



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: S. 0584 Introduced on March 2, 2023
Author: Senn
Subject: Handicapped Children
Requestor: Senate Education
RFA Analyst(s): Bryant
Impact Date: February 14, 2024 - Updated for Additional Agency Response

Fiscal Impact Summary

This bill requires a superintendent to notify the State Board of Education of an allegation against a teacher and all steps taken to investigate the matter whenever the superintendent finds no cause exists for the dismissal of a teacher based on an allegation that requires reporting pursuant to Section 63-7-310. If the board finds that the steps taken by the district are insufficient, the board may perform a separate investigation into the allegation. The bill further requires all school districts to develop policies to ensure that sufficient staff are present when services of a personal nature are provided to handicapped children.

S.C. Department of Education (SCDE) Regulation 43-58.1 currently requires district superintendents to report educators who are dismissed, resign, or are otherwise separated from employment following allegations of misconduct to SCDE and the board so it can investigate and pursue action against the educator's certification if warranted. SCDE reports that under current regulations, if the district investigates an allegation and determines that no employment action is warranted, SCDE and the board generally would not investigate unless it received a written complaint against the educator or significant concerns were raised. SCDE anticipates that this bill could increase the number of cases for the Office of the General Counsel if the department is required to investigate matters it previously would not investigate. SCDE further anticipates that the bill may necessitate at least 1.0 FTE to conduct investigations, depending upon the number of new cases. However, the department indicates that the overall expenditure impact of this bill is undetermined and will depend upon the number of additional investigations the SCDE and board may need to conduct and the number of possible certification actions that could ensue.

This bill will have no expenditure impact on the state agency schools. The Governor's School for Agriculture at John de la Howe, the Governor's School for the Arts and Humanities, the Governor's School for Science and Mathematics, the School for the Deaf and Blind, and the Wil Lou Gray Opportunity School indicate that they can manage the provisions of the bill with existing appropriations.

The overall expenditure impact of this bill on the local school districts is undetermined and will vary. SCDE surveyed the seventy-three regular school districts and three charter school districts and received responses from twenty-six districts. Ten of the responding districts anticipate that

the bill will have no expenditure impact for either provision. With regard to notifications following investigation of a teacher, two districts indicate that requiring districts to notify the board of an allegation against a teacher and the steps taken to investigate the matter may increase costs by an amount ranging from \$1,000 to \$5,000 per year beginning in FY 2024-25 for legal fees. One district anticipates the need for 1.0 additional FTE at a cost of up to \$150,000 per year beginning in FY 2024-25 to conduct investigations and write reports. With regard to providing services, several districts noted that the cost will depend upon the number of staff required to be considered “sufficient” when providing services of a personal nature to handicapped children. Nine districts anticipate the need to hire additional staff at a cost ranging from \$31,000 to \$9,009,700 per year beginning in FY 2024-25 to ensure that sufficient staff are present when services of a personal nature are provided to handicapped children. Five districts anticipate the need to potentially hire additional staff but note that the cost is undetermined and will depend upon the number of students requiring assistance in eating, toileting, or dressing and the number of staff required to be considered “sufficient.”

This impact statement has been updated to include a response from SCDE.

Explanation of Fiscal Impact

**Updated for Additional Agency Response on February 14, 2024
Introduced on March 2, 2023**

State Expenditure

This bill requires a superintendent to notify the State Board of Education of an allegation against a teacher and all steps taken to investigate the matter whenever the superintendent finds no cause exists for the dismissal of a teacher based on an allegation that requires reporting pursuant to Section 63-7-310. If the board finds that the steps taken by the district are insufficient, the board may perform a separate investigation into the allegation. The bill further requires all school districts to develop policies to ensure that sufficient staff are present when services of a personal nature are provided to handicapped children. For purposes of this section of the bill, services of a personal nature are defined as assistance in eating, toileting, or dressing.

S.C. Department of Education. SCDE Regulation 43-58.1 currently requires district superintendents to report educators who are dismissed, resign, or are otherwise separated from employment following allegations of misconduct to SCDE and the board so it can investigate and pursue action against the educator’s certification if warranted. SCDE reports that under current regulations, if the district investigates an allegation and determines that no employment action is warranted, SCDE and the board generally would not investigate unless it received a written complaint against the educator or significant concerns were raised. SCDE anticipates that this bill could increase the number of cases for the Office of the General Counsel if the department is required to investigate matters it previously would not investigate. SCDE further anticipates that the bill may necessitate at least 1.0 FTE to conduct investigations, depending upon the number of new cases. However, the department indicates that the overall expenditure impact of this bill is undetermined and will depend upon the number of additional investigations the SCDE and board may need to conduct and the number of possible certification actions that could ensue.

This section of the impact statement has been updated to include a response from SCDE.

State Agency Schools. This bill will have no expenditure impact on the state agency schools. The Governor’s School for Agriculture at John de la Howe, the Governor’s School for the Arts and Humanities, the Governor’s School for Science and Mathematics, the School for the Deaf and Blind, and the Wil Lou Gray Opportunity School indicate that they can manage the provisions of the bill with existing appropriations.

State Revenue

N/A

Local Expenditure

This bill requires a superintendent to notify the State Board of Education of an allegation against a teacher and all steps taken to investigate the matter whenever the superintendent finds no cause exists for the dismissal of a teacher based on an allegation that requires reporting pursuant to Section 63-7-310. If the board finds that the steps taken by the district are insufficient, the board may perform a separate investigation into the allegation. The bill further requires all school districts to develop policies to ensure that sufficient staff are present when services of a personal nature are provided to handicapped children. For purposes of this section of the bill, services of a personal nature are defined as assistance in eating, toileting, or dressing.

The overall expenditure impact of this bill on the local school districts is undetermined and will vary. SCDE surveyed the seventy-three regular school districts and three charter school districts and received responses from twenty-six districts. Ten of the responding districts anticipate that the bill will have no expenditure impact for either provision. With regard to notifications following investigation of a teacher, two districts indicate that requiring districts to notify the board of an allegation against a teacher and the steps taken to investigate the matter may increase costs by an amount ranging from \$1,000 to \$5,000 per year beginning in FY 2024-25 for legal fees. One district anticipates the need for 1.0 additional FTE at a cost of up to \$150,000 per year beginning in FY 2024-25 to conduct investigations and write reports. With regard to providing services, several districts noted that the cost will depend upon the number of staff required to be considered “sufficient” when providing services of a personal nature to handicapped children. Nine districts anticipate the need to hire additional staff at a cost ranging from \$31,000 to \$9,009,700 per year beginning in FY 2024-25 to ensure that sufficient staff are present when services of a personal nature are provided to handicapped children. Five districts anticipate the need to potentially hire additional staff but note that the cost is undetermined and will depend upon the number of students requiring assistance in eating, toileting, or dressing and the number of staff required to be considered “sufficient.”

Local Revenue

N/A

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

State Agency Schools. This bill will have no expenditure impact on the state agency schools. The Governor's School for Agriculture at John de la Howe, the Governor's School for the Arts and Humanities, the Governor's School for Science and Mathematics, the School for the Deaf and Blind, and the Wil Lou Gray Opportunity School indicate that they can manage the provisions of the bill with existing appropriations.

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Local Revenue

N/A



Frank A. Rainwater, Executive Director