

2012 Statement of Beliefs and Legislative Priorities

South Carolina School Boards Association

The South Carolina School Boards Association (SCSBA) communicates and advocates the perspective of locally-elected and appointed school boards throughout the state. To guide the association's advocacy efforts, delegates from boards governing South Carolina's school districts annually vote on priorities and beliefs submitted by member boards and staff. Resolutions adopted by delegates help SCSBA officers and staff to address various policy and legislative issues related to public education that arise during the year.

A legislative priority is a specific outcome SCSBA seeks to accomplish within the current legislative session. A statement of belief is a value statement designed to guide SCSBA thoughts and behavior in accomplishing its goals and addressing legislative and policy issues that arise during the year. The following legislative priorities and statements of belief are listed in alphabetical order, not in order of importance.

Legislative Priorities

1. Education funding reform

SCSBA supports legislation to reform the state's education funding structure. Any revision should be based upon specific analysis and recommendations on (1) the current tax structure and the state's taxing policy, (2) the current education funding formulas and their ability to equalize educational opportunities statewide, and (3) a realistic means of computing the base student cost which is aligned with state-imposed student performance standards and expectations. Recommendations for reforming the method of funding public education in South Carolina must do the following:

- expand local district revenue-raising authority;
- generate revenue that is adequate, stable and recurring;
- ensure equitable and timely distribution, to include direct distribution from the state to a district;

- provide adequate funding for other operational needs such as transportation and fringe; and,
- include state-driven initiatives to ensure that every public school student has the opportunity to learn in permanent school facilities that are safe, structurally sound and conducive to a good learning environment; and,
- ensure that districts are held harmless from receiving less money through a new funding plan.

Rationale: Education funding has increasingly become a target for those questioning tax expenditures. Absorbing added costs at the local level requires raising funds by the only avenue available to districts – property taxes. Yet reliance on property taxes causes a major problem with both an appropriate and an equitable education for all children. An in-depth review of our state's tax system and how public education is funded is long overdue. However, the plan must include certain components as follows:

- It must generate adequate revenue for schools.
- It must set a base student cost (BSC) reflecting what it actually costs to educate a child as opposed to what happens to be in the state coffers at that time. It must expand local initiative and the ability for districts to exceed the state minimum requirements.
- It must include equitable components to lessen or erase the impact that a child's residence has on the quality of the education he/she receives.

The funding adequacy lawsuit involving school districts primarily along the I-95 corridor has evidenced deplorable school facility conditions for students and teachers.

Just as South Carolina should not be satisfied with a constitutional requirement for a "minimally adequate" education for children, the state must take steps to ensure that all children attend schools that are safe and comfortable. SCSBA supports

the proposed South Carolina Education Finance Restructuring Act of 2012.

2. Impact fees

SCSBA supports legislation to allow public schools to collect impact fees on new home and commercial development.

Rationale: State government must remain sensitive to the fact that existing taxpayers often face increased school debt-service property taxes to pay for the high growth that they did not cause. This may negatively impact the economy and potential taxpayer support for future school district referendums. Many citizens believe that the Residential Improvement District Act of 2008 will not generate sufficient funding for new school construction and, because it is permissive in its application to property owners, will prove ineffective in dealing with high growth in some school districts. Funding tools such as impact fees can help districts cope with community growth and unique educational demands.

3. Property tax relief legislation

SCSBA supports an immediate review of the property tax relief plan enacted in 2006 to determine necessary changes that support high quality public schools and preserve local districts' ability to meet their operational and school facility needs. Changes should include, but not be limited to:

- ensuring that local district funds are held harmless or replaced with a stable, predictable, funding source that will fully and equitably fund the public schools;
- amending the state constitution to increase the general obligation debt limit from eight to at least 12 percent; and,
- authorizing boards of education to raise local revenue, to include levying a one percent sales and use tax for certain non-recurring educational purposes.

Rationale: With the passage of the property tax relief act (Act 388) in 2006, the General Assembly significantly impaired the ability of local school boards to raise operational millage. Act 388 removed owner occupied homes from being taxed for school operations purposes and put in

place a hard cap on a local board's ability to raise millage on the remaining classes of property. Locally funded programs and community-driven school initiatives have suffered. It now becomes the Legislature's responsibility to provide every district the funding necessary to meet the operational and programmatic requirements in state law and at the local level. Districts need more funding tools to address operational and capital needs at the local level. The funding of technology, school construction or other special non-recurring needs for school districts is a continuing concern. Current funding options, i.e. referenda or budgeted operations costs, do not lend themselves to addressing this concern. Special legislation is needed to assist willing school communities in funding special needs. Article X of the South Carolina Constitution limits school districts' bonded debt to 8 percent of the assessed valuation of property subject to taxation in the school district. In order to exceed the 8 percent limit, a school district must hold a referendum. The 8 percent limit became effective in 1982 and significantly affected a district's ability to sell bonds. SCSBA believes that at least 12 percent would give districts increased flexibility and reduce the need for many to go to referendum, which can be costly and time consuming.

4. Tuition tax credits and vouchers

SCSBA opposes state or federally-mandated efforts to directly or indirectly subsidize elementary or secondary private, religious or home schools with public funds.

Rationale: SCSBA believes that a strong public school system is the very bedrock of democracy and must not become viewed as a mere public service. Tuition tax credits or vouchers for private schools undermine the principles of public education by encouraging the enrollment of children in private schools and raise constitutional problems. The tuition tax credit proposal Put Parents in Charge Act – later renamed the S.C. Educational Opportunity Scholarship Act – represents a complete abandonment of South Carolina's public schools. Studies by SCSBA and the State Budget and Control Board prove schools are negatively impacted financially by the loss of state funds due to declining enrollment of students transferring to

private schools. Tuition tax credits or vouchers divert public funds to private entities with absolutely no accountability. Over the past decade, several studies have recommended a state increase in funds for public schools. South Carolina cannot afford further erosion of the funds available for public schools.

Statements of Beliefs

1. Advocacy efforts

SCSBA strongly encourages local school boards to take a leadership role in developing support for public education at all levels of government. When local boards participate in SCSBA advocacy efforts, they strengthen SCSBA's efforts to represent public school governance at the state and federal levels.

Rationale: When local school boards exercise an active advocacy role, they can positively affect legislation for elementary and secondary education. School boards are encouraged to develop and maintain a working relationship with local legislators. School board members must stay up-to-date on pertinent legislation, regulations and judicial rulings that affect their districts. Board members must also mobilize the pressure necessary for effective education policy changes. Boards should actively participate in SCSBA's Grassroots Advocacy Program. The Fourth Circuit Court of Appeals, in *Page v. Lexington County School District One*, upheld a school board's right to be an advocate for public schools in the legislative arena, stating, "It is therefore appropriate for the school district to defend public education in the face of pending legislation that it views as potentially threatening of public education."

2. Board evaluation

SCSBA believes all local school boards should undergo a comprehensive board self-evaluation and self-assessment every two years. Such efforts to improve local school board operations should be allowed in executive session under provisions of the Freedom of Information Act.

Rationale: The complex process of improving board operations is critical to the state's overall emphasis on assuring quality education in public

schools. Such self-assessment efforts can most effectively be conducted in executive session to allow for unrestricted discussions by board members of their performance and that of their colleagues.

3. Board hiring of superintendent

SCSBA believes that the superintendent, as the district's chief executive officer, should be hired by the board of trustees. The board should relinquish other staffing decisions to the superintendent with policies in place to assure equitable hiring, promotion and dismissal practices. The board would award staff contracts as provided in policy and act on the superintendent's recommendations for personnel.

Rationale: SCSBA believes the best use of the board's time is to govern with excellence. The perceptions of micromanagement by a board are primarily in the area of staffing. In South Carolina, some boards interpret state law to empower them to interview and hire on behalf of the district. This leads to divided loyalties among staff and a chief executive officer who cannot select those he/she feels would work best with the administrative team. The board's appropriate role is to hire the superintendent, assure that policies are in place to provide fairness in staffing practices, and monitor the superintendent's job performance in relationship to previously established criteria (i.e., goals and limits). When the board believes the superintendent does not merit its trust, it has the authority to seek new leadership.

4. Board member legal actions

SCSBA supports legislation prohibiting a school board member from instituting in his or her capacity as a citizen, taxpayer, a school board member, any legal proceeding before any court or governmental agency opposing or challenging any action taken by the school board of which he or she is a member. This prohibition does not affect a school board member's right in his or her capacity as a private individual to seek redress for a personal grievance resulting from board action.

Rationale: A school board's power lies in its action as a group, and individual board members exercise their authority over district affairs only as

they vote to take action at a legal meeting of the board. Further, the policy-making function of a school board involves the interaction of competing ideas that eventually resolve themselves in a decision that may not satisfy all of the board's members. This is the essence of the legislative process and should not be compromised by ready access to the courts or some other forum for dissenting members who are disappointed in the outcome, which could present a significant public policy concern. Finally, board members in general enjoy qualified immunity from legal liability for their actions taken in their role as a school board member; this means, however, that a school board has no legal remedy against a fellow board member who files a lawsuit in his or her official capacity challenging board actions that may cause economic damage to the district. On the other hand, when acting as a private individual pursuing a personal grievance against the school board, a school board member has no such immunity. A board member must, however, be able to seek a remedy for injuries to his or her private, individual, personal rights or property – even if the wrong for which he or she seeks remedy occurred as a result of an action taken by the school board on which he or she is a member.

5. Board training in at-risk districts

SCSBA believes that state-funded training programs for school boards in districts rated at-risk should be mandatory as part of the effort under the Education Accountability Act to focus on actions that support increasing student achievement. The State Superintendent of Education is strongly encouraged to require such programs in any recommendation for school district improvement.

Rationale: Under state law, state-funded board training is one option to the state superintendent prior to the declaration of emergency in a district labeled at-risk. SCSBA believes that board training must be a key element of any recommendation by the state superintendent regarding district improvement well before the take over stage.

6. Charter schools

SCSBA believes that all charter schools in South Carolina should be sponsored and funded by

the state. SCSBA believes that traditional public schools should qualify for exemptions from provisions of state law and regulation as granted to charter schools.

Rationale: South Carolina's charter school law was enacted in 1996 and has been amended numerous times over the years. In 2006, the SC Public Charter School District was established as another avenue for charter school applicants to apply for a charter. In the past, charter applicants had to obtain approval from the local school district board of trustees. Under the 2006 law, charter schools authorized by the state charter school district are open to students throughout the state – similar to schools such as the Governor's School for Science and Mathematics or the Governor's School of the Arts – and accountable to the state district's board of trustees. Numerous conflicts have arisen over the years between charter schools and their local board sponsors, most pertaining to funding and local districts' inability to exercise oversight of charter schools.

The clearest way to resolve these ongoing issues between districts and charter schools is to place all charter schools under the state district's sponsorship, allowing an exception for local board-sponsored charter schools to finish their contract term.

Every public school should be allowed to use creative and innovative practices to improve student learning, increasing learning opportunities for students and create new and flexible ways of educating children.

7. Consolidation

SCSBA believes in consolidation or deconsolidation of school districts provided that in each district affected a referendum is held and a majority of the voters voting in the referendum in each affected district authorizes consolidation or deconsolidation. Each district shall have equal voice in the consolidation or deconsolidation question.

Rationale: A major consolidation of South Carolina school districts took place in the early 1950s. Since then, other districts have consolidated into larger systems. Currently our 83 school districts range in sizes from 1,000 to 61,000 students. A statewide study to determine, among other things, the relationship between school district size in

South Carolina and student performance and the cost of providing educational services reached no conclusion on the district size/student performance relationship.

8. Constitutional amendment

SCSBA believes the South Carolina Constitution should be amended to require the General Assembly to provide a high quality system of free public schools open to all children and allowing each student to reach his highest potential.

Rationale: The adequacy of education funding is the issue in a lawsuit originally filed in 1993 by 40 South Carolina school districts. In 1999, the Supreme Court set a new baseline standard for the public education clause of the state's constitution. The Court said that the constitution broadly outlines the parameters of a "minimally adequate education" in South Carolina. The case was remanded to the trial level to determine the issue of adequacy as it relates to the plaintiff districts and went to trial in July 2003. The judge's December 2005 ruling in the education-funding lawsuit held, among other things, that the state was not meeting its constitutional duty to provide the opportunity for a minimally adequate education in several poor, rural districts because of its failure to effectively and adequately fund early childhood intervention programs. The ruling was appealed to the Supreme Court which heard oral arguments in June 2008. SCSBA does not believe that the General Assembly should be satisfied with or proud of a state constitution that only requires a "minimally adequate education."

9. Early childhood education

SCSBA believes that the South Carolina General Assembly should enact legislation and provide adequate funding to ensure that all four-year-olds in South Carolina have the opportunity to attend a child development program at a public school. Preschool services should be expanded at the state level within already existing structures in the State Department of Education and in local school districts.

Rationale: Research shows that early childhood education is a significant step toward preparing children for the first grade and an overall enhance-

ment of their grade school experience. Although South Carolina has made gains in early childhood education, funding levels from the state only provide enough to serve the most at-risk students. Further, action in the General Assembly in 2006 established a two-year pilot program for four-year-old kindergarten expansion in the plaintiff and trial districts from the decade-long funding adequacy lawsuit.

10. Economic development tax incentives

SCSBA believes that a school district's tax base should not be eroded by economic development incentives, and that all revenue generated or determined by local school district tax millage must be preserved for use by school districts for school purposes. SCSBA believes that:

- school districts should be active participants in the negotiation process as related to economic development incentives provided to developers and industry and, in the case of multi-county industrial or commercial parks, that they receive negotiated fees in at least the same percentage as general taxes are to school taxes and
- statewide reporting for all economic development incentives should be implemented.

Rationale: Almost 100 percent of the local share of school districts' budgets comes from property taxes. School districts, however, are finding it increasingly difficult to preserve school tax millage for use exclusively for school purposes due to the erosion of the local tax base. Economic development incentives such as fee in lieu of taxes and multi-county industrial parks are two examples of the erosion of school districts' tax base. All revenue generated from taxable property, to include all special taxing districts, represented by assessed valuation of a school district as determined by school tax millage must be used by school districts for school purposes. Finally, no statewide data exists on multi-county industrial park agreements and related incentives such as special source revenue bonds and tax credits. No one is monitoring how economic development incentives are impacting school district tax revenue, and the lack of data makes it impossible to estimate the financial impact at the local district level.

11. Education achievement gap

SCSBA believes in meaningful, research-based national, state and local initiatives with measurable outcomes that close the educational achievement gap for all students.

Rationale: South Carolina continues to show steady improvement in the academic achievement of its public school students. However, a significant gap exists between students of different demographic and socioeconomic groups. The achievement gap presents a unique challenge for schools: raising the achievement of their lower scoring students while maintaining or expanding the levels of achievement of their higher-scoring students.

12. Education Oversight Committee

SCSBA believes that the Education Oversight Committee (EOC) should be abolished and its responsibilities and duties, where necessary, moved to the State Department of Education (SDE).

Rationale: The 18-member EOC was created in 1998 to advise officials on student performance, educational programs and public school funding in accordance with the state Education Accountability Act (EAA). The EOC has served a useful purpose in overseeing the implementation of the EAA as well as issuing critical reports on topics such as school governance and district fiscal efficiency. However, in this period of economic slowdown and streamlining government, a real opportunity exists to reduce educational bureaucracy and the unnecessary and often confusing overlap of oversight responsibilities.

13. Federal funds for education

SCSBA believes that state leadership must be aggressive and diligent in identifying and pursuing federal funds for, among other things, improving and enhancing the state's public schools.

Rationale: While South Carolina public schools have struggled to manage more than \$800 million in state funding cuts during recent years, some in state leadership have fought or refused to pursue new federal education funding. Examples include the state's refusal to seek \$144 million allocated to South Carolina through the 2010 EduJobs bill, intended to assist districts in hiring and retaining teachers; the state's refusal in 2011 to apply for

\$200 million in Race to the Top funds, open only to nine finalist states, including South Carolina; and the state's refusal in 2011 to apply for \$500 million in the Race to the Top Early Learning Challenge, which focused on expanding state early childhood education. While some federal programs may not be workable for South Carolina, an overall negative attitude toward federal assistance is unacceptable. South Carolina taxpayers pay federal taxes and should benefit from federal funds targeted at improving and enhancing the state's public schools.

14. Fiscal autonomy

SCSBA believes that all elected school boards should have full fiscal autonomy.

Rationale: Taxing authority is a logical requirement and natural extension of the funding partnership between the state legislature and the local school board. Nationally, nearly all school boards have taxing authority. Twenty-six districts in South Carolina have no taxing authority at all. Following passage of the Property Tax Relief Act of 2006, no South Carolina school district has full fiscal autonomy. As elected officials, school board members need authority for financial decisions to enable them to bear the accountability for the district's instructional programs.

15. Freedom of information

SCSBA believes the South Carolina Freedom of Information Act (FOIA) should be amended to further protect from public disclosure private materials relating to an applicant for a public position.

Rationale: Under the FOIA, information on the final three candidates for any public employment position must be disclosed to the public. SCSBA believes this provision is having detrimental effects on school districts seeking qualified candidates for positions ranging from superintendents to teachers. SCSBA believes that, although those choosing to devote themselves to public service enter a certain realm of openness, information on job applicants must be protected from disclosure.

16. Funding/program flexibility

SCSBA believes in maximum funding and program flexibility for school districts, to include but not be limited to:

- suspending regulations that prohibit local school boards from shifting certain categorical or line item funds and suspending mandated programs;
- providing flexibility with the 180-day student attendance requirement. SCSBA does not support a state-mandated four-day school week; and,
- suspending temporarily, state testing and school and district ratings requirements, except those required by federal law.

Rationale: A sagging economy has resulted in significant statewide budget cuts during the past three years. Public schools already have made cuts in non-academic areas and utilized reserve funds to lessen the impact in the classroom, and may be forced to cut personnel and programs essential to a quality education for all children. Implementing mid-year cuts becomes particularly problematic when much of a district's funds are encumbered by salaries or tied to state mandates making any flexibility to make cuts very limited. Only the General Assembly can suspend the mandates and regulations that encumber education funding. School districts must have maximum funding flexibility in order to manage and protect the instructional needs of their students as well as meet essential operational purposes.

17. Harassment, discrimination and equal opportunity

SCSBA believes that school boards should commit to non-discrimination in all education and employment activities. The board should ensure that students and employees are not subjected to any form of prejudicial discrimination or harassment, or denied equal educational or employment opportunities.

Rationale: Racial and sexual harassment are forms of discrimination and SCSBA opposes discrimination of all types. No school district should tolerate a hostile working or learning environment, whether it is racial, sexual or denial of equal opportunity to work and learn.

18. Local board fiscal affairs

SCSBA opposes legislation that would remove a local board of trustees' power over the district's

fiscal affairs and transfer it to an unelected finance committee.

Rationale: State law currently establishes the powers and duties of local boards of trustees, including the authority to govern fiscal affairs of school districts. Transfer of this authority to an unelected finance committee inherently conflicts with many existing powers and duties of a local board of trustees, including the authority to hire staff, enter into contracts and borrow funds as needed.

19. Local district fiscal impact statements

SCSBA believes the General Assembly should provide individual school district fiscal impact statements before passage of any legislation which requires a local district financial match or use of local funds for any reason.

Rationale: The state government must become sensitive to the impact of mandated programs on local taxpayers. Any new requirement that has a financial impact on local school districts falls unequally on economically rich or poor districts unless it is made a part of the base student cost. Education-related legislation should never be considered and enacted until there is a clear understanding by lawmakers of the fiscal impact on each local school district. Current state statute requires such fiscal impact statements for laws impacting cities and counties.

20. Local governance of school districts

SCSBA believes in local decision making in the governance of school districts.

Rationale: One of the key strengths of high-quality public education is the emphasis on local decision-making. The local school board is the body closest to the community and reflects the community's commitment to its schools. One of the four major roles of a school board is accountability for the mission of the district. When school boards are able to exercise appropriate governance, they become accountable to their community for results. The school board, speaking as one, must reflect the interests of the community in the governance of the district.

21. Local legislation

SCSBA believes that members of the General Assembly, prior to introducing any local legislation, should be required to attach a statement that the local affected school board as a whole was notified of the intent to file the bill and stating if the board supports the proposed legislation.

Rationale: South Carolina's current system of lawmaking provides for the authority of local legislative delegations to pass laws that apply only to a specific school district. Because members of the South Carolina Senate and House of Representatives as a practice do not vote as a body on a local bill, it can pass both legislative chambers in a matter of days.

Local laws can change the makeup of a district board; change board election procedures; forgive missed days from the defined minimum plan requirement; and impact on a board's authority to set and fund its budget.

Too often, these bills are filed without the knowledge and consent of the affected board.

Additionally, some question exists about the legality of local laws as being unconstitutional special legislation under Article III, Section 34 of the South Carolina Constitution. The end result of local laws is a state whose variety of school district and board governance structures does not easily lend itself to statewide initiatives relating to public education.

Local school boards as the governmental body elected or appointed to operate a school district must at the very least be consulted prior to the filing of a local bill or, at the most, should be the driving force behind such bill's introduction.

22. Mandatory kindergarten participation

SCSBA believes that all children who are five years of age on or before the first day of September must attend a kindergarten program.

Rationale: Currently, state law allows a parent to "opt out" of enrolling their child in a K5 program if they are not six years old by September 1 of the school year. Students that do not attend structured K5 programs often begin the first grade severely delayed in their cognitive and social development. While many students do get what they need from

their homes, there are many that do not. Once this gap in learning is created, it becomes harder to overcome. All students attending a structured K5 program will certainly help level the playing field of student preparation for the first grade.

23. National standards

SCSBA opposes any federal efforts to make state adoption of any standards involving skills or content mandatory or as a condition for federal aid.

Rationale: South Carolina remains a national leader in its development of strong content standards, stemming from the enactment of the Education Accountability Act of 1998. In recent years, however, discussions have mounted concerning the development of common national standards, particularly with the reauthorization of the Elementary and Secondary Education Act (ESEA) on the horizon. SCSBA agrees with the National School Boards Association that, while opposed to the federal government developing standards, a common set of standards, not mandated by the federal government but supported by it, can lead to raising student achievement.

24. No Child Left Behind Act

SCSBA believes the No Child Left Behind Act (NCLB) and the U.S. Department of Education's regulations should provide flexibility for school districts to successfully and effectively implement NCLB requirements.

Rationale: In January 2002, President Bush signed into law the No Child Left Behind Act (NCLB), representing a significant expansion of the role of the federal government in public education. NCLB places a sharp focus on raising student achievement. However, the act generally fails to acknowledge or build upon the work in many states to implement effective accountability systems. Thus, the structure of the program, the lack of resources, and the "realities" associated with the ambitious goals of the legislation present formidable challenges to school districts. Local school districts across the nation have serious concerns regarding the operational challenges they are facing in implementing the new federal regulations, particularly at a time when districts are facing significant revenue shortfalls from state and local communities. SCSBA

supports permitting alternative methodologies for determining adequate yearly progress (AYP) targets and progress for students with disabilities, and for students who are not proficient in English.

25. Nonpartisan election of school board members

SCSBA believes in the popular nonpartisan election of all school board members.

Rationale: Nationally, nearly all school boards are elected. Only an elected board can have taxing authority. Presently, only Dillon and Marion counties have appointed school board members. Clarendon County has one appointed board, one elected board, and one board with a combination of elected and appointed. Trustees elected in partisan elections often have to respond to the demands of their party rather than to the needs of the school children. Three school boards in this state are elected in partisan elections: Chester, Horry and Lee. A board member losing in a June primary serves as a lame duck board member for five months. If several lose in June, the entire board is affected until the November general election.

26. Participation by non-district students

SCSBA opposes state-mandated participation by non-district students in public school interscholastic activities and programs.

Rationale: Under current law, the state does not allocate money to school districts for students who are being taught under the auspices of the South Carolina Association of Independent Home Schools. Therefore, a mandate from the state that these students may participate in interscholastic activities would violate the concept of local control and would be an unfunded mandate. Students in public schools must maintain certain academic requirements to participate in extracurricular activities. Some of those students may maintain those academic requirements solely to have the privilege of participation in interscholastic activities. Under the current system no way exists to assess either the academic or discipline-based eligibility requirements for non-district students. The public schools' first and foremost commitment must be to students who attend public schools.

27. Procurement process flexibility

SCSBA believes that the South Carolina State Procurement Code should be amended in order to give local governments, in particular the large school districts that must follow state procurement guidelines, maximum flexibility in awarding contracts by means other than the competitive sealed bidding process.

Rationale: Nationally, states have adopted legislation allowing governmental entities greater freedom in awarding contracts based on criteria other than the low bid requirement. South Carolina's statutory procurement process includes many tools for procuring other than by competitive sealed bidding, including competitive best value bidding and competitive sealed proposals. Any additional express authority to use alternative methods would be advantageous to the school districts and should not negatively affect opportunities for small business and minority contracts.

28. Public school choice

SCSBA believes in public school choice options, particularly when designed to increase opportunities for all children to learn in ways that best meet their abilities and needs. SCSBA believes in the right of local boards to determine school choice options within their own districts or between districts. Mandated choice programs must be driven by local flexibility, remain within the public school system, and reflect a focus on academic achievement.

Rationale: In recent years, significant debate has been generated in South Carolina concerning the issue of school choice – public versus private school choice, inter- versus intra-district open enrollment, and state-mandated versus local decision-making in the implementation of choice programs. During the 2007 Legislative Session, a major initiative concerning public school choice and open enrollment was offered by the State Superintendent and passed the General Assembly, but was successfully vetoed by the Governor. Recognizing that school choice is a matter of great interest in the state, as well as the fact that South Carolina is a target state for out-of-state proponents of vouchers and tuition tax credits whose idea of choice includes private schools – an idea

long opposed by SCSBA – it is critical that, for the benefit of its membership, SCSBA occupy a seat at the table concerning any initiatives relating to school choice. SCSBA’s focus on choice initiatives, mandated or discretionary, will be on flexibility and local decision-making authority, academic achievement, public school involvement and adequate funding.

29. Road management for schools

The South Carolina School Boards Association believes that the state should bear fiscal and managerial responsibility for roads that are located at or near public schools.

Rationale: The State Department of Transportation (DOT) is charged with the responsibility of road management including the systematic planning, design, construction, maintenance and operation of the state highway system and roads, including roads located at or near public schools. While SCSBA recognizes that roads located near or at schools are critical for school traffic flow and safety, districts and schools do not receive funds to design and manage these roads. Further, SCSBA believes that school districts are increasingly being required to fund the management of roads that are located near or at schools due to DOT shifting its funding responsibility to the districts. SCSBA believes that road management, including funding, is the state’s responsibility.

30. School and district takeovers

SCSBA believes that there should exist in regulations a clear process to return control to the local school board if a school or district takeover occurs under state or federal law. SCSBA believes that, upon request of the local school board, the State Department of Education should be authorized to provide technical assistance to districts experiencing financial difficulty.

Rationale: The EAA outlines criteria that can lead to a state takeover of a school district and removal of the local school board’s authority. The State Board of Education has no guidelines or regulations regarding the state takeover of school districts in South Carolina and the return of authority to local boards. SCSBA believes that the State Board in collaboration with education policy

makers, including SCSBA, should establish specific criteria, conditions, timelines and procedures for a state takeover. Prior to state intervention, the following should occur:

- provision of the necessary resources, support and timeframe under which local schools and districts should improve;
- provision for a comprehensive training program for the local board developed and implemented by SCSBA; and,
- provision for the return of the local board to authority.

The Report of the Task Force on Funding for World Class Learning includes a provision calling for authority for the State Department of Education (SDE) to intervene in school districts in cases of financial mismanagement. According to the report, this authority should include reviews of the effectiveness and efficiency of district financial practices, support to districts in financial planning and budgeting, and provisions for the appointment of a fiscal management team to assist when there is evidence of gross mismanagement. While all of these measures when viewed as SDE technical assistance services could be beneficial to some districts, SCSBA believes that none of them should occur unless upon request of the affected district board.

31. School bus privatization

SCSBA believes that the General Assembly must conduct a thorough review of the current state transportation system to determine if it is the most efficient, effective and economical service model. Any review as well as any efforts at privatizing school bus transportation for South Carolina’s public schools must ensure the following:

- student safety is the top priority;
- adequate state funding is available for operation, maintenance and replacement on a recurring basis, with no financial burden falling to the local districts; and,
- the unique needs of all districts are met.

Rationale: While South Carolina is one of the few remaining states to operate a school bus system, it has been recognized nationally for its efficiency. Under the current state-operated system, even children living on a dirt road in a rural community

can expect bus service. If privatization is pursued in South Carolina, certain basic elements of the current state-run system must be preserved without additional costs to the districts. School districts currently have the ability to contract with private companies for transportation services.

32. State graduation rate

SCSBA believes in meaningful statewide efforts directed at improving South Carolina's graduation rate that are based on proven, research-based methods to ensure students complete high school. SCSBA believes that state accountability and reporting measures and the state's compulsory attendance laws should be consistent. SCSBA supports the continued full funding of the state Education and Economic Development Act.

Rationale: South Carolina's public schools have made great strides to improve student achievement under the Education Accountability Act of 1998. South Carolina's graduation requirements, including the number of credits and assessments, remain among the highest in the nation. However, a significant concern remains: far too many students do not complete high school on time. South Carolina should annually set ambitious targets for improving graduation rates. State lawmakers took a major step in 2005 to address the graduation rate with the passage of the Education and Economic Development Act (EEDA), which requires high schools to provide multiple career pathways for students.

33. Tax relief

SCSBA opposes state-driven sales, residential and personal property tax relief without adequate study of, or provision for, replacement of locally collected property taxes and consideration of implications at the local school district level. SCSBA believes that the state treasurer should distribute property tax reimbursement funds as soon as the money is available. SCSBA supports sales tax exempt status for all local school districts.

Rationale: Tax relief measures can profoundly impact local and state funding. These initiatives must be analyzed to gauge the impact on equity-based measures, such as the index of taxpaying ability, that drive public education funding. Any plan to

replace property taxes must address:

- Adequacy issues and the base student cost.
- Equity issues to deal with socio-economic differences between school districts. Past actions that shifted the financial burden from the state to local level and added required programs have had a disproportionate impact on property- and industry-poor districts. Replacing local dollars with state funds will require a serious look at all educational funding formulas and programs.
- Options available to local school districts so they may go beyond the minimum programming.

34. Teacher salaries

SCSBA believes in raising teacher pay to the national average for teacher salaries and establishing a salary structure that would be appropriate considering differentiated responsibilities so as to compensate teacher leaders in relation to skills and performance.

Rationale: In the state's quest to improve student achievement, we must not overlook the importance of qualified, effective teachers in every classroom. If South Carolina is serious about raising student achievement, then a salary structure must be developed that is competitive with neighboring states and will allow us to hire and retain qualified teachers. A plan to compensate teachers on a differentiated scale according to responsibilities, skills and performance will allow districts to keep master teachers and teacher leaders in the classroom.

35. Threats and assaults on school employees

SCSBA supports changing criminal laws so that anyone who commits assault and battery on a school employee faces penalties that are consistent with or greater than the penalties that apply for making threats to school employees.

Rationale: Currently, someone who threatens a government official (includes school employees) with violence can be charged with a felony and receive a sentence of five years in prison or a \$5,000 fine (S.C. Code of Laws, Section 16-3-1040). However, that same individual could actually walk into a classroom and strike a teacher in front of a class-

room of children and face only 30 days in jail for third degree assault and battery. A third law, which applies only to students enrolled in school (S.C. Code of Laws, Section 16-3-612), creates a third set of penalties for assaults on school employees that include one year in jail or \$1,000 fine. It is obvious these laws are inconsistent and changes in law are needed to ensure penalties for physical attacks on school employees by anyone must be as great as or greater than the penalties for making threats.

36. Tobacco, alcohol and drug-free school districts and school property

SCSBA believes school districts, schools, school property and school-related activities should be tobacco free and free from alcohol, anabolic/androgenic steroids, mind or behavior altering substances, and all unauthorized drugs.

Rationale: SCSBA believes that students must have safe and supportive climates and learning environments that support their opportunities to learn and that are free of harmful substances including alcohol, tobacco, and other drugs including synthetic marijuana products and other herbal substitutes for marijuana. SCSBA believes school districts should ban synthetic marijuana products and other herbal substitutes for marijuana from district and school property. The General Assembly should take action to ban the sale and possession of synthetic marijuana products in South Carolina. Tobacco and smoking/second-hand smoke are hazardous to the health and well being of our students, teachers and families.

37. Unfunded/underfunded mandates

SCSBA believes that the South Carolina Constitution should be amended to prohibit state mandates on local units of government unless that mandate is fully funded by the state. SCSBA strongly supports full funding of federal and state mandated education programs.

Rationale: The prohibition of unfunded and underfunded mandates is an issue that continues to arise during each legislative session as programs and directives are proposed at the state level with the knowledge that state funds are not available and that in most instances local taxpayers will feel the fiscal impact. Cities and counties enjoy statu-

tory protection from unfunded state mandates, with certain exceptions. While a statutory prohibition of unfunded mandates for school districts would be appropriate, such legislative enactments are often subject to political or other power shifts. A constitutional amendment, on the other hand, carries the weight of the state's electorate. An amendment to the state constitution must first be approved by the voters as a referendum question in the general election. Then, having received the directive of the citizens of South Carolina, the legislature must then act to ratify such an initiative.