local school district must prominently post on the district's internet website and make available for public viewing and downloading the most recent version of the school district's policy manual and administrative rule manual.

This proviso shall not abrogate the terms of any contract between any school district and its employees.

1.48. (SDE: Base Student Cost Funding) The funding for particular items and areas in the Department of Education's base budget that have been reduced or eliminated and provisos that directed funding for specific items that have been deleted, shall be redirected to the Base Student Cost.

1.49. (SDE: School Lunch/Attendance Supervisors) For those counties in which an entity other than the school district administers the school lunch supervisor and/or attendance supervisor programs, the school districts in that county shall transfer to the entity the amount available in the previous fiscal year for administration of the school lunch supervisor and/or attendance supervisor programs. Each district shall transfer a pro rata share of the total cost based upon the percentage of state EFA funds distributed to the districts within the county.

1.50. (SDE: Replacement Facilities) The Department of Education is directed to proceed with the development of a joint-use school transportation maintenance and operations facility in Greenville County. Prior to the availability of this new facility the department shall continue to operate state school bus maintenance services from the existing Greenville School Bus Maintenance Facility located on Halton Road. All proceeds from the sale of the Halton Road Facility and Property shall become pupil transportation operating revenue of the department.

The cost of the State share of the new joint-use facility, the cost of preparing the old Halton Road Facility and Property for disposal, interim relocation/construction financing, all associated relocation expenses, and all other related costs shall be funded from the proceeds received from the sale of the existing Halton Road Facility and Property. The State Treasurer shall make available all necessary interim financing to accomplish the proviso directives.

1.51. (SDE: SCGSAH Certified Teacher Designation) Because of the unique nature of the South Carolina Governor's School for the Arts and Humanities, the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are authorized to employ at its discretion noncertified classroom teachers teaching in the literary, visual and performing arts subject areas who are otherwise considered to be appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.

1.52. (SDE: No Discrimination Requirement) State funds must not be appropriated to a school that discriminates against or participates with or is a member of an association with policies that discriminate or afford different treatment of students based on race or national origin.

1.53. (SDE: High School Reading Initiative) The funds appropriated for the High School Reading Initiative are to be used to expand the South Carolina Reading Initiative to the high school level by providing research based targeted assistance in improving and accelerating the reading ability of ninth and tenth grade students scoring Not Met on the 8th grade PASS reading and research tests or not passing the English 1 end-of-course test as ninth graders.

1.54. (SDE: Medicaid Cash Match Accounting) The department is granted authority to transfer funds between budget lines and object codes to identify, reconcile, reimburse, and remit funds required for Medicaid cash match to the Department of Health and Human Services.

1.55. (SDE: Student Report Card-GPA) For each high school student, school districts shall be required to print the student's individual cumulative grade point average for grades nine through twelve on the student's report card.

1.56. (SDE: Governor's School Reporting) The Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics are required to submit reports as to how the nonrecurring funding appropriated in this act is expended. The report must be submitted to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee by the end of the fiscal year.

1.57. (SDE: Lost & Damaged Textbook Fees) Fees for lost and damaged textbooks for the prior school year are due no later than December 1 of the current school year when invoiced by the Department of Education. The department may withhold textbook funding from schools that have not paid their fees by the payment deadline.

1.58. DELETED

1.59. (SDE: Education and Economic Development Act Carry Forward) Funds provided for the Education and Economic Development Act may be carried forward into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools.

1.60. (SDE: High Schools That Work Carry Forward) Funds provided for High Schools That Work may be carried forward into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools.

1.61. (SDE: Career Cluster Industry Partnerships) From the funds appropriated to the Department of Education, \$800,000 must be provided as direct grants to the private sector statewide trade association or educational foundation providing nationally certified programs in career and technology education representing the automotive, construction, engineering, healthcare, mechanical contracting/construction, and hospitality tourism career clusters.

Organizations applying for a grant must do so by July first and the Department of Education must award a minimum of one grant of at least \$150,000 in at least four of these specified career clusters to be used exclusively for career and technology education. The recipient industry organization must conduct end-of-course exams graded by a national industry organization and must include in their grant request how the money will be spent to further industry-specific career technology education; a description and history of their program nationally and within South Carolina; estimates of future employment growth in their industry; and the national scope of their program. By August first of the following year, the organization must submit to the department a report detailing how the grant increased industry/employer awareness; the number of increased schools using the industry-based curriculum and partnered with the industry organization; the increased number of students in the program; and an overview and analysis of the organization's statewide student competition. The grant must be used for career awareness programs for that industry cluster; statewide student competitions leading to national

competitions; teacher development and training; post-secondary scholarships in industry-specific degree programs; student recruitment into that career cluster programs; programs to educate middle and high school Career or Guidance Counselors about the industry; service to disadvantaged youth; and administering business/employer awareness and partnerships which help lead to experience-based, career-oriented experiences including internships, apprenticeships, mentoring, co-op education and service learning. The Office of Career and Technology Education of the department will develop goals with each career cluster on the number of new schools using the industry-based curriculum and partnered with that career cluster organization. These funds may not be used to supplant or replace, in whole or in part, other existing resources/assets sourced outside the present grant being used to provide the same services or programs. Organizations may carry-over grants for up to three years when a large project is identified in the grant application to be used at a future date; otherwise excess funds must be returned to the state.

1.62. (SDE: Education Finance Act Reserve Fund) There is created in the State Treasury a fund separate and distinct from the General Fund of the State and all other funds entitled the Education Finance Act Reserve Fund. All unexpended general funds appropriated to the Department of Education for the Education Finance Act in the current fiscal year shall be transferred to the Education Finance Act Reserve Fund. In the event that the amount appropriated for the Education Finance Act is insufficient to fully fund the base student cost as established by this act, revenues from the Education Finance Act Reserve Fund may be used to supplement the funds appropriated. The General Assembly may make direct appropriations to this fund. All unexpended funds in the Education Finance Act Reserve Fund and any interest accrued by the fund must remain in the fund and may be carried forward into the current fiscal year.

1.63. (SDE: GSAH Human Resources Annual Report) Of the funds appropriated to the Governor's School for the Arts and the Humanities, the school shall provide to the Senate Finance Committee, the House Ways and Means Committee, the Budget and Control Board Office of Human Resources, and the Commission on Human Affairs an annual report detailing the school's human resource statistics for both filled and vacant positions. The report shall include specifics as to advertising, applicants, and selections as well as the composition of the selection team. In addition, an annual report of recruiting activities that address the school's Access Plan shall be required. A comprehensive enrollment report must be furnished annually.

1.64. (SDE: Prohibit Advertising on School Buses) The Department of Education and local school districts are prohibited from selling space for or the placement of advertisements on the outside or inside of school buses.

1.65. (SDE: Charter School Funding Schedule) Of the funds appropriated, districts with charter schools will receive funds after verification of student attendance on the fifth day of school at the beginning of each school year for those charter schools with approved incremental growth and due to expansion as provided in their charter application for new charter schools opening in the current fiscal year. The Department of Education will release funds to districts on behalf of their charter schools no later than fifteen days after receipt of verified enrollment.

Districts must provide this funding to eligible charters no later than thirty days after receipt from the Department of Education. Funding will be adjusted at the forty-five-day school count as is currently the case with the Education Finance Act.

1.66. (SDE: Residential Treatment Facilities Student Enrollment and Funding) Each South Carolina resident of lawful school age residing in licensed residential treatment facilities

(RTFs) for children and adolescents as defined under Section 44-7-130 of the 1976 Code, ("students") shall be entitled to receive educational services from the school district in which the RTF is located ("facility school district"). The responsibility for providing appropriate educational programs and services for these students, both with and without disabilities, who are referred or placed by the State is vested in the facility school districts.

A facility school district must provide the necessary educational programs and services directly to the student at the RTF's facility, provided that the RTF facility provides and maintains comparable adequate space for the educational programs and services consistent with all federal and state least restrictive environment requirements. Adequate space shall include appropriate electrical support and Internet accessibility. Unless the parent or legal guardian of the student seeks to continue the student's enrollment in the resident school district under a medical homebound instruction program and the district approves, if appropriate, then, under these circumstances, the facility school district shall enroll the student and assume full legal and financial responsibility for the educational services including enrolling the student, approving the student's entry into a medical homebound instructional program, if appropriate, and receiving and expending funds, unless the resident school district undertakes to carry out its educational responsibilities for the student directly. When appropriate, the facility school district is encouraged to utilize course offerings provided by the Department of Education through its South Carolina Virtual School Program.

Alternatively, a facility school district may choose to provide the necessary educational programs and services by contracting with the RTF provided that the RTF agrees to provide educational services to the student at the RTF's facility. Under these circumstances, the facility school district must enroll the student and pay the RTF for the educational services provided. If the facility school district determines the educational program being offered by the RTF does not meet the educational standards outlines in the contract, the facility district shall be justified in terminating the contract.

The facility school districts are entitled to receive the base student cost multiplied by the Education Finance Act pupil weighting for Homebound pupils of 2.10, as set forth in Section 59-20-40 of the 1976 Code and any eligible categorical and federal funds. These funds may be retained by the facility school districts for the purpose of providing the educational programs and services directly to students referred or placed by the State or the facility school districts may use these funds to reimburse RTF's for the educational programs and services provided directly by the RTFs. A facility school district is entitled to reimbursement from a resident school district for the difference between (1) the reasonable costs expended for the educational services provided directly by the facility school district or the amount paid to the RTF and (2) the aggregate amount of federal and state funding received by the facility school district for that student. However, the reimbursement rate may not exceed \$45 per student per day. Should the facility school district be unable to reach agreement with the resident school district regarding reasonable costs differences, the facility school district shall notify the Department of Education's Office of General Counsel. The Department of Education shall facilitate a resolution of the dispute between the facility school district and the resident school district. If the issue of reasonable cost differences should remain unresolved, the case shall be referred to the Administrative Law Court for a final decision. Should a resident school district fail to distribute the entitled funding to the facility school district by the 135 day count, the Department of Education is authorized to withhold the equivalent amount of EFA funds and transfer those funds to the facility school district.

If a child from out of state is placed in a RTF by an out-of-state school district or agency, the child's home state remains responsible for the educational services. The facility school district may choose to provide the educational program to the child and, upon choosing to do so, shall contract with the appropriate entity for payment of educational services provided to the child.

Out-of-state students provided educational services by a facility school district shall not be eligible for funding through the Education Finance Act.

If a child is placed in a RTF by the child's parent or guardian, the facility school district may choose to provide the educational program to the child, and upon doing so, must negotiate with the resident school district for services through medical homebound procedures. A facility school district is responsible for compliance with all child find requirements under Section 504 of the Rehabilitation Act of 1973 and IDEA.

All students enrolled in the facility school districts shall have access to the facility school districts' general education curriculum, which will be tied to the South Carolina academic standards in the core content areas. All students with disabilities who are eligible for special education and related services under the Individuals with IDEA, as amended, and the State Board of Education (SBE) regulations, as amended, shall receive special education and related services in the least restrictive environment by appropriately certified personnel. Students in an RTF will at all times be eligible to receive the educational credits (e.g., Carnegie Units) earned through their educational efforts.

With respect to students enrolled in the facility school districts, for accountability purposes, the assessment and accountability measures for students residing in RTFs shall be attributed to a specific school only if the child physically attends the school. The performance of students residing in a RTF who receive their educational program on site at the RTF must be reflected on a separate line on the facility school district's report card and must not be included in the overall performance ratings of the facility school district. The Department of Education shall examine the feasibility of issuing report cards for RTFs. For the 2010-11 school year, a facility school district shall not have the district's state accreditation rating negatively impacted by deficiencies related to the delivery of an educational program at a RTF.

RTFs shall notify the facility school district as soon as practical, and before admission to the RTF if practical, of a student's admission to the RTF. RTFs, the facility school districts and the Department of Education shall use their best efforts to secure and/or exchange information, including documents and records necessary to provide appropriate educational services and/or related services as necessary to assist the facility school district in determining the resident school district. The Department of Education, in collaboration with state placing agencies, RTFs, facility school districts, and resident school districts, shall implement a system to follow the release of students from a RTF and re-enrollment in public, private, or special schools to ensure these students, when appropriate, are not recorded as dropouts.

1.67. (SDE: Transparency) The department must publish a link on its homepage to a listing of all programs funded during the current fiscal year with Federal Stimulus Funds to include program name, location, starting date, funding level and contact person with telephone number. This listing must be updated monthly to allow the public to easily identify how these funds are being used.

1.68. (SDE: Prohibit Use of ARRA for Administration) The department and school districts are prohibited from using funds received from the American Recovery and Reinvestment Act of 2009 for state department or school district administrative salary increases, bonuses, retirement incentives, or severance packages. The department shall provide to the

General Assembly a list of federal stimulus expenditures:

1.69. (SDE: Special Schools Flexibility) For the current fiscal year, the special schools are authorized to transfer funds among funding categories, including capital funds.

1.70. (SDE: High School Driver Education) For the current fiscal year, the requirement for high schools to provide a course in driver education is suspended however, high schools may continue to offer driver education courses if they choose to do so.

1.71. DELETED

1.72. (SDE: Program Reports) For the current fiscal year, all programmatic reports required by the General Assembly shall be submitted electronically.

1.73. DELETED

1.74. DELETED

1.75. DELETED

1.76. (SDE: Carry Forward Authorization) For the current fiscal year, the Department of Education is authorized to carry forward and expend any General Fund balances for school bus transportation.

1.77. (SDE: Administrative Costs Report Posting) School districts must report the amount of funds spent on administrative costs and post the report on the districts website.

1.78. (SDE: Effectiveness of Strategies for Teaching Reading) Funds appropriated in Section XIII.A. in the amount of \$34,911 shall be allocated to the Education Finance Act.

1.79. DELETED

1.80. DELETED

1.81. DELETED

1.82. (SDE: Teaching Requirement for Certified School Employees) From the funds appropriated, all certified public school teachers, certified special school classroom teachers, certified media specialists, certified guidance counselors, certified full-time athletic directors, certified principals, certified assistant principals, and certified school district administrators that are employed by a school district should, if practicable, teach at least two classes per week within the school district they are employed.

1.83. (SDE: Governor's Schools Residency Requirement) Of the funds appropriated, the Governor's School for the Arts and the Humanities and the Governor's School for Science and Mathematics are to ensure that a parent(s) or guardian(s) of a student attending either the Governor's School for the Arts and the Humanities or the Governor's School for Science and Mathematics must prove that they are a legal resident of the state of South Carolina at the time of application and must remain so throughout time of attendance. The Governor's School for the Arts and the Humanities and Governor's School for Science and Mathematics may not admit students whose parent(s) or guardian(s) are not legal residents of South Carolina.

1.84. (SDE: Holocaust Funds) Funds appropriated to the Department of Education for the SC Council on Holocaust shall not be used for any other purpose nor transferred to any other program. In addition, in the event the department is required to implement a budget reduction, SC Council on Holocaust funds may not be reduced.

1.85. DELETED

1.86. DELETED

1.87. (SDE: Transportation) In Fiscal Year 2011-2012, and from appropriated or authorized funds, the Department of Education, the Senate Finance Committee, the House Ways and Means Committee, and the Governor's Office will work together to explore privatization of all or part of the state school bus transportation system while ensuring that all students are served

and there are long term cost savings.

1.88. DELETED

1.89. (SDE: South Carolina Public Charter School District Funding) The funds appropriated in Part IA, Section X - South Carolina Public Charter School District must be allocated in the following manner: Pupils enrolled in virtual charter schools sponsored by the South Carolina Public Charter School District shall receive \$1,700 per weighted pupil and pupils enrolled in brick and mortar charter schools sponsored by the South Carolina Public Charter School District shall receive \$3,250 per weighted pupil. Any unexpended funds, not to exceed ten percent of the prior year appropriation, must be carried forward from the prior fiscal year and expended for the same purpose.

1.90. (SDE: Governor's Schools Capacity) For Fiscal Year 2011-2012, funds appropriated to the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics must be used to bring the schools up to full capacity, to the extent possible. Each school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December first how the funds have been utilized and how many additional students have been served.

1.91. (SDE: Student Health and Fitness) Funds appropriated for Student Health and Fitness shall be allocated to school districts to increase the number of physical education teachers to the extent possible and to provide licensed nurses for elementary public schools. Twenty seven percent of the funds shall be allocated to the districts based on average daily membership of grades K-5 from the preceding year for physical education teachers. The remaining funds will be made available through a grant program for school nurses and shall be distributed to the school districts on a per school basis.

1.92. (SDE: One Year Suspension of Programs) The following program will be temporarily suspended for Fiscal Year 2011-2012: SAT/ACT Improvement. Funds appropriated to this program must be allocated to districts based on the number of weighted pupil units.

1.93. DELETED

1.94. (SDE: EEDA Regional Education Centers) Funds appropriated from the EEDA for Regional Education Centers must not be less than \$108,500.

1.95. DELETED

1.96. DELETED

1.97. (SDE: Weighted Pupil Units Calculation) Of the funds appropriated to the Education Oversight Committee (EOC), the EOC shall calculate and publish the number of the weighted pupil units per weighting category in each district based upon the most recent 135-day average daily membership in each district and the weights as recommended in the most recent funding model developed by the Education Oversight Committee and suggested modifications made during Fiscal Year 2010-11 and make projections on how the revised weightings impact school districts for Fiscal Year 2011-2012. In making its calculations, the EOC must use the Index of Taxpaying Ability and projected base student cost as adopted by the General Assembly for the current fiscal year. The EOC must report its findings electronically to the Chairman of the Senate Finance Committee and Chairman of the House Ways and Means Committee by November 1 2011.

1.98. (SDE: Education Foundation Supplement) Funds appropriated in the Education Foundation Supplement are to be distributed to public school districts which would in the current fiscal year recognize a loss in State financial requirement of the foundation program by utilizing an Index of Taxpaying Ability which imputes the assessed value of owner occupied property

compared to the State financial requirement of same Index of Taxpaying Ability as utilized in the prior fiscal year. Funds in the Education Foundation Supplement must be distributed to the school districts receiving a loss, in an amount equal to the amount of the loss. This supplement shall not require a local financial requirement.

1.99. (SDE: Impute Index Value) For Fiscal Year 2011-2012 and for the purposes of calculating the index of taxpaying ability the Department of Revenue shall impute an index value for owner-occupied residential property qualifying for the special four percent assessment ratio by adding the second preceding taxable year total school district reimbursements for Tier 1, 2, and Tier 3(A) and not to include the supplement distribution. The Department of Revenue shall not include sales ratio data in its calculation of the index of taxpaying ability. The methodology for the calculations for the remaining classes of property shall remain as required pursuant to the EFA and other applicable provisions of law.

1.100. DELETED

1.101. (SDE: EFA State Share) A school district that does not recognize a State share of the EFA financial requirement shall be supplemented with an amount equal to seventy percent of the school district with the least State financial requirement.

1.102. (SDE: Health Education) Each school district is required to ensure that all comprehensive health education, reproductive health education, and family life education conducted within the district, whether by school district employees or a private entity, must utilize curriculum that complies with the provisions contained in Chapter 32, Title 59. Any person may complain in a signed, notarized writing to the chairman of the governing board of a school district that matter not in compliance with the requirements of Chapter 32, Title 59 is being taught in the district. Upon receiving a notarized complaint, the chairman of the governing board must ensure that the complaint is immediately investigated and, if the complaint is determined to be founded, that immediate action is taken to correct the violation. If corrective action is not taken, then the district must have its base student cost reduced by one percent.

SECTION 1A - H63-DEPARTMENT OF EDUCATION-EIA

1A.1. (SDE-EIA: XI-Prohibition on Appropriation Transfers) The amounts appropriated herein for aid to subdivisions or allocations to school districts shall not be transferred or reduced and must be expended in accordance with the intent of the appropriation. However, transfers are authorized from allocations to school districts or special line items with projected year-end excess appropriations above requirements, to allocations to school districts or special line items with projected deficits in appropriations.

1A.2. (SDE-EIA: XI.A.1 Services for Students with Disabilities) The money appropriated in Part IA, Section 1, XI.A.1. for Services for Students with Disabilities shall be used only for educational services for trainable mentally disabled pupils and profoundly mentally disabled pupils.

1A.3. (SDE-EIA: XI.B - Half Day Program for Four-Year-Olds) Funds appropriated in Part IA, Section 1, XI.B. for half-day programs for four-year-olds shall be distributed based on the prior year number of students in kindergarten eligible for free and reduce price lunch.

1A.4. (SDE-EIA: XI.A.3. African-American History) Funds provided for the development of the African-American History curricula may be carried forward into the current fiscal year to be expended for the same purpose.

1A.5. (SDE-EIA: XI.C.2-Teacher Evaluations, XI.F.2- Implementation/Education

Oversight) The Department of Education is directed to oversee the evaluation of teachers at the School for the Deaf and the Blind, the John de la Howe School and the Department of Juvenile Justice under the ADEPT model.

1A.6. (SDE-EIA: XI.C.2.-Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers salaries of the southeastern states as projected by the Division of Budget and Analyses. For the current school year the Southeastern average teacher salary is projected to be \$49,007. The statewide minimum teacher salary schedule used in Fiscal Year 2008-09 will continue to be used in Fiscal Year 2011-2012.

The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Funds appropriated in Part IA, Section 1, XI.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50 (b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state.

1A.7. (SDE-EIA: XI.F.2-Teacher Salaries/State Agencies) Each state agency which does not contain a school district but has instructional personnel shall receive an allocation from the line item "Alloc. EIA - Teacher/Other Pay" in Part IA, Section 1, XI.F.2. for teachers salaries based on the following formula: Each state agency shall receive such funds as are necessary to adjust the pay of all instructional personnel to the appropriate salary provided by the salary schedules of the school district in which the agency is located. Instructional personnel may include all positions which would be eligible for EIA supplements in a public school district, and may at the discretion of the state agency, be defined to cover curriculum development specialists, educational testing psychologists, psychological and guidance counselors, and principals. The twelve-month agricultural teachers located at Clemson University are to be included in this allocation of funds for base salary increases. The South Carolina Governor's School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to increase the salaries of instructional personnel by an amount equal to the percentage increase given by the School District in which they are both located.

The funds appropriated herein in the line item "Alloc. EIA-Teacher/Other Pay" must be distributed to the agencies by the Budget and Control Board.

1A.8. (SDE-EIA: XI.A.1-Work-Based Learning) Of the funds appropriated in Part IA, Section 1, XI.A.1. for the Work-Based Learning Program, \$75,000 shall be used by the State Department of Education to provide for regional professional development in contextual methodology techniques and integration of curriculum; and professional development in career guidance for teachers and guidance counselors and training mentors. Pilot-site delivery of contextual methodology training in mathematics will be supported by technology and hands-on lab activities. In addition, \$500,000 shall be allocated for Regional Career Specialists: Each Regional Career Specialist shall (1) be housed within the regional centers/WIA geographic areas, (2) provide career development activities throughout all schools within the region, (3) be under the program supervision of the Office of Career and Technology Education, State Department of Education, and (4) adhere to an accountability and evaluation plan created by the Office of Career and Technology Education, State Department of Education. The Office of Career and Technology Education, State Department of Education, shall provide a report, in February of the current fiscal year to the Senate Finance Committee and the House Ways and Means Committee

on accomplishments of the Career Counseling Specialists. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

1A.9. (SDE-EIA: XI.E.2.-Evaluation/EIA Programs) Of the funds appropriated in Part IA, Section 1, XI.E.2. for EIA Implementation, Other Operating Expenses, fifty percent may only be used by the State Department of Education to support its contracted program evaluations. Of the remaining funds appropriated in Part IA, Section 1, XI.E.2. for EIA Implementation, Other Operating Expenses shall be used to support the continuation of program and policy evaluations and studies and to support the state's participation in the Middle Grades Project, at no less than twenty-five percent. Provided further, for the current fiscal year, twenty-five percent shall be provided to the South Carolina Educational Policy Center for collaborative projects with the Department of Education and the Education Oversight Committee to provide research based information and consultation services on technical issues related to establishing a more thorough accountability system for public schools, school districts, and the K-12 education system. These entities shall pursue grants and contracts to supplement state appropriations.

1A.10. (SDE-EIA: XI.F.2-CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, XI.F.2. for the Teacher Recruitment Program, the South Carolina Commission on Higher Education shall distribute a total of ninety-two percent to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which seventy-eight percent must be used for the Teaching Fellows Program specifically to provide scholarships for future teachers, and of which twenty-two percent must be used for other aspects of the state teacher recruitment program, including the Teacher Cadet Program and \$166,302 which must be used for specific programs to recruit minority teachers; and shall distribute eight percent to South Carolina State University to be used only for the operation of a minority teacher recruitment program and therefore shall not be used for the operation of their established general education programs. The current year administrative base reduction may be applied proportionately between CERRA and SC State University while none of the reduction may be applied to Teaching Fellows Scholarships.

Working with districts with an absolute rating of At-Risk or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA will report annually by October first to the Education Oversight Committee and the Department of Education on the success of the recruitment and retention efforts in these schools. The South Carolina Commission on Higher Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The South Carolina State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees, the State Board of Education and the Education Oversight Committee by October 1 annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.

1A.11. (SDE-EIA: XI.F.2-Disbursements/Other Entities) Notwithstanding the provisions of Sections 2-7-66 and 11-3-50, S.C. Code of Laws, it is the intent of the General Assembly that funds appropriated in Part IA, Section 1, XI.F.2. Other State Agencies and Entities shall be disbursed on a quarterly basis by the Department of Revenue directly to the state agencies and

entities referenced except for the Teacher Loan Program, Centers of Excellence, the Education Oversight Committee and School Technology, which shall receive their full appropriation at the start of the fiscal year from available revenue. The Comptroller General's Office is authorized to make necessary appropriation reductions in Part IA, Section 1, XI.F.2. to prevent duplicate appropriations. If the Education Improvement Act appropriations in the agency and entity respective sections of the General Appropriations Act at the start of the fiscal year do not agree with the appropriations in Part IA, Section 1, XI.F.2. Other State Agencies and Entities, the "other funds" appropriations in the respective agency and entity sections of the General Appropriations Act will be adjusted by the Comptroller General's Office to conform to the appropriations in Part IA, Section 1, XI.F.2. Other State Agencies and Entities.

1A.12. (SDE-EIA: XI.A.1-Arts in Education) Funds appropriated in Part IA, Section 1, XI.A.1. Arts Curricula shall be used to support innovative practices in arts education curriculum, instruction, and assessment in the visual and performing arts including dance, music, theatre, and visual arts which incorporates strengths from the Arts in Education sites. They shall also be used to support the advancement of the implementation of the visual and performing arts academic standards. These funds shall be distributed to schools and school districts under a competitive grants program; however, up to thirty-three percent of the total amount of the grant fund shall be made available as "Aid to Other Agencies" to facilitate the funding of professional development arts institutes that have been approved by the State Department of Education for South Carolina arts teachers, appropriate classroom teachers, and administrators. Arts Curricular Grants funds may be retained and carried forward into the current fiscal year to be expended in accordance with the proposed award.

1A.13. (SDE-EIA: XI.C.2-National Board Certification Incentive) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010, may receive a loan equal to the amount of the application fee. Teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010 shall have one-half of the loan principal amount and interest forgiven when the required portfolio is submitted to the national board. Teachers who applied to the National Board for Professional Teaching standards for certification prior to July 1, 2010 who attain certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts,

shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward by the department. The department may retain up to ten percent of the funds collected to offset the administrative costs of loan collection. All other funds shall be retained by the department and used for National Board loan purposes. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program for teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010. In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification. Teacher specialists remain eligible for state supplement for National Board certification.

Teachers who begin the application process after July 1, 2007 and prior to July 1, 2010 and who teach in schools which have an absolute rating of below average or at-risk at the time the teacher applies to the National Board for certification, but who fail to obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one-half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the loan will be at the rate of thirty-three percent for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or at-risk during the forgiveness period, or for each year of full time teaching in another school that has an absolute rating of below average or at risk.

1A.14. (SDE: XI-Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.

1A.15. (SDE-EIA: XI.A.1-Autism Parent-School Partnership Program) From funds appropriated for Services For Students with Disabilities, \$350,000 shall be provided to the South Carolina Autism Society for the Parent-School Partnership Program.

1A.16. (SDE-EIA: XI.C.2-Teacher Supplies) For Fiscal Year 2011-2012 a local school

board, in a public school board meeting prior to the first contract day of the school year, by majority vote may decide to retain the school district's allocation for Teacher Supply funds and instead of disbursing the funds to all certified public school teachers, certified special school classroom teachers, certified media specialists, and certified guidance counselors may utilize the school district's allocation for the purposing of funding teacher salaries either to avoid or decrease the impact of a teacher furlough imposed by the school board or to avoid the elimination of a teaching position as determined by the school board. A school district may not utilize this provision to increase district or school level administrators or teacher salaries. A school board utilizing this provision must notify the certified public school teacher, certified special school classroom teachers, certified media specialists, and certified guidance counselors in written communication on or before the first contract day of the school year of the school board's decision not to provide the teacher supply reimbursement along with the school board's purpose in utilizing the reimbursement funds. All certified public school teachers, certified special school classroom teachers, certified media specialists, and certified guidance counselors who are employed by a school district or a charter school as of November thirtieth of the current fiscal year, based on the public decision of the school board may receive reimbursement of up to two hundred seventy-five dollars each school year to offset expenses incurred by them for teaching supplies and materials. Funds shall be disbursed by the department to School districts by July fifteenth based on the last reconciled Professional Certified Staff (PCS) listing from the previous year. With remaining funds for this program, any deviation in the PCS and actual teacher count will be reconciled by December thirty-first or as soon as practicable thereafter.

Based on the public decision of the school district these funds shall be disbursed in a manner separate and distinct from their payroll check on the first day teachers, by contract, are required to be in attendance at school for the current contract year. This reimbursement shall not be considered by the state as taxable income. Special schools include the Governor's School for Science and Math, the Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and Palmetto Unified School District. Funds distributed to school districts or allocated to schools must not supplant existing supply money paid to teachers from other sources. If a school district requires receipts for tax purposes the receipts may not be required before December thirty-first. Districts that do not wish to require receipts may have teachers retain the receipts and certify for the district they have received the allocation for purchase of teaching supplies and/or materials and that they have purchased or will purchase supplies and/or materials during the fiscal year for the amount of the allocation. Districts shall not have an audit exception related to nonretention of receipts in any instances where a similar instrument is utilized. Any district requiring receipts must notify any teacher from whom receipts have not been submitted between November twenty-fifth and December sixth that receipts must be submitted to the district. Districts may not add any additional requirement not listed herein related to this reimbursement. School districts utilizing this provision to retain the teaching supplies funding for purposes other than reimbursement to the teacher must publicly display on the school district's website the number of jobs saved through the use of these funds and to electronically forward the report on jobs saved to the Department of Education no later than December thirty-first of the current fiscal year to be compiled in a report for electronic presentation to the General Assembly by January fifteenth of the current fiscal year.

1A.17. (SDE-EIA: XI.C.2-Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each district Teacher of the Year shall receive an award of \$1,000.

In addition, the State Teacher of the Year shall receive an award of \$25,000, and each of the four Honor Roll Teachers of the Year will receive an award of \$10,000. To be eligible, districts must participate in the State Teacher of the Year Program sponsored by the State Department of Education.

1A.18. DELETED

1A.19. (SDE-EIA: EOC) The Education Oversight Committee may collect, retain and expend revenue from conference registration and fees; charges for materials supplied to local school districts or other entities not otherwise mandated to be provided by state law; and from other activities or functions sponsored by the committee including public awareness campaign activities. Any unexpended revenue from these sources may be carried forward into the current fiscal year and expended for the same purposes. The Education Oversight Committee is permitted to utilize the funds appropriated to it to fund programs promoting the teaching of economic education in South Carolina.

1A.20. (SDE-EIA: Technical Assistance) In order to best meet the needs of underperforming schools, funds appropriated for technical assistance to schools with an absolute rating of below average or at-risk on the most recent annual school report card must be allocated according to the severity of not meeting report card criteria.

Schools receiving an absolute rating of below average or at-risk must develop and submit to the Department of Education a school renewal plan outlining goals for improvements. Of the technical assistance funds allocated to below average or at-risk schools each allocation must address specific strategies designed to increase student achievement and must include measures to evaluate success. The school renewal plan may include expenditures for recruitment incentives for faculty and staff, performance incentives for faculty and staff, assistance with curriculum and test score analysis, professional development activities based on curriculum and test score analysis that may include daily stipends if delivered on days outside of required contract days. School expenditures of technical assistance shall be monitored by the Department of Education.

With the funds appropriated to the Department of Education for technical assistance services, the department will assist schools with an absolute rating of below average or at-risk in designing and implementing technical assistance school renewal plans and in brokering for technical assistance personnel as needed and as stipulated in the plan. In addition, the department must monitor student academic achievement and the expenditure of technical assistance funds in schools receiving these funds and report their findings to the General Assembly and the Education Oversight Committee by January first of each fiscal year as the General Assembly may direct. If the Education Oversight Committee or the department requests information from schools or school districts regarding the expenditure of technical assistance funds pursuant to evaluations, the school or school district must provide the evaluation information necessary to determine effective use. If the school or school district does not provide the evaluation information necessary to determine effective use, the principal of the school or the district superintendent may be subject to receiving a public reprimand by the State Board of Education if it is determined that those individuals are responsible for the failure to provide the required information.

No more than five percent of the total amount appropriated for technical assistance services to schools with an absolute rating of below average or at-risk may be retained and expended by the department for implementation and delivery of technical assistance services. Using previous report card data, the department shall identify priority schools. Up to \$6,000,000 of the total

funds appropriated for technical assistance shall be used by the department to work with those schools identified as priority schools. Of this amount, \$750,000 may be used for after-school or summer enrichment programs focused on dropout prevention for at-risk students.

The department will create a system of levels of technical assistance for schools that will receive technical assistance funds. The levels will be determined by the severity of not meeting report card criteria. The levels of technical assistance may include a per student allocation, placement of a principal mentor, replacement of the principal, and/or reconstitution of a school.

Reconstitution means the redesign or reorganization of the school, which includes the declaration that all positions in the school are considered vacant. Certified staff currently employed in priority schools must undergo a formal evaluation in the spring following the school's identification as a priority school and must meet determined goals to be rehired and continue their employment at that school. Student achievement will be considered as a significant factor when determining whether to rehire existing staff. Educators who were employed at a school that is being reconstituted prior to the effective date of this proviso and to whom the employment and dismissal laws apply will not lose their rights in the reconstitution. If they are not rehired or are not assigned to another school in the school district they have the opportunity for a hearing. However, employment and dismissal laws shall not apply to educators who are employed in the district and assigned to the priority schools after the effective date of this proviso, in the event of a reconstitution of the school in which the educator is employed.

Those rights are only suspended in the event of a reconstitution of the entire school staff.

Additionally, the rights and requirements of the employment and dismissal laws do not apply to educators who are currently on an induction or annual contract, that subsequently are offered continuing contract status after the effective date of this proviso, and are employed at a school that is subject to reconstitution under this proviso.

The reconstitution of a school could take place if the school has been identified as a priority school that has failed to improve satisfactorily. The decision to reconstitute a school shall be made by the State Superintendent of Education in consultation with the principal and/or principal mentor, the school board of trustees, and the district superintendent. The decision to reconstitute a school shall be made by April first, at which time notice shall be given to all employees of the school. The department, in consultation with the principal and district superintendent, shall develop a staffing plan, recruitment and performance bonuses, and a budget for each reconstituted school.

Upon approval of the school renewal plans by the department and the State Board of Education, a newly identified school or a currently identified school with an absolute rating of below average or at-risk on the report card will receive a base amount and a per pupil allocation based on the previous year's average daily membership as determined by the annual budget appropriation. No more than fifteen percent of funds not expended in the prior fiscal year may be carried forward and expended in the current fiscal year for strategies outlined in the school's renewal plan. Schools must use technical assistance funds to augment or increase, not to replace or supplant local or state revenues that would have been used if the technical assistance funds had not been available. Schools must use technical assistance funds only to supplement, and to the extent practical, increase the level of funds available from other revenue sources.

1A.21. (SDE-EIA: Proviso Allocations) In the event an official EIA revenue shortfall is declared by the Board of Economic Advisors, the Department of Education may reduce any allocation in Section 1A specifically designated by proviso in accordance with the lower Board of Economic Advisors revenue estimate as directed by the Office of State Budget. No allocation

for teacher salaries shall be reduced as a result of this proviso.

1A.22. (SDE-EIA: School Districts and Special Schools Flexibility) All 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 allocated specifically for state level maintenance of effort requirements under IDEA, required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, at least seventy 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 seventy percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and noninstruction pupil services for the current school year ending June thirtieth. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

"In\$ite" means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the current fiscal year, 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 flexibility actions taken. 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.

For the current fiscal year, Section 59-21-1030 is suspended. Writing assessments in grades three, four, six, and seven, formative assessments for grades one, two, and nine, the foreign language program assessment, financial literacy, and the physical education assessment must be suspended. Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list may be suspended. School districts and the

Department of Education are granted permission to purchase the most economical type of bus fuel.

For the current fiscal year, savings generated from the suspension of the writing assessments and the suspension of new textbooks adoptions enumerated above must be allocated to school districts based on the Education Finance Act formula.

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. 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.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also 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. The credit card number on each statement must be redacted prior to posting on the internet website. 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.

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.

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

The Comptroller General shall distribute to the districts a methodology and resources for compliance. 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.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

1A.23. (SDE-EIA: Teacher Salary Supplement) The department is directed to carry forward prior year unobligated teacher salary supplement and related employer contribution funds into the current fiscal year to be used for the same purpose.

1A.24. (SDE-EIA: High Schools That Work Programs) The Department of Education must report annually by December first, to the Governor, the Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public Works Committee on the High Schools that Work Programs' progress and effectiveness in providing a better prepared workforce and student success in post-secondary education. The department, school districts, and special schools may carry forward unexpended funds from the prior fiscal year into

the current fiscal that were allocated for High Schools That Work.

1A.25. (SDE-EIA: Assessment) The department is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring statewide accountability assessment.

1A.26. (SDE-EIA: Early Childhood Review) From the funds appropriated for EIA Four-Year-Old Early Childhood, the Department of Education shall utilize up to \$300,000 to provide monitoring and oversight of the program and to institute a plan for tracking 4K students through fifth grade, examining components that have contributed to student academic success and to review on a district basis, professional development needs based on successful program components. The department shall use all pertinent information obtained to implement statewide professional development to guide efforts aimed at increasing the success of all children.

1A.27. (SDE-EIA: Report Card Information) The percentage each school district expended on classroom instruction as defined by the Department of Education's In\$ite classification for "Instruction" must be printed on the Annual School and District Report Card.

1A.28. (SDE-EIA: Core Curriculum Materials) The funds appropriated in Part IA, Section 1, XI.A.3 for instructional materials for core curriculum shall be expended consistent with the requirements of Section 59-31-600 of the 1976 Code requiring the development of higher order thinking skills and critical thinking which should be integrated throughout the core curriculum instructional materials. Furthermore, the evaluation criteria used to select instructional materials with funds appropriated in Part IA, Section 1, XI.A.3 shall include a weight of up to ten percent of the overall criteria to the development of higher order thinking skills and critical thinking.

1A.29. (SDE-EIA: XI-E.2.-Teacher Technology Proficiency) To ensure the effective and efficient use of the funding provided by the General Assembly in Part IA, Section 1 XI.E.2 for school technology in the classroom and internet access, the State Department of Education shall approve district technology plans that specifically address and incorporate teacher technology competency standards and local school districts must require teachers to demonstrate proficiency in these standards as part of each teacher's Professional Development plan. The Department of Education's professional development tracking, prescriptive and electronic portfolio system for teachers is the preferred method for demonstrating technology proficiency as this system is aligned to the International Society for Technology in Education (ISTE) teacher standards. Evidence that districts are meeting the requirement is a prerequisite to expenditure of a district's technology funds.

1A.30. (SDE-EIA: Accountability Program Implementation) To support implementation of the accountability program, the Education Oversight Committee may carry forward unexpended Education Accountability Act funds authorized specifically for the administration of the Education Oversight Committee.

1A.31. DELETED

1A.32. (SDE-EIA: 4K Targeting) EIA funds allocated for the provision of four-year-old kindergarten shall be utilized for the provision of services to age-eligible children qualifying for free or reduced-price lunch or Medicaid. Children with developmental delays documented through state approved screening assessments or children with medically documented disabilities who do not already qualify for special need services should also be considered for enrollment. In the event that more students seek to enroll than available space permits, districts shall prioritize students (at the time of acceptance) on the basis of family income expressed as a percentage of the federal poverty guidelines, with the lowest family incomes given the highest enrollment

priority.

1A.33. (SDE-EIA: Reading) Of the funds appropriated for reading/literacy, the Department of Education, schools, and districts shall ensure that resources are utilized to improve student achievement in reading/literacy. To focus on the importance of early reading and writing skills and to ensure that all students acquire reading/literacy skills by the end of grade three, fifty percent of the appropriation shall be directed toward acquisition of reading proficiency to include, but not be limited to, strategies in phonemic awareness, phonics, fluency, vocabulary, and comprehension. Forty percent of the appropriation shall be directed toward classroom instruction and intervention to focus on struggling readers and writers in grades four through eight. Ten percent of the appropriation should be directed toward acceleration to provide additional opportunities for deepening and refinement of literacy skills.

Fifty percent of the funds shall be allocated to school districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the one hundred thirty-five day count of the prior school year. Fifty percent of the funds shall be allocated to the Department of Education to provide districts with research-based strategies and professional development and to work directly with schools and districts to assist with implementation of research-based strategies. When providing professional development the department and school districts must use the most cost effective method and when able utilize ETV to provide such services throughout the state. The department shall provide for an evaluation to review first year implementation activities and to establish measurements for monitoring impact on student achievement.

1A.34. (SDE-EIA: Artistically and Academically High-Achieving Students) EIA funds appropriated for high achieving students must be allocated to districts based on three factors: (1) the number of students served in academic gifted and talented programs based on the prior year's one hundred thirty-five day count of average daily membership adjusted for the current year's forty-five day count and the number of students identified as artistically gifted and talented; (2) the number of students taking Advanced Placement or International Baccalaureate (IB) exams in the prior year; and (3) a per pupil allocation for charter schools serving state-identified artistically and academically high-achieving students in core academic classes with an accelerated curriculum that has been verified by the Department of Education to meet the requirements of State Board of Education Regulation 43-220 and if they are serving state-identified artistically and academically high-achieving students in core academic courses which are included on the prior year's Commission on Higher Education's list of transferable courses.

The Department of Education shall report to the Senate Education Committee and the House Education and Public Works Committee regarding the allocation and distribution of the funds by June first. At least eighty-five percent of the funds appropriated for each student classified herein must be spent for instruction and instructional support for students who generated the funds. Up to \$500,000 of the funds may be retained by the Department of Education for teacher endorsement activities. Twelve percent of the funds shall be set-aside for serving artistically gifted and talented students in grades three through twelve.

The board of trustees of a school district electing to charge a fee to the parent or legal guardian of a student taking the Advanced Placement or International Baccalaureate exam is required to develop a policy for such a fee which accounts for the student's ability to pay and at an amount not to exceed the actual test cost. A test fee may not be charged to students eligible for free lunch and must be pro rata for students eligible for reduced price lunch if the parent or legal guardian requests.

Endorsement criteria established by the State Board of Education for teachers assigned to teach gifted and talented and advanced placement classes shall be suspended for the current school year.

1A.35. (SDE-EIA: Students at Risk of School Failure) For the current fiscal year, EIA funds appropriated for students at academic risk of school failure, which include funds for Act 135 Academic Assistance, summer school, reduce class size, alternative schools, parent support and family literacy, must be allocated to school districts based two factors: (1) the poverty index of the district as documented on the most recent district report card, which measures student eligibility for the free or reduced price lunch program and Medicaid; and (2) the number of students not in poverty or eligible for Medicaid but who fail to meet state standards on state standards-based assessments in either reading or mathematics. At least eighty-five percent of the funds allocated for students classified as at academic risk must be spent on instruction and instructional support for these students who generated the funds. Instructional support may include family literacy and parenting programs to students at-risk for school failure and their families. Students at academic risk are defined as students who are at risk of not graduating from high school because they failed either the English language arts or mathematics portion of the High School Assessment Program on first attempt and who score not met on grades three through eight in reading and mathematics state assessments. Public charter schools, the Palmetto Unified School District, and the Department of Juvenile Justice must also receive a proportionate per pupil allocation based on the number of students at academic risk of school failure served.

1A.36. (SDE-EIA: Professional Development) EIA funds appropriated for professional development must be allocated to districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the one hundred thirty-five day count of the prior school year. The funds must be expended on professional development for certificated instructional and instructional leadership personnel in grades kindergarten through twelve across all content areas, including teaching in and through the arts. No more than twenty-five percent of the funds appropriated for professional development may be retained by the Department of Education for the administration and provision of professional development services. The Department of Education must provide professional development on assessing student mastery of the content standards through classroom, formative and end-of-year assessments. The Department of Education also must post on the agency's website the South Carolina Professional Development Standards and provide training through telecommunication methods to school leadership on the professional development standards.

1A.37. (SDE-EIA: Assessments-Gifted & Talented, Advanced Placement, & International Baccalaureate Exams) Of the funds appropriated and/or authorized for assessment, up to \$2,455,000 shall be used for assessments to determine eligibility of students for gifted and talented programs and for the cost of Advanced Placement and International Baccalaureate exams.

1A.38. DELETED

1A.39. (SDE-EIA: Adult Education) A minimum of thirty percent of the funds appropriated for adult education must be allocated to school districts to serve adult education students between the ages of seventeen and twenty-one who are enrolled in programs leading to a state high school diploma, state high school equivalency diploma (GED), or career readiness certificate (WorkKeys). The remaining funds will be allocated to districts based on a formula which includes target populations without a high school credential, program enrollment the previous school year, total hours of attendance the previous school year, and performance factors

such as number of high school credentials and career readiness certificates awarded the previous school year. Overall levels of state funding must meet the federal requirement of state maintenance of effort.

1A.40. (SDE-EIA: Clemson Agriculture Education Teachers) The funds appropriated in Part IA, Section XI.F3 for Clemson Agriculture Education Teachers must be transferred to Clemson University PSA to fund summer employment of agriculture teachers and to cover state-mandated salary increases on that portion of the agriculture teachers' salaries attributable to summer employment.

1A.41. (SDE-EIA: Education Oversight Committee Transfer) For Fiscal Year 2011-2012 the Education Oversight Committee is directed to transfer \$200,000 to Teacher Supplies.

1A.42. DELETED

1A.43. (SDE-EIA: Incentive for National Board Certification After 6/30/10) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who complete the application process on or after July 1, 2010 shall be paid a \$5,000 salary supplement in the year of achieving certification. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$5,000 salary supplement shall be added to the annual pay of the teacher, not to exceed ten years of the national certificate. However, the \$5,000 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer whereby teachers who are United States citizens or permanent resident aliens apply to the National Board for Professional Teaching Standards for certification on or after July 1, 2010. Beginning July 1, 2010, up to nine hundred applications shall be processed annually. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of teachers applying to the National Board for Professional Teaching Standards for certification.

Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified or certified for renewal by the National Board for Professional Teaching Standards or completed the application or renewal application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants.

1A.44. DELETED

1A.45. (SDE-EIA: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program (CDEPP). This program shall be available for the current school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

(A) For the current school year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to

eligible children from the following eight trial districts in Abbeville County School District et. al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3. With any remaining funds available, the pilot shall be expanded to the remaining plaintiff school districts in Abbeville County School District et. al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of ninety percent or greater. Priority shall be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at-risk four-year-old children.

Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September first, of the school year, and meets the at-risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.

The parent of each eligible child may enroll the child in one of the following programs:

(1) a school-year four-year-old kindergarten program delivered by an approved public provider; or

(2) a school-year four-year-old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and documentation of the student's eligibility as evidenced by family income documentation showing an annual family income of one hundred eighty-five percent or less of the federal poverty guidelines as promulgated annually by the U.S. Department of Health and Human Services or a statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of 6.5 hours of instructional time daily and operates for a period of not less than one hundred eighty days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

If by October first of the school year at least seventy-five percent of the total number of eligible CDEPP children in a district or county are projected to be enrolled in CDEPP, Head Start or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, CDEPP providers may then enroll pay-lunch children who score at or below the twenty-fifth national percentile on two of the three DIAL-3 subscales and may receive reimbursement for these children if funds are available.

(C) Public school providers choosing to participate in the South Carolina Four-Year-Old

Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.

Providers shall:

- (1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;
- (2) comply with all state and local health and safety laws and codes;
- (3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;
- (4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;
- (5) comply with all program, reporting, and assessment criteria required of providers;
- (6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;
- (7) designate whether extended day services will be offered to the parents/guardians of children participating in the program;
- (8) be approved, registered, or licensed by the Department of Social Services; and
- (9) comply with all state and federal laws and requirements specific to program providers.

Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre-kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment.

However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

- (D) The Department of Education and the Office of First Steps to School Readiness shall:
- (1) develop the provider application form;
 - (2) develop the child enrollment application form;
 - (3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;
 - (4) develop a list of approved pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;
 - (5) establish criteria for awarding new classroom equipping grants;
 - (6) establish criteria for the parenting education program providers must offer;
 - (7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;
 - (8) develop a list of data collection needs to be used in implementation and

evaluation of the program;

(9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;

(10) establish criteria for granting student retention waivers; and

(11) establish criteria for granting classroom size requirements waivers.

(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice and a research based preschool curriculum aligned with school success. The program must focus on the developmental and learning support children must have in order to be ready for school.

The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:

(1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;

(2) employ an education assistant with pre-service or in-service training in early childhood education;

(3) maintain classrooms with at least ten four-year-old children, but no more than twenty four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of ten children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;

(4) offer a full day, center-based program with 6.5 hours of instruction daily for one hundred eighty school days;

(5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;

(6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and

(7) adhere to professional development requirements outlined in this article.

(F) Every classroom providing services to four-year-old children established pursuant to this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire.

Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children five years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of fifteen hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of pre-kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than \$185 per student shall be retained by the Department of Education for the purposes of transporting four-year-old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act.

(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for

program service and whether temporary classroom space is necessary to provide services to any children;

- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the current school year, the funded cost per child shall be \$4,218 increased annually by the rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall be eligible for a reimbursement of \$550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. Providers enrolling between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed \$10,000. Providers receiving equipment grants are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.

(L) Pursuant to this provision, the Department of Social Services shall:

- (1) maintain a list of all approved public and private providers; and
- (2) provide the Department of Education and the Office of First Steps information necessary to carry out the requirements of this provision.

(M) The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers.

1A.46. (SDE-EIA: SC Reading Achievement Systemic Initiative) From the funds appropriated or authorized for the Department of Education and the Education Oversight Committee, there is created a policy panel to guide the South Carolina Reading Achievement Systemic Initiative. The panel will be composed of twenty-five members, which shall be appointed as follows:

The Governor shall appoint to the panel:

- (1) one business leader;
- (2) one parent;
- (3) one representative of the Board of Trustees of the Office of First Steps to School Readiness;
- (4) one representative of the State Library Board;

- (5) one pediatrician; and
- (6) two representatives of community foundations or literacy organizations.

The State Superintendent of Education shall appoint to the panel:

- (1) one business leader;
- (2) one parent;
- (3) one parent educator;
- (4) one researcher in reading;
- (5) two literacy coaches;
- (6) two district early childhood or academic leaders;
- (7) two principals, one representing elementary schools and one representing middle schools; and
- (8) four teachers of students with needs for interventions to promote reading proficiency to include students with learning disabilities, student in poverty and students not mastering concepts.

The Chairman of the Senate Education Committee shall appoint one member of the Senate Education Committee to the panel.

The Chairman of the House Education and Public Works Committee shall appoint one member of the House Education and Public Works Committee to the panel.

The Chairman of the State Board of Education shall appoint one member of the State Board of Education to the panel.

The Chairman of the Education Oversight Committee shall appoint one member of the Education Oversight Committee to the panel.

The panel is directed to define the focus and priorities for state actions to improve the level of reading achievement among the state's young people including building upon the work of LiteracySC and the state literacy team organized to support the Striving Readers Comprehensive Literacy Grant. The panel should address factors contributing to or impeding progress including, but not limited to, the physical health, language development and quality of instruction provided in the state's schools. The panel should examine data, follow progress of the LiteracySC academies and pilots, recommend changes in practice and funding and provide for a longitudinal evaluation and establish a statewide policy for the teaching of reading, including particular attention to the lowest achieving students.

The panel is to be staffed through a collaborative among the Department of Education, SC Kids Count and the Education Oversight Committee. Expenses of the panel are to be shared among the collaborating entities.

The panel shall report to the General Assembly through the House Committee on Education and Public Works and the Senate Education Committee and to the State Board of Education and the Education Oversight Committee by January 15, 2012.

1A.47. (SDE-EIA: Assisting, Developing, and Evaluating Professional Teaching-- ADEPT) Funds appropriated in Part IA, Section 1, XI.A-APT/ADEPT, may be used for the implementation of the ADEPT system. Of the funds appropriated, ten percent is to be used to pay colleges and universities for ADEPT services. The remaining funds will be distributed to school districts, School for the Deaf and the Blind, John de la Howe School, Governor's School for Arts and Humanities and the Department of Juvenile Justice on a per induction contract teacher basis to offset the costs of implementing the ADEPT program. Governing boards of public institutions of higher education may provide by policy or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public school teachers who

serve as supervisors for full-time students completing education degree requirements. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

1A.48. (SDE-EIA: Aid to Districts) Funds appropriated in Part IA, Section 1, XI.A.1 Aid to Districts shall be dispersed to school districts based on the number of weighted pupil units.

1A.49. (SDE-EIA: Carry Forward) EIA carry forward from the prior fiscal year and Fiscal Year 2011-2012 and not otherwise appropriated or authorized must be carried forward and expended for school bus fuel costs. Any unexpended funds must be carried forward and expended for the same purpose.

1A.50. (SDE-EIA: XI.F.2-Disbursements/Writing Improvement Network) During Fiscal Year 2011-2012, from the funds appropriated to the department and allocated to the Writing Improvement Network, the School Improvement Council and the South Carolina Geographic Alliance, the entities must supply a report to the department outlining the costs and benefits of their respective programs.

1A.51. DELETED

1A.52. (SDE-EIA: Instructional Materials) The department is authorized to utilize up to \$3,000,000 from the funds appropriated in Part IA, Section 1, XI.A.3 Instructional Materials for replacement of consumable instructional materials prior to any authorized flexibility.

1A.53. (SDE-EIA: Centers of Excellence) Of the funds appropriated for Centers of Excellence, \$350,000 must be allocated to the Francis Marion University Center of Excellence to Prepare Teachers of Children of Poverty to expand statewide training for individuals who teach children of poverty through weekend college, nontraditional or alternative learning opportunities. The center also is charged with developing a sequence of knowledge and skills and program of study for add-on certification for teachers specializing in teaching children of poverty.

1A.54. (SDE-EIA: IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section XI.A.1 Aid to Districts according to Proviso 1A.48 for Fiscal Year 2011-2012, the department shall direct \$45,481,854 of the funds appropriated in Section XI.A.1 Aid To Districts to school districts and special schools for support of programs and services for students with disabilities, to meet the estimated maintenance of effort for IDEA. The department shall distribute these funds using the current fiscal year one hundred thirty-five day Average Daily Membership. For continued compliance with the federal maintenance of efforts requirements of the IDEA, funding for children with disabilities must, to the extent practicable, be held harmless to budget cuts or reductions to the extent those funds are required to meet federal maintenance of effort requirements under the IDEA. In the event cuts to funds that are needed to maintain fiscal effort are necessary, when administering such cuts, the department must not reduce funding to support children with disabilities who qualify for services under the IDEA in a manner that is disproportionate to the level of overall reduction to state programs in general. By December 1, 2011, the department must submit an estimate of the IDEA MOE requirement to the General Assembly and the Governor.

1A.55. (SDE-EIA: Building Fund Flexibility) For Fiscal Year 2011-2012, a school district may flex funds appropriated pursuant to the School Building Aid Program.

1A.56. (SDE-EIA: Award Allocations) For Fiscal Year 2011-2012, the funds allocated for the Palmetto Gold and Silver program will be directed to school districts and allocated based on the number of weighted pupil units.

SECTION 2 - H66-LOTTERY EXPENDITURE ACCOUNT

2.6. (LEA: FY 2011-2012 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Budget and Control Board as directed below.

These appropriations must be used to supplement and not supplant existing funds for education.

The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.

All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.

For Fiscal Year 2011-2012 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

- (1) Commission on Higher Education and State Board for
Technical and Comprehensive Education--
Tuition Assistance \$47,000,000;
- (2) Commission on Higher Education--LIFE
Scholarships as provided in Chapter 149,
Title 59 \$ 106,554,616;
- (3) Commission on Higher Education--HOPE
Scholarships as provided in
Section 59-150-370 \$ 7,823,474;
- (4) Commission on Higher Education--Palmetto
Fellows Scholarships as provided in
Section 59-104-20 \$ 30,277,240;
- (5) Commission on Higher Education--Need-Based
Grants \$ 11,631,566;
- (6) Tuitions Grants Commission--Tuition Grants \$ 7,766,604;
- (7) Commission on Higher Education--National
Guard Tuition Repayment Program as
provided in Section 59-111-75 \$ 1,700,000;
- (8) South Carolina State University \$ 2,500,000;
- (9) Technology--Public Four-Year Universities,
Two-Year Institutions, and State Technical
Colleges \$ 4,154,702;
- (10) Department of Education--K-5 Reading, Math,
Science & Social Studies Program as provided
in Section 59-1-525 \$ 29,491,798;
- (11) Department of Education--Grades 6-8 Reading, Math,
Science & Social Studies Program \$ 2,000,000;
- (12) Commission on Higher Education--Higher Education
Excellence Enhancement Program \$ 3,000,000;
- (13) School for the Deaf and the Blind--Technology
Replacement \$ 200,000; and
- (14) State Library--Aid to County Libraries \$ 733,000.

Fiscal Year 2011-2012 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as

provided in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher Education shall develop the Tuition Assistance distribution of funds appropriated.

Of the funds appropriated to South Carolina State University, \$250,000 may be used for the BRIDGE Program.

The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.

The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full time students.

Fiscal Year 2011-2012 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for Fiscal Year 2011-2012 are fully funded.

If the lottery revenue received for Fiscal Year 2011-2012 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

The Commission on Higher Education is authorized to use up to \$260,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process.

The Higher Education Tuition Grants Commission is authorized to use up to \$70,000 of the funds appropriated in this provision for Tuition Grants to provide the necessary level of program support for the grants award process.

For Fiscal Year 2011-2012, of the funds certified from unclaimed prizes, \$12,350,000 shall be appropriated to the Department of Education for the purchase of new school buses and \$50,000 shall be appropriated to the South Carolina Department of Alcohol and Other Drug Abuse Services for gambling related services.

Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first \$1,500,000 shall be directed to the Commission on Higher Education for the Partnership Among South Carolina Academic Libraries (PASCAL) Program. The next \$5,470,093 shall be directed for Technology: Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges. The next \$2,000,000 shall be directed to the State Library for Aid to County Libraries. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Higher Education Excellence Enhancement Program. The next \$4,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the Allied Health Initiative. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Critical Needs Nursing Program. All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships.

SECTION 89 - X90-GENERAL PROVISIONS

89.1. (GP: Revenues, Deposits Credited to General Fund) For the current fiscal year, except as hereinafter specifically provided, all general state revenues derived from taxation, licenses, fees, or from any other source whatsoever, and all institutional and departmental revenues or collections, including income from taxes, licenses, fees, the sale of commodities and services, and income derived from any other departmental or institutional source of activity, must be remitted to the State Treasurer at least once each week, when practical, and must be credited, unless otherwise directed by law, to the General Fund of the State. Each institution, department or agency, in remitting such income to the State Treasurer, shall attach with each such remittance a report or statement, showing in detail the sources itemized according to standard budget classification from which such income was derived, and shall, at the same time, forward a copy of such report or statement to the Comptroller General and the Budget and Control Board. In order to facilitate the immediate deposit of collections, refunds of such collections by state institutions where properly approved by the authorities of same, may be made in accordance with directions from the State Comptroller General and State Treasurer.

General fund appropriations herein made for the support of the public school system of the State must be greater than or equal to the revenues derived from the General Retail Sales Tax, the Soft Drinks Tax, and the state's portion of the Alcoholic Liquors Tax and Cable Television Fees as forecasted in the general fund revenue estimate of the Board of Economic Advisors as accounted for in Section 88 of this act. Appropriations in this act for the support of the public school system shall include the following:

- Department of Education;
- State Board for Technical and Comprehensive Education;
- Educational Television Commission;
- Wil Lou Gray Opportunity School;
- School for the Deaf and the Blind;
- John de la Howe School;
- Debt Service on Capital Improvement Bonds Applicable to Above Agencies;
- Debt Service on School Bonds;
- Other School Purposes.

Nothing contained herein shall be construed as diminishing the educational funding requirements of this section.

89.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year 2011-2012, and for other purposes specifically designated.

89.8. (GP: Fee Increases) (A) No state agency, department, board, committee, commission, or authority, may increase an existing fee for performing any duty, responsibility, or function unless the fee for performing the particular duty, responsibility, or function is authorized by statutory law and set by regulation except as provided in this paragraph.

(B) This paragraph does not apply to:

- (1) state-supported governmental health care facilities;
- (2) state-supported schools, colleges, and universities;
- (3) educational, entertainment, recreational, cultural, and training programs;

- (4) the State Board of Financial Institutions;
- (5) sales by state agencies of goods or tangible products produced for or by these agencies;
- (6) charges by state agencies for room and board provided on state-owned property;
- (7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;
- (8) court fees or fines levied in a judicial or adjudicatory proceeding;
- (9) the South Carolina Public Service Authority or the South Carolina Ports Authority.

(C) This paragraph does not prohibit a state agency, department, board, committee, or commission from increasing fees for services provided to other state agencies, departments, boards, committees, commissions, political subdivisions, or fees for health care and laboratory services regardless of whether the fee is set by statute.

(D) Statutory law for purposes of this paragraph does not include regulations promulgated pursuant to the State Administrative Procedures Act.

89.10. (GP: Transfers of Appropriations) Agencies and institutions shall be authorized to transfer appropriations within programs and within the agency with notification to the Division of Budget and Analyses and Comptroller General. No such transfer may exceed twenty percent of the program budget. Upon request, details of such transfers may be provided to members of the General Assembly on an agency by agency basis. Transfers of appropriations from personal service accounts to other operating accounts or from other operating accounts to personal service accounts may be restricted to any established standard level set by the Budget and Control Board upon formal approval by a majority of the members of the Budget and Control Board.

89.26. (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior fiscal year into the current fiscal year, up to a maximum of ten percent of its original general fund appropriations less any appropriation reductions for the current fiscal year. Agencies shall not withhold services in order to carry forward general funds.

This provision shall be suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this proviso, the amount of the general fund deficit shall be determined after first applying the Capital Reserve Fund provisions in Section 11-11-320(D) of the 1976 Code, and before any transfers from the General Reserve. The amount of general funds needed to avoid a year-end deficit shall be reduced proportionately from each agency's carry forward amount.

Agencies which have separate general fund carry forward authority must exclude the amount carried forward by such separate authority from their base for purposes of calculating the ten percent carry forward authorized herein. Any funds that are carried forward as a result of this provision are not considered part of the base of appropriations for any succeeding years.

89.32. (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the Department of Education, in consultation with the Budget and Control Board's Division of State Information Technology, the State Library and Educational Television Commission shall administer the K-12 technology initiative funds. These funds are intended to provide technology, encourage effective use of technology in K-12 public schools throughout the state, conduct cost/benefit analyses of the various technologies and should, to the

maximum extent possible, involve public-private sector collaborative efforts. Funds may also be used to establish pilot projects for new technologies with selected school districts as part of the evaluation process. K-12 technology initiative funds shall be retained and carried forward to be used for the same purpose.

89.40. (GP: Alternative Commitment to Truancy) As part of its plan for an alternative school, a school district receiving funds from the Department of Education for an alternative school shall identify available alternatives to commitment for children whose truancy is approaching the level of being referred to family court. When proceeding under S.C. Code Section 59-65-50 to bring an individual case before the family court, the school district must present this plan as well as the district's efforts with respect to the individual child to the court. Each school district's plan under this proviso shall include possible assignment to alternative school for a nonattending child before petitioning the court.

89.121. (GP: Funds Transfer to ETV) In the current fiscal year funds appropriated in Part IA to the Department of Education in Section 1, XIII for K-12 including, but not limited to, Teacher Training, creation, delivery and aggregation of educational content and services over broadband and middle band distribution channels, support of appropriate local district technology and related media training, to the Budget and Control Board in Section 80A for Legislative & Public Affairs Coverage, and to the Law Enforcement Training Council in Section 50 for State & Local Training of Law Enforcement, City and County municipal training services and Emergency Communications and Backbone for the State and other related emergency systems must be transferred to the Educational Television Commission (ETV) during July, 2011 for the continuation of services as provided in the prior fiscal year.

89.122. (GP: First Steps Transfer) In accordance with federal requirements establishing a single line of authority over the Individuals with Disabilities Education Act, Part C, all State funds directly appropriated for BabyNet under the Department of Health and Environmental Control, and the School for the Deaf and the Blind, as well as all filled positions under the Department of Health and Environmental Control for the BabyNet program, during the current fiscal year shall be transferred to, and administered by, the South Carolina First Steps to School Readiness as the program's designated lead agency. These funds may then be contracted to partner agencies as appropriate and necessary to ensure the cost-effective delivery of early intervention services.

All original medical and educational records created by the former lead agency, the Department of Health and Environmental Control, for documenting services to clients currently enrolled in BabyNet and who are continuing to receive services shall be transferred to First Steps, as designated lead agency and records custodian. All state and federal laws applicable to these records shall remain in effect, and First Steps shall make these records available to the Department of Health and Environmental control for audit and other purposes as necessary.

89.140. (GP: FY 2011-2012 Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to Fiscal Year 2008-09 general fund appropriations, agencies are authorized for Fiscal Year 2011-2012 to spend agency earmarked and restricted accounts designated as "special revenue funds" as defined in the Comptroller General's records, to maintain critical programs previously funded with general fund appropriations. Any spending authorization for these purposes must receive the prior approval of

the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Budget and Control Board, Office of State Budget in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

State institutions of higher learning whose budgets have been reduced from the Fiscal Year 2010-2011 state funding level, shall have the authority to use other sources of available funds to support and maintain state funded programs affected by state reductions during Fiscal Year 2011-2012 and may adjust appropriations from special items or programs contained in this act in an amount greater or less than the percentage of the reduction assessed to the institution's base budget. Institutions shall submit to the Office of State Budget, the Senate Finance Committee, and the House Ways and Means Committee the amount of base budget reductions associated with these programs.

Notwithstanding the flexibility authorized in this provision, the following agencies are prohibited from reducing or transferring funds from the following programs or areas:

(A) Department of Natural Resources

Law Enforcement Program/Enforcement Operations as contained in

Program II. F.1

(B) Department of Parks, Recreation, and Tourism

Program II. A. Special Item: Regional Promotions

In addition the Department of Parks, Recreation and Tourism is prohibited from closing or reducing the FTE's in the State House Gift Shop and the Santee Welcome Center.

Notwithstanding the prohibition on reducing or transferring funds from the programs or areas listed above, the Department of Natural Resources may reduce the specified programs or areas by an amount not to exceed the percentage associated with any mandated reduction.

89.142. (GP: Remittance to Children's Trust Fund) For Fiscal Year 2011-2012 the Department of Education is directed to transfer \$100,000 to the Children's Trust Fund.

SECTION 90 - X91-STATEWIDE REVENUE

90.17. (SR: ARRA Funds) Pursuant to the State Fiscal Stabilization Fund Program established by Title IV of the American Recovery and Reinvestment Act of 2009 (ARRA), \$501,948 of federal funds are authorized for appropriation pursuant to this provision. \$501,948 shall be transferred to the School for the Deaf and the Blind to supplement appropriations made for the expenses of state government in the annual general appropriation act for Fiscal Year 2011-2012 and the Office of State Budget is directed to increase agency federal fund authorization for funds from the State Budget Stabilization Fund allocated herein.

For purposes of the expenditures authorized by this provision, the funds must be used in a manner consistent with the provisions of the State Fiscal Stabilization Fund established by the American Recovery and Reinvestment Act of 2009 and the provisions of this act.

90.18. (SR: Nonrecurring Revenue) (A) The source of revenue appropriated in this provision is \$255,804,144 of nonrecurring revenue generated from the following sources, transferred to the State Treasurer. This revenue is deemed to have occurred and is available for use in Fiscal Year 2011-2012 after September 1, 2011, following the Comptroller General's close

of the state's books on Fiscal Year 2010-11.

- (1) \$71,000,600 from Fiscal Year 2009-10 Contingency Reserve Fund;
- (2) \$173,803,544 from Fiscal Year 2010-11 unobligated general fund revenue as certified by the Board of Economic Advisors;
- (3) \$1,000,000 from F03, Budget and Control Board, Subfund 4154, Ordinary Sinking Fund;
- (4) \$3,000,000 from F03, Budget and Control Board, Subfund 3197, Motor Pool; and
- (5) \$7,000,000 from R40, Department of Motor Vehicles from any earmarked or restricted account designated as "special revenue funds" as defined by the Comptroller General's records if the funds transferred from the Department of Motor Vehicles by Proviso 90.10 of Act 291 of 2010 have been repaid pursuant to Proviso 90.9 of Act 291 of 2010.

Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers shall occur no later than thirty days after the close of the books on Fiscal Year 2010-11 and shall be available for use in Fiscal year 2011-2012.

(B) The State Treasurer shall disburse the following appropriations by September 30, 2011, for the purposes stated:

- (1) H63-Department of Education
**** (a) EFA Base Student Cost \$ 56,174,107;**

Text printed in italic, boldface indicates sections vetoed by the Governor on June 28, 2011.

**Indicates those vetoes overridden by the General Assembly on June 29, 2011.

- (b) Transportation \$ 3,000,000;
- (2) H03-Commission on Higher Education
SREB Dues \$ 591,019;
- (3) H59-State Board for Technical and Comprehensive Education
CATT Program \$ 1,000,000;
- (4) J02-Department of Health and Human Services
Medicaid Maintenance of Effort \$ 45,577,252;
- (5) R60-Department of Employment and Workforce
Unemployment Insurance Trust Fund \$ 146,000,000;
- ** (6) P20-Clemson University-PSA
Agency Operations \$ 250,000;**

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- (7) K05-Department of Public Safety
Illegal Immigration \$ 611,766;
- (8) E23-Commission on Indigent Defense
Civil Appointment Fund \$ 1,500,000;
- ** (9) J04-Department of Health and Environmental Control
Donate Life \$ 100,000; and**

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**Indicates those vetoes overridden by the General Assembly on June 29, 2011.

- (10) D10-State Law Enforcement Division
Methamphetamine Lab Clean-Up \$ 1,000,000;

The funds appropriated above to the Department of Employment and Workforce may only be used by the department to make payments on outstanding loans from the Unemployment

Insurance Trust Fund. As soon as practicable after the effective date of this act, the Department of Employment and Workforce is directed to recalculate premium rates. The recalculated premium rates shall be retroactive to January 1, 2011. Any cost savings to employers in rate class 2-20 due to general fund appropriations in any particular year must be allocated proportionately to each employer with respect to each respective employer's responsibility in paying back the federal unemployment loan that particular year and must be administered by the department. Employers must be notified of changes in the premiums due and employer accounts must be credited and adjusted as appropriate. The Department of Employment and Workforce is directed to contact the Federal Government by August 1, 2011, to maximize efforts to buy the loan down to the greatest extent possible.

In the event that the Fiscal Year 2010-11 unobligated general fund revenue as certified by the Board of Economic Advisors does not total at least \$173,803,544, then the appropriations in subsection (B)(4) of this provision for Medicaid Maintenance of Effort shall be reduced to cover the amounts not realized. If the reduction in the Medicaid Maintenance of Effort appropriation is not sufficient to cover the amounts not realized, then the remaining appropriations in this provision shall be reduced on a pro rata basis by an amount sufficient to cover the amounts not realized. In the event that \$7,000,000 is not transferred from the Department of Motor Vehicles, then the remaining appropriations in this provision shall be reduced on a pro rata basis.

Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

(C) For Fiscal Year 2011-2012, the license plate replacement interval is suspended until the funds transferred from the department within this provision are repaid to the department or until such time as the Plate Replacement Fee Fund has a sufficient balance to reinstitute license plate replacement.

(D) From the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008, the remaining funds shall be used to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations in order to preserve the economic viability of the facility.

The amount distributed to offset any operating shortfalls shall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the Public Service Commission, and the access fees paid by the Atlantic Compact generators. Funds remaining in the account to offset operating shortfalls shall also be used to maintain access fees to the facility for Fiscal Year 2011-2012 at the Fiscal Year 2009-10 level. There shall also be paid from the escrow account the annual dues of the Southern States Energy Board.

90.19. (SR: Excess EIA Revenue) Fiscal Year 2010-11 excess EIA revenues above the Fiscal Year 2010-11 appropriations are authorized for appropriation in Part IA, Section 1, of this act.

90.21. (SR: Nonrecurring Revenue - Increased Enforcement Collections) For Fiscal Year 2011-2012, the Department of Revenue shall continue its efforts pertaining to increased enforcement collections as established in Fiscal Year 2009-10.

The department may collect revenues from foreign collections within its jurisdiction, which may include but is not limited to corporate, individual or sales tax collections but especially shall focus on enforced collections and outstanding liabilities.

Funding previously received by the department for enforced collections shall be used to fund foreign auditors to conduct foreign audits of multi-national and international corporations.

Personnel may include revenue officers and criminal investigators. These employees will focus on collecting outstanding liabilities owed to this state.

During the current fiscal year, in applying the revenue statutes of this State, the department's interpretation of those statutes must be based solely on the plain meaning of the statute's text and the legislative intent giving rise to the enactment of the statutes. Terms contained in the tax statutes of this State may not be given broader meaning beyond the meaning of the statute. At least twice during the fiscal year, the department shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding any discovered ambiguity in the meaning of a revenue statute. The first report must be submitted no later than November first and the second report must be submitted no later than May first of the fiscal year.

The funds collected under this provision shall be deposited in a fund separate and distinct from the general fund as established within the Office of the State Treasurer, except that any motor fuel funds collected as a result of the enforced collection efforts shall be distributed in the same manner as other motor fuel tax revenues are currently distributed.

When the department determines that quarterly enforced collections have exceeded the schedule provided in this provision, the department shall deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision.

For the fiscal year beginning July 1, 2011 and ending June 30, 2012, of the first \$48,080,667 in enforced collections resulting from increased enforcement, the State Treasurer shall disburse 58.4% to the Department of Health and Human Services for Medicaid Maintenance of Effort and 41.6% to the Department of Education for the Education Foundation Supplement so that the resulting amount of remittances are:

J02-Department of Health and Human Services-Medicaid
Maintenance of Effort \$ 28,080,667; and
****H63-Department of Education-Education Foundation
Supplement \$ 20,000,000.**

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**Indicates those vetoes overridden by the General Assembly on June 29, 2011.

For the fiscal year beginning July 1, 2011 and ending June 30, 2012, the State Treasurer shall disburse quarterly the following funds on a pro rata basis:

- (1) E28-Election Commission
2012 Primary Election \$ 253,000;
- (2) K05-Department of Public Safety
Highway Patrol Overtime \$ 5,000,000; and
- (3) P16-Department of Agriculture
Agri-Business Economic Development \$ 500,000.

Prior to the close of the books on Fiscal Year 2011-2012, the funds accumulated in the aforementioned separate and distinct fund shall be transferred to the General Reserve Fund, up to the amount necessary to meet the constitutional five percent requirement.

To insure that customary and usual enforced collections are unaffected by this provision, the Office of the State Treasurer may not disburse funds from this account until the following schedule of General Fund enforced collections are deposited by the Department of Revenue by the end of each quarter in the fiscal year. If quarterly General Fund enforced collections do not reach the required levels, distributions from this account are suspended for that quarter. The required deposits of quarterly General Fund enforced collections by the end of each quarter are:

July to September 2011 \$11,250,000
October to December 2011 \$22,500,000

January to March 2012 \$33,750,000

April to June 2012 \$45,000,000

The Department of Revenue shall report on a quarterly basis to the finance committees of the General Assembly and to the Board of Economic Advisors on the amount of customary and usual enforced collections and the excess collections from the enhanced collection activities.

The Department of Revenue shall provide assistance to the Board of Economic Advisors to assist in monitoring revenue collection seasonal flows that impact the funding of state government programs.

By this provision these funds are deemed to have been received and are available for appropriation.

Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purpose.