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## Report of the COVID-19 Public Education Committee

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# **Report of the COVID-19 Public Education Committee**

Submitted to the Honorable Jay Lucas  
Speaker of the House



Submitted by the Honorable Raye Felder, Chair

September 2, 2020

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## **OVERVIEW**

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### *Executive Orders*

On March 15, 2020, Governor Henry McMaster issued Executive Order 2020-09 in response to the COVID-19 pandemic. Section two of the Order directed the following:

closure of all public schools in the State of South Carolina for students and non-essential employees beginning Monday, March 16, 2020, and through Tuesday, March 31.... I further authorize the requisite school districts...to make any necessary and appropriate decisions and arrangements to account for local needs and other unique circumstances to include establishing or maintaining means to deliver virtual instruction and remote learning, assisting with or facilitating the distribution of food and the delivery of nutritional services....

As the virus continued spreading throughout the state, Executive Order 2020-15 extended the closures through the month of April, and Executive Order 2020-23 stated that the closures were to take place “for the duration of the State of Emergency....” Finally, on April 27, Executive Order 2020-29 directed that schools remain closed for the duration of the 2019-20 school year.

The Order “authorized and encouraged...” the following six items:

1. Preparation and implementation of distance learning activities;
2. Preparation and delivery of meals to students;
3. Planning and implementation of alternative and innovative high school graduation ceremonies;
4. Delivery of services to students with disabilities;
5. Provision of individualized support to students who struggle academically or need additional mental health counseling; and,
6. Collection of instructional material and textbooks.

Additionally, Order 2020-29 authorized and directed the State Department of Education [SDE] to “include any or all days of distance learning during which instruction was provided in good faith...to meet the one hundred eighty instructional day requirement....” Districts participating in the eLearning pilot program were urged to work with the State Department and the Education Oversight Committee to assess the capabilities of virtual leaning systems.

School districts were also urged to establish “voluntary, in-person summer learning opportunities for students who were enrolled in kindergarten through eighth grade during the 2019-2020 school year, but who are at risk of falling behind in their learning....” The Department was further directed to work with districts to locate federal and state funds for the programs.

### *Act 135 of 2020*

In order to continue the functions of state government in spite of the extraordinary measures necessitated by the virus, the General Assembly enacted two significant pieces of legislation. Act 135, commonly referred to as the Continuing Resolution, allows for the 2019-20 Appropriations Act to remain in effect until a new budget is enacted by the General Assembly. The Act further provides that the Superintendent of Education may exercise the following emergency powers if they are a necessary and appropriate response to the COVID-19 public health emergency:

- Waive statutory requirements regarding testing, assessments and reporting;
- Include all days of distance learning as part of the one hundred eighty day instructional requirement; and,
- Provide maximum programmatic and financial flexibility, including the authority to carry forward cash balances to local school districts.

The Superintendent was directed to promote and encourage districts to use summer reading camps to keep students on grade level, and could carry forward cash balances maintained by the Department. Those carry forward funds were to be used within the agency to help local school districts respond to the public health emergency. A report identifying the statutory requirements waived by the Superintendent and the reasons why the action was taken was provided to certain committees of the General Assembly on or before August 1, 2020.

### *Act 142 of 2020<sup>1</sup>*

A major part of the federal government's response to the COVID-19 pandemic was the Coronavirus Aid, Relief, and Economic Security Act--commonly referred to as the CARES Act. Of the approximately \$1.9 billion provided to the state through the Act, the General Assembly appropriated approximately \$1.2 billion to include the following:

- \$12 million for school cafeteria workers' salaries and the cost of meals;
- \$210,700,000 million for instructional support beyond the 180 days required by state law. According to the Act "The additional support is to focus on face-to-face instruction for (1) any at-risk students in kindergarten through third grade...for Academic Recovery Camps in reading and mathematics during the summer and (2) students in 4K through eight grade for five additional instructional days at the start of the school year."
- \$50 million for mobile hot spots for virtual instruction to K-12 and college students.

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<sup>1</sup> In addition to the CRF funds, \$216.3 million was appropriated to school districts by Congress. These are known as Elementary and Secondary School Education Relief (ESSER) funds. The State Department of Education was permitted to keep ten percent of the funds, but the rest was sent to districts for use in twelve areas.

Schools were required to assess students at the beginning and end of the Academic Recovery Camps and report on the impact camps had on student learning. Districts are to use the five additional instructional days to assess all students in 4K through eighth grade in reading and mathematics.

Additionally, districts must assess all students at the beginning of the school year and the end of the 2020 calendar year in order to determine areas for intervention, student growth, and the impact of district interventions. Districts are required to identify the strategies used, and services received, by each student and report this information to the Department. Finally, state mandated accountability assessments are waived for the 2020-21 school year and the Superintendent is directed to seek a waiver from federal accountability assessment requirements.

In regard to internet connectivity, the Act directs the Office of Regulatory Staff (ORS) to secure a vendor for the development of a county-by-county broadband mapping plan, and a vendor for a statewide broadband infrastructure plan. ORS must work with the Department and the Commission on Higher Education to procure mobile hotspots and monthly service through December 2020 for up to 150,000 households. Eligibility is limited to households with an annual income of 250 percent or less of federal poverty guidelines, and that have an individual attending a public or private K-12 program or a public or private college.

## **COVID-19 PUBLIC EDUCATION COMMITTEE**

Given the unprecedented disruptions caused by the pandemic, Speaker of the House Jay Lucas created the COVID-19 Public Education Committee. In correspondence to Representative Raye Felder, Chair of the Committee, the Speaker expressed the committee's mission:

[The Committee is] to address the concerns and needs of our education community....This committee will evaluate the effects and disruptions caused by COVID-19 on our state's public K-12 education system and, through a review of existing statutes and regulations, identify ways to provide the relief needed by this community.

Membership of the committee is comprised of members of the following members who also serve on the House Education and Public Works Committee:

- The Honorable Raye Felder, Chair
- The Honorable Terry Alexander
- The Honorable Rita Allison
- The Honorable Wendy Brawley
- The Honorable Tommy Stringer

## **TASK FORCE MEETINGS**

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The COVID-19 Public Education held six meetings from May 27 to August 4, 2020. The first meeting was held via Microsoft Teams due to concerns regarding the COVID-19 virus. Additional meetings were held in person; however, public health and safety protocols were closely followed.

### **I. Wednesday, May 27, 2020--via Microsoft Teams**

The first COVID-19 Public Education Committee meeting was held via Microsoft Teams. The meeting was attended by Speaker Lucas who gave the committee its charge. Among the expectations listed by the Speaker were an evaluation of the effects of the disruptions caused to public schools by the pandemic and ways to provide relief to students. The Speaker indicated that every child should have access to education, every teacher should have the tools to teach, and every parent should know how to help with their child's success.

Members discussed the mission of the committee, and noted that it would like to hear from the State Superintendent, local superintendents from a variety of districts, the Governor's Office, and an expert in the field of broadband.

### **II. Wednesday, June 3, 2020--Room 110, Solomon Blatt Building**

#### **The Honorable Molly Spearman, State Superintendent of Education**

Members first heard testimony from State Superintendent Molly Spearman who discussed how local school districts responded to the schools' closure. Of the nearly 780,000 South Carolina public school students, approximately 220,000 participated completely in virtual learning. Seventeen districts reported that they had no virtual learning options.

Over 40,000 students had not had any contact with their schools since their closure, but efforts were underway to identify and reach out to them. In regard to summer Academic Recovery Camps, the Superintendent reported that approximately 25,000 students could attend face-to-face, and 5,000 could participate virtually.

It was also noted that schools would be required to offer five additional days, but student attendance would be optional. The Department was in the process of ordering masks, and students would be encouraged to wear them.

#### **Dr. Gerita Postlewait, Superintendent of the Charleston County School District**

Dr. Postlewait reported that her district's schools had regular contact with students two times a week in addition to online learning; however, not all students had the ability to participate virtually. Of the district's approximately 50,000 students, 4,779 did not

consistently complete assignments. At first, seventy nine students were not able to engage with their respective school, but that number now stood at only twenty three thanks to assistance from the Department of Social Services and other entities.

The district established a hotline to assist with student needs, and provided mobile hotspots via school buses. Additionally, 1,278 half-day Wi-Fi locations through out the district had been established.

The district was planning a four-week math and reading program for students in kindergarten through grade eight. The program would last from 8:00 a.m. until 2:00 p.m. It was anticipated that 6,000 students would be in the summer program--most of them participating virtually. The district plans to use the five extra at the beginning of the year for instruction.

Dr. Postlewait stated that a list of essential academic standards would be necessary once school began in the fall. Additionally, she requested guidance on how federal CARES funds could be used, that state appropriations be at least the same amount as the current fiscal year, that districts have flexibility on how to spend funds, and that personal protection equipment be made available to districts.

Dr. Rose Wilder, Interim Superintendent of the Williamsburg County School District

Dr. Wilder testified that Williamsburg County School district consisted of 3,352 students. Of those students, approximately thirty eight percent did not have internet access in their households. She also stated that a majority of parents in her district do not want to send their children back to school.

According to Dr. Wilder, approximately 120 students with special needs will be served during a five week summer camp. Fifty one kindergarten through third grade students will experience a blended approach during a four week camp. The district plans to use the five extra days for instruction.

Concerns expressed by Dr. Wilder included the administration of the spring summative assessments, the need for greater flexibility, full funding of the Base Student Cost, and high speed internet service.

Ms. Melanie Barton, Senior Education Advisor for Governor McMaster

Ms. Barton testified that teachers told the Governor's Office that they want lesson plans they can use when schools start back either virtually or face to face. Additionally, they want high-quality professional development. She also informed the committee that at least 100,000 mobile hot spots would be needed for K-12 instruction and that their cost would be approximately \$20 million.



### **III. Thursday, June 11, 2020--Room 110, Solomon Blatt Building**

#### Mr. Matt Hiott, Director of Technology, Palmetto Care Connections

Mr. Hiott testified that approximately 435,000 South Carolina residents do not have broadband access in their homes. He stated that Mi-Fi devices could provide Internet access in areas where there is cellular coverage. Moreover, Mi-Fi devices may be the best option available in many places while broadband, satellite, and point-to-point access are in the process of being expanded. Finally, Mr. Hiott stated that there needs to be a state repository for data regarding internet access and availability.

#### Mr. Ben Breazeale, South Carolina Television Association

According to Mr. Breazeale, internet access via cable television providers is available in forty South Carolina counties. He also stated that ninety percent of the state has 25:3 standard speed (25 Mbps (download) and 3 Mbps (upload)). Mr. Breazeale additionally testified that it can cost up to \$25,000 per mile to run the cable line if existing utility poles are used. Otherwise, costs could increase to \$50,000 per mile. A main point of contention between cable providers and utility companies revolves around the cost of replacing a pole--something that has been addressed in North Carolina.

#### Mr. John Frick, Vice President of Governmental Relations, Electric Cooperatives of S.C.

Mr. Frick stated that a big issue for the electric co-ops and other electric service providers is the ability to obtain easements. He went on to testify that 25:3 speed is a baseline and that investments in infrastructure need to remain strong. One way to help ensure continued investment is through the use of reverse auctions. In regard to utility pole usage, Mr. Frick stated that a key issue is which party pays for inadequate poles, and how costs should be spread. In his opinion "cost causers" should be required to pay.

#### Mr. Brad Wright, South Carolina Telephone Coalition

Mr. Wright testified that the telephone companies want an "even playing field" when it comes to providing broadband services and cited Alabama, Georgia, and North Carolina as states that have passed legislation dealing with cross-subsidy issues. Mr. Jason Dandridge, representing the Palmetto Rural Telephone Cooperative, also testified that, according to the Federal Communication Commission (FCC), ninety percent of South Carolinians have access to 25:3 service. He did state a need for quicker mapping.

#### **IV. Wednesday, June 24, 2020--Room 110, Solomon Blatt Building**

##### Mr. Jim Stritzinger, President and CEO at Revolution D

Mr. Stritzinger informed the committee that he has created a process that combines FCC data (referred to as 477 data) with speed testing through the Ooglo application to develop maps that indicate broadband access throughout the state. According to Mr. Stritzinger, these are the most accurate broadband maps in the United States and are developed much faster than similar FCC maps. All counties have been mapped and updated as of March 31, 2020, and maps are available at [www.scdigitaldrive.com](http://www.scdigitaldrive.com).

Mr. Stritzinger also testified that economies of scale make it difficult for providers to reach the most rural parts of the state. To accomplish this, subsidies may be needed. Once fiber is in place, it is easier for providers to connect the service to households. The State of South Carolina has won three of four United States Department of Agriculture ReConnect Investment grants. This has brought \$27.1 million to the state in the last nine months to improve access, and \$50 to \$100 million more is possible.

According to his testimony, South Carolina has had a broadband plan in place since 2015, but a new, updated plan is needed. Mr. Stritzinger recommended that attempts at broadband connectivity should be tried before employing Mi-Fi. Finally, he believes that the quickest way to have adequate e-learning throughout the state is to box grid the state and have providers select boxes to serve.

##### Mr. Antony Padgett, President and CEO, and Dr. Stephanie Frazier, Vice President of Educational Services, for South Carolina Educational Television

Mr. Padgett and Dr. Frazier discussed ETV's datacasting capability as a way to provide virtual instruction for students. Through programs such as Knowitall, VirtualSC, Discuss, and others, the agency can broadcast instructional units. One drawback is that the communication is not two-way, but the service is available to everyone with a television signal. ETV estimates that datacasting would cost \$5 million over five years.

##### Ms. Nanette Edwards, Executive Director, South Carolina Office of Regulatory Staff

At the request of Senator Alexander, ORS has been collaborating with internet providers to develop an updated broadband plan. The first phase of the plan has three main points: 1) set a goal of 25:3, 2) have an entity in the state act as a service coordinator and match demand with providers, and 3) ensure accurate broadband mapping of the state.

Given the desire to provide internet service to all students, Ms. Edwards recommended that the state first secure hot spots (Mi-Fi) and then build out broadband to homes that currently do not have access. Wired solutions are best for the long run, but Mi-Fi works for certain populations.

The major concern with supplying broadband is affordability; however, the FCC provides approximately \$9.00 per household within a certain income category for wireless connectivity and these funds could be applied to broadband. South Carolina has a similar service for voice that allows \$3.00 per household

#### **V. Wednesday, July 22, 2020--Room 110, Solomon Blatt Building**

Prior to the meeting, the State Department of Education was provided with a list of questions from the Committee. Those questions and the answers provided by the Department via testimony to the Committee are as follows:

1. What is the status regarding efforts to locate students who have not been in contact with their schools since the beginning of the school closures? The Committee would also appreciate an estimate on the number of uncontacted students by district.

As of July 22, 4,216 students had not had any contact with their schools. Over 3,000 names were submitted to the Department of Social Services (DSS). DSS will cross-reference the students with the names of children in the DSS system. Superintendent Spearman testified the districts will keep track of students who do not submit assignments, and attendance will be taken every school day during the 2020-21 academic year.

Superintendent Spearman also stated that there will be high expectations for student engagement and, to assist with that, the Department is in the process of purchasing a statewide Learning Management System.

2. What are the plans for identifying students who are in need of internet access and devices (i.e. Chromebooks, laptops, tablets, etc.), and allocating the resources to those students. Also, please differentiate, if possible, between students with infrastructure needs and those who lack access due to affordability. (In lieu of hotspots, perhaps the “scholarship for service” providers would most provide some discount.)

The Office of Regulatory Staff (ORS) was given 400,000 student names, and providers have approximately 200,000 wireless hot spot devices. The most economically disadvantaged districts will be the first to receive the hot spots.

In regard to devices (e.g., laptops, tablets, etc.), districts can use federal ESSER funds to purchase them for student use. The Department and Department of Administration has been working on a large Chromebook order for the local districts.

The five LEAP days at the beginning of the school year will be used to deliver devices. Superintendent Spearman stated that she believes all districts will be able to connect all students; however, CARES funds are non-recurring so state funds will have to be appropriated if virtual access is to continue.

3. Provide an update on district plans for the start of school to include an overview of the various models being developed by districts.

Thirty-five districts requested an extension for the submission of their reopening plans, but all plans should be in by the end of the week. As of the meeting, no plans had been approved. Among the items the Department is requiring in the reopening reports is a plan for the safe return to school, high student expectations, attendance, and student growth. Even if a district submits an all virtual model, there must be opportunities for at least one face-to-face meeting each week.

Deputy Superintendent David Mathis testified that 53 districts have submitted a plan. Many are using hybrid models with A/B schedules and a “C” day to catch up students who have fallen behind. Districts are to send updated plans to the Department.

The Department will be in charge of buses and creating training modules for school staff. There are concerns with the capability of some districts to create safe environments, and MUSC may be able to help small districts with their efforts to keep schools safe.

Districts have been purchasing Personal Protection Equipment (PPE), and have drawn down approximately \$15.7 in federal funding. There have been no reports from district superintendents claiming that a district cannot open due to a lack of funding, but more funds will eventually be needed because the equipment is consumable.

The Department asked districts to plan for different scenarios to include moving from virtual-only to face-to-face instruction. District plans must address how services will be provided to special needs students, and Individual Education Plans will have to be carried out.

Regarding a question about teachers who do not want to go back into a school building, Superintendent Spearman stated that districts are working with teachers to come up with agreeable arrangements. This is not a Department issue, though, and is left up to the districts.

Superintendent Spearman also stated that 129 schools are without a full-time nurse. Approximately 80 schools have a part-time nurse. The lack of school nurses is likely both a salary and supply problem.

Finally, in response to a question about related arts classes, Superintendent Spearman stated that all offerings must be in a district’s plan. The Department is contemplating asking for a waiver of seat-time minutes.

4. Provide information regarding the number of school faculty and staff, particularly teachers and principals, who do not plan on returning to school in the Fall.

Districts are surveying faculty and staff, but the Department does not collect this information. Regarding foreign teachers working in local districts, their ability to work in South Carolina is dependent upon the federal government.

5. Provide information regarding the formative assessments districts will use to assist teachers in determining student benchmarks.

Five formative assessments have been approved for districts to administer to students in grades K-8. These pre-assessments will be given during LEAP days, and a post-assessment will be administered in December. Some assessments can be given virtually.

Superintendent Spearman relayed districts' concerns that there were too many assessments for Kindergarten students given the restraints put in place to combat the virus. The Department is thinking of waiving either the KRA or MTSS assessments.

6. Provide information regarding the standards that will be used in English/Language Arts and mathematics.

The Department established priorities for state academic standards (i.e. foundational standards) and will put the standards in the LMS. English/language arts and mathematics are priorities, and learning progressions have been established.

7. Provide specific state regulations and statutes the Department intends to waive for the upcoming school year, and whether the Department believes additional authority from the General Assembly is needed.

The Department would like to have the earnings cap for retirees waived, and would like a waiver to have appropriately equipped activity buses used to transport students.

The seat-time waiver should be in place for the entire 2020-21 school year, and the Department will need carry-forward authority.

8. Provide any other information the Department wishes to share with the Committee.

The South Carolina School Boards Association is working on a model policy regarding attendance. Attendance will be taken every day, but each district will need its own policy. Students who attend virtually may still receive school meals. Approximately 3,000 students are going face-to-face and there have been no reports of COVID-19 outbreaks.

## VI. Tuesday, August 4, 2020--Room 110, Solomon Blatt Building

Pursuant to Act 135, the Department was directed to submit a report to certain Senate and House committees regarding the emergency powers granted via the Act. The report must identify “the statutory requirements waived and the reason for which the waiver was granted and identify and describe any actions taken in regard to subsection (A)(3).” Superintendent Spearman and Katie Nilges, Director of Governmental Affairs, testified on behalf of the Department.

In discussing the report, the Department covered the following:

- **Accountability and Report Cards.** The report cards and performance ratings have been extended for one year. The Department will examine a modified version of the report card, and is working with the Education Oversight Committee on a new student growth model. The model will be offered to districts free of charge, and Superintendent Spearman believes most districts will use it.

The parent survey was cancelled, and federal and state required assessments were not administered in the Spring of 2020.

- **Carry Forward.** June 30, 2021 is the new deadline to spend carried-forward state appropriations. The Department used agency carry forward dollars to pay for fuel for buses, a new school value-added instrument, Personal Protection Equipment for buses, Accelerated Reading Camps, and LEAP days.
- **Defined Minimum Program/Seat Time.** The Department waived five regulations—one dealing with accounting and reporting, three involving the defined program, and one concerning health education. The waiver involving seat time will need to be continued, but the Department is requiring that district plans show high engagement expectations of students.

In regard to students who have not been in contact with their respective school since buildings were closed, there are four districts that have still not reported their numbers. Once the academic year begins, district personnel will visit students who do not participate in school.

Responding to a question about virtual education, Superintendent Spearman indicated that some districts have contracted with vendors to provide instruction. Teachers may be located in, and certified by, other states. Members indicated that districts should ensure that state standards are taught. Additionally, members indicated that parents should have flexibility during the school year when it comes to choosing virtual or face-to-face education.

To better assess student performance, the Department has been developing standards-based competencies. The accountability model will need to be adjusted once those competencies are in place.

- **Educator Certification.** The Department reported that there is a one-year grace period for professional certificates, initial certificates, and a new conditional certificate that would have expired June 30, 2020. Exemptions are in place for Spring 2020 student teachers. As for Career and Technology Education, educators with a Year One, Year Three, or pre-professional certificate that expired on June 30, 2020 will have an additional year to complete certification requirements.
- **Negotiations of Retired Teacher Salary.** Superintendent Spearman stated that the department extended the provisions of §59-25-57 that allows districts to negotiate salaries with retired teachers who are not a part of TERI. The Department would like for this statute to be extended, and also recommends lifting the earnings limitations for retirees.
- **Transportation.** The Department waived state regulations requiring that school bus stops must not be closer than two-tenths of a mile. This allows districts to minimize the number of students at a particular bus stop.
- **Flexibilities Needed for 2020-2021.** The Department requested “similar flexibilities as previously provided in the Continuing Resolutions.” The Committee asked that the Department provide a detailed list of statues and regulations needed to be waived.

Other items discussed during the meeting included following:

- The Department testified that all districts must assess students, and pre-assessments must be given during the LEAP days or within the first ten days of school. The Department has approved virtual assessments. The Kindergarten Readiness Assessment (KRA) will be given, but the observation portion has been waived for 2020-21.
- Superintendent Spearman stated that the September 14 deadline for districts to provide a face-to-face option was put in place because too many district plans were open ended. The Department will not withhold funds from districts if they do not have face-to-face instruction.
- District surveys regarding internet hot spots are due August 5. The Department has been working closely with ORS on this issue. Also, the Department received a \$15 million Rethinking Education grant and will use the funds to work with SCETV and its datacasting program.
- According to Superintendent Spearman, personal protection equipment (PPE) will be available for the beginning of the school year. Moreover, 400,000 masks have been ordered for buses, and drivers will be responsible for issuing them to riders. The Department has also purchased enough cloth masks so that all faculty and staff will

receive five of them. Disinfectant has been obtained for buses, and the Department has assisted districts with gathering cleaning supplies. Superintendent Spearman believes the state is “in good shape with PPE.

- The Department will provide information to the Committee regarding Special Education Services waivers.
- The purchase of textbooks and related instructional materials has not occurred. The Department is waiting on funds appropriated through the 2020-21 Appropriations Act before committing to buying those materials.
- The Committee requested a specific list of statutory and regulatory waivers by August 17.



## **Waiver Request from the State Department of Education**

In response to the COVID-19 Public Education Committee's request for specific waivers needed for the 2020-2021 school year, the Department provided the following information on August 17, 2020. Comments by the Committee are included in brackets.

### **Legislative Requests: South Carolina Department of Education**

#### **Continuing Resolution Emergency Powers:**

For the upcoming fiscal year, through the 2021 Appropriations Act, the Department intends to seek similar emergency powers and flexibilities as established by the Continuing Resolution.

Pursuant to the Continuing Resolution (Act 135), the State Superintendent of Education has been granted authority to exercise emergency powers that are deemed as necessary and appropriate measures in response to COVID-19. Such measures include granting statutory and regulatory flexibilities, providing maximum programmatic and financial flexibility to school districts, and to maintain any cash balances at the SCDE in the form of carry forwarding those funds.

A report was provided to members of the General Assembly on August 1, 2020, including all waivers and flexibilities granted by the State Superintendent under these emergency powers. In addition to the continuation of those areas outlined in the report, the following areas will also require flexibility to be granted. Assuming a continuation of emergency powers is provided, many of the below items may be addressed through such powers.

**[If the General Assembly provides continued flexibility via statutory and regulatory waivers, it is recommended that the Department identify the statutory requirements waived and the reason for which the waiver was granted. Additionally, detailed reports regarding student growth, curriculum, standards, nutrition programs, virtual education, outreach to homeless students, and other areas deemed essential should be required.]**

#### **Earnings Limitation:**

Pursuant to Act 116, the earnings limitation imposed pursuant to Sections 9-11-790 and 9-11-90 of the South Carolina Code of Laws does not apply to retired members of the South Carolina Retirement System or the Police Officers Retirement System who return to covered employment to participate in the state's public health preparedness and response to the COVID-19 virus. This period began on March 19, 2020, and is set to expire on September 1, 2020.

Extending the deadline of the above provision at least to July 1, 2021, will greatly benefit school districts. Districts will be able to employ retired bus drivers to help accommodate additional routes now being required due to social distancing protocols, as well as the delivery of meals. This will also allow districts to hire additional educators to assist with ensuring that smaller class sizes are available for students who have opted for face-to-face instruction.

**[Before adoption of this recommendation, the Committee suggests that the fiscal impact be determined.]**

### **General Reporting Requirement Flexibilities:**

- Due to many flexibilities and waivers granted for the spring of the 2019-2020 school year, data was either delayed in being collected, or not able to be collected at all. Therefore, SDE needs general flexibility relating to all reporting requirements for districts, as well as for those required of SDE. Specifically, SDE may find it necessary to adjust reporting deadlines if the data points are delayed or unable to be obtained due to the impacts of the COVID-19 public health emergency.

**[Although flexibility is needed for districts when it comes to reporting requirements, the reports provide crucial information. If data points are unable to be obtained, SDE should work with the districts to ensure that schools and districts are providing an educational program that meets the needs of students, parents, and other stakeholders.]**

- Report Card release date: Prior to the budget process being placed on hold in March, a proviso had passed the House that set the report card release date for November 1. Using the authority granted under the Continuing Resolution, the Superintendent adjusted the release date for the report card release date for November 1 as well.

### **Auditing Services:**

South Carolina Code §59-17-100 and State Board of Education Regulation §43-172 (II).

- The regulations requires school districts to submit an audit report regarding the prior fiscal year to SDE by December 1, SDE will need to extend the deadline for the upcoming year from December 1, 2020, to January 15, 2021.
- Explanation: Annually, the Office of Management and Budget (OMB) publishes a compliance supplement for independent auditors that lists testing requirements for most federal programs. The supplement is usually released in June of each year. Originally, OMB planned to issue two compliance supplements this year: a basic supplement and a second providing guidance for COVID-19 programs. To date, neither part has been released. Auditors are scheduled to begin fieldwork in the upcoming weeks, but, without the compliance supplement, it is unknown what required testing mechanisms will be mandated. The CARES Act will most likely be tested as a major program in all districts, but, without the compliance supplement, this cannot be known for certain.

*Note: This does mean there will be a delay in the General Assembly receiving requested reports, such fund balances by district, Statements of Revenues, and Statements of Expenditures. This will also impact the deadlines for placing a district on a fiscal practices designation.*

## **Transportation:**

State Board of Education Regulation §43-80

- The regulation requires school districts to submit route descriptions by October 15. SDE will need to grant an extension to districts to allow them until December 15, 2020, to submit the required route descriptions.
- Explanation: With the majority of districts beginning September 8, they will have approximately five weeks to submit their route descriptions. Additionally, with the uncertainty of when districts will be able to operate on a normal schedule again, it will be difficult for districts to prepare the actual route description for this school year without the opportunity to first operate under the new requirements.

## **Food Service:**

State Board of Education Regulation §43-168

- The regulation requires school districts to offer a choice of entrees at lunch (minimum of two), as well as a minimum of four choices of fruits and vegetables in season for students in grades kindergarten through grade five.
- Explanation: By temporarily waiving this regulation, school districts would not have to adhere to the requirements surrounding choices of entrée requirements or the stipulation that four fruits and vegetables options must be offered. Due to social distancing requirements, and many students opting for a virtual learning environment, a waiver will allow districts the ability to more easily facilitate serving meals in the classroom, as well as at alternative feeding locations.

*Note: All federal nutrition standards will continue to be upheld.*

## **Requirements for Advanced Placement (AP) and Gifted and Talented (GT) Educators:**

State Board of Education Regulation §43-220

- The regulation requiring that all educators of a Gifted and Talented (GT) course or class have the added endorsement program approved by SDE.
- Explanation: Although the regulation does provide newly assigned educators of GT courses one calendar year to meet the endorsement requirements, an additional year is needed for those educators to meet the requirements. Due to COVID-19 related barriers, educators have been unable to access the available training to acquire the GT endorsement. Providing an additional year will benefit educators seeking this endorsement.

State Board of Education Regulation §43-258.1.

- The regulation requires that all educators teaching an Advanced Placement (AP) courses have the added specialized AP course endorsement on their certificate.
- Explanation: Although the regulation does provide newly assigned educators of AP courses one calendar year to meet the course training requirements, an additional year is needed for these educators to meet the endorsement requirements. Due to COVID-19 related barriers, educators have been unable to access the available training to acquire the AP endorsement. Providing an additional year will benefit educators seeking this endorsement.

#### **Relief from FitnessGram Requirements:**

Although the specific requirements of FitnessGram are not in legislation, the South Carolina Department of Health and Environmental Control (DHEC) is charged with promoting and protecting the health of the public in South Carolina. This project represents a collaborative effort between DHEC, SDE and Children's Physical Activity Research Group at the University of South Carolina. FitnessGram tests are administered by physical education teachers to South Carolina public school students in grades two, five, eight, and high school to assesses components of fitness that are known to be related to health outcomes in children and youth.

Due to many students receiving instruction virtually in the upcoming school year, the Department plans to work with DHEC to relax the requirements of FitnessGram. As final decisions are made, the SDE and DHEC will report on measures taken.

#### **Reallocation of Coronavirus Relief Funds (CRF):**

On June 25, 2020, Act 142, as passed by the General Assembly, was signed into law by Governor McMaster. Act 142 authorized the expenditure of federal funds disbursed to the State in the CARES Act, and specified the manner in which the funds may be expended. The Executive Budget Office (EBO) was authorized to reimburse the SCDE up to \$222,700,000 for Academic Recovery Camps (ARC) (\$50,759,000), five days of academic instruction (\$159,241,000), and food services (\$12,000,000).

The purpose of ARC was to mitigate disrupted learning time and support educational recovery for students due to the closure of schools. Students eligible for this program were those in kindergarten through third grade who would benefit from supplemental learning opportunities in English language arts (ELA) and mathematics. Specifically, the proposal included a face-to-face summer program to strategically work with students by providing instruction for 120 minutes a day in literacy and 50 minutes a day in math for four weeks.

When the request for funding was originally made in May, SDE, based on a survey of districts, estimated 25,000 students would be served through a face to face ARC. The survey also included 4,900 students to be served virtually. The cost breakdown for each was as follows:

- Face to Face Instruction:
  - 25,000 students x \$1,766.00 per student = \$44,150,000.00
- Virtual Instruction:
  - 4,892 students x \$1,351.00 per student = \$6,609,000.00

Based on the above breakdown and identified students, SDE requested \$50,759,000 to reimburse districts for providing ARCs.

When districts were surveyed in July, an estimated 10,000 students had been invited to participate in an ARC; however, as the number of positive COVID-19 cases increased in the state, many districts made the decision to move their ARC to a virtual platform. Districts that elected to host their ARC virtually may not seek reimbursement of CRF funding.

As of August 17, 2020, only 38 districts were able to host 3,700 students through a face-to-face ARC. Because of this, an estimated \$42,872,261 remains in CRF authorized expenditures to SDE for ARC. Extensive interventions for students are still needed, and the following recommendation is provided.

Recommendation: Strategic, intense, and focused instructional support in ELA and Math should be given to students who are most in need of remediation or intervention in grades K-three. This may include face-to-face tutoring, employment of interventionists to specifically target literacy and numeracy growth, extended day and afterschool content recovery services, or activities related to social-emotional learning. SDE is gathering data on specific ways districts may implement the above suggestions, and will provide these details once collected.

It is also likely there will be funding remaining from Learn, Evaluate, Analyze, and Prepare (LEAP) days. As districts begin to host their LEAP days, a better estimate of this amount will become available and more details will be provided at such time.

**[Given the significant amount of funding, along with the requirements of the CARES Act, the Committee recommends that close attention should be placed on this request.]**

**Additional Funding Considerations:**

As SDE continues to work through the budget process, additional areas will need consideration. Specifically, additional measures for the health, safety, and social emotional well-being of students will need to be implemented. This may include funding for districts to hire nurses, social workers, or counselors. Based on preliminary data received from districts, there are an estimated 100 schools without a full time nurse on staff. A formal request with an exact budget request will be forthcoming.

Additionally, although hotspots and some internet services have been provided to families throughout the state, this funding will expire on December 31, 2020. The state will need to evaluate the cost of continuing these services through the remainder of the school year, if not beyond.

**[The use of non-recurring funds to hire personnel should be examined by the General Assembly.]**

## **Recommendations**

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After six meetings of testimony and discussion, the COVID-19 committee submits the following recommendations:

1. Greater and continued emphasis should be placed on ensuring that Internet access is available to all households with children enrolled in school. This includes expanding the threshold for state assistance. Broadband speed should be sufficient to guarantee an effective virtual connection between school and home. Additional funding for fiber connectivity, especially in rural areas, should be examined.
2. The General Assembly must be cognizant that CARES Act funds are required to be spent before the end of the year. If it appears that distance learning will have to continue to be utilized in a significant manner in the Spring semester, identification of state funding sources will have to be made.
3. District practices and policies regarding student attendance and the prevention of absenteeism should be further examined in order to ensure students are not out-of-touch with their schools. SDE should develop a process for districts to use in reporting student truancy, and create protocols to immediately reengage students in learning.
4. When a strictly virtual education model is in place, a face-to-face meeting with each student, his or her parent or guardian, and a member of the school staff needs to be completed at least once each semester in order to determine the student's learning progress and ways improve the virtual classroom experience.
5. District superintendents should ensure that students in virtual settings have private avenues of communication with their teachers and other school staff members in order to confidentially discuss sensitive matters.

6. Flexibility regarding state regulatory and statutory requirements should be continued for the 2020-2021 school year. If the public health emergency remains, the General Assembly should reexamine the waivers granted to the Department before adjourning sine die in 2021. This includes consideration of waiving the earnings limitation imposed pursuant to Sections 9-1-1790 and 9-1-1795 of the South Carolina Code of Laws in regard to retired teachers and school staff who return to covered employment to participate in the state's public health preparedness and response to the COVID-19 virus.
7. The General Assembly should be kept abreast of student performance, especially for students who are in schools that do not meet face-to-face. Changes to standards, curriculum, and instructional delivery should be monitored and reported. Additionally, the General Assembly should require monthly reports from the State Department of Education indicating the number of schools where students are attending in a traditional, virtual, or hybrid model.
8. Practices of districts showing significant student growth through virtual and hybrid means should be collected and distributed statewide.
9. With funds remaining from the Act 142 appropriation, districts that offered virtual summer Academic Recovery Camps should be reimbursed for the cost of instruction. If additional funds are available from the Act, the General Assembly should consider funding strategic, intense, and focused instructional support in ELA and Math for students who are most in need of remediation or intervention in grades Kindergarten through eight. This may include face-to-face tutoring, employment of interventionists to specifically target literacy and numeracy growth, extended day and afterschool content recovery services, or activities related to social-emotional learning.
10. Innovative and successful professional development and student instructional practices developed by districts that can be employed once the public health emergency is ended should be compiled and shared among districts to promote best practices.
11. Efforts regarding the identification and implementation of quicker and more informative student assessments should continue. Work begun by the Department in the area of competency based education and personalized learning should accelerate so that students can progress at rate that best suits their needs.
12. The State Department of Education should continuously encourage districts, regardless of the method used to deliver instruction, to maintain a focus on the arts and humanities.
13. Districts must continue to provide nutritional meals to students who are part of the free and reduced lunch program and who attend school virtually.

14. The General Assembly should examine changes to state law to allow schools to hire licensed practical nurses or other qualified health professionals when registered nurses are unavailable.
15. The Department of Administration, State Department of Education, and school districts should examine and recommend a unified approach regarding paid leave for faculty and staff who contract COVID-19 during the school year.
16. The Commission on Higher Education and the State Department of Education should work to ensure that students have the ability to access state-funded college scholarships in light of college entrance examination cancellations during Spring 2020. If changes to state statute are necessary, recommended language should be provided to the General Assembly as soon as possible.

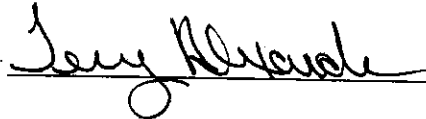


**Conclusion**

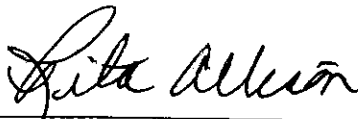
The House COVID-19 Public Education Committee respectfully submits this report to Speaker of the House Jay Lucas.



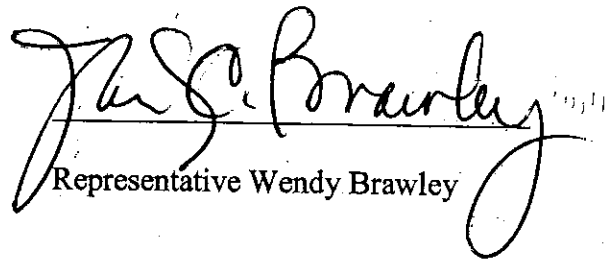
Representative Raye Felder, Chair



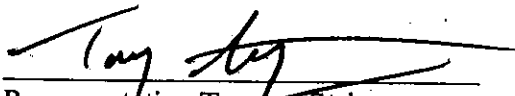
Representative Terry Alexander



Representative Rita Allison



Representative Wendy Brawley



Representative Tommy Stringer