Joint Citizens and Legislative Committee on Children

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There is no keener revelation of a society’s soul than the way in which it treats its children.
- Nelson Mandela
The Joint Citizens and Legislative Committee on Children is pleased to present its 2019 Annual Report. The Committee is charged with the important responsibility of identifying and studying key issues facing the children of South Carolina and making recommendations to the Governor and General Assembly.

The 2019 Annual Report includes topics of concern identified by Committee members, by stakeholder partners, and by constituents. Public hearings conducted by the Committee around the state have also been an important source of information and insight on the citizen concern regarding our state’s children. In this year’s report, the Committee outlines needed efforts to achieve four critical goals:

- to protect youth and support responsible decision-making as they transition to adulthood;
- to better provide children the support they need to thrive and lead healthy lives;
- to guard the physical and mental well-being of our children; and
- to encourage initiatives that will promote a high quality educational system.

As you will read, included are actionable, immediate steps and long term actions in each area that can be taken to improve the lives of South Carolina’s children. We are proud to work on their behalf as a Committee; these youngest citizens are most worthy of our time and attention. Thank you for your consideration of the research and recommendations contained in this report.

Neal Collins       Katrina Shealy
Chair       Vice Chair
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Prior Annual Reports can be found at the Committee website:
www.sccommitteeonchildren.org
Executive Summary

This 2019 Annual Report of the Joint Citizens and Legislative Committee on Children provides information to the Governor and the General Assembly in the consideration of policy, funding, and legislation that affects children. The Committee looks forward to working with legislators and other elected officials, citizens, and all who serve or who are interested in promoting the well-being of children.

Based on input provided at the Committee’s public hearings, and building on the Committee’s previous work, this Annual Report gives attention to:

- Incarceration of Children Sentenced to Life Without Parole
- Access to Quality Child Care
- Child Hunger
- Teacher Salaries in South Carolina

Additionally, the Committee supports policy implementation and legislation to address:

- Adding Fathers’ Names to Birth Certificates
- Banning Child Marriage
- Children’s Safety in Afterschool Programs and Summer Camps
- Incarceration of Status Offenders
- Increasing Penalties for Sex Buyers
- Penalizing Torture of Children
- Placement of Children on the Sex Offender Registry
- Safe Harbor for Victims of Human Trafficking
- Teen Dating Violence Prevention
- Tobacco Products Marketed to Children

The Joint Citizens and Legislative Committee on Children has identified a number of issues that affect multiple areas of child development that are in need of policy and legislative initiatives. These initiatives will make our state safer and healthier so that children can flourish. It is the priority of the Committee on Children to ensure that our state promotes policies and passes legislation that ensure children can meet their full potential. Please consider our recommendations, accompanying legislation, and the Committee’s position on them as you act this legislative session.
Data Highlights

South Carolina was ranked 38th in the nation on overall child well-being by the Annie E. Casey Foundation in its 2018 KIDS COUNT Data Book. There are more than 1.1 million children under age 18 living in South Carolina, which is 22% of the total population. The most recent available data shows that in South Carolina:

- 57,030 children were born in 2017.
- 902 children were born to girls under age 18 in 2017.
- 100,142 children experienced non-fatal injuries requiring a hospital or emergency room visit, incurring a total hospital charges of $268,575,335, in 2017.
- 655,728 or 59% of children in the state were enrolled in Medicaid in 2017.
- 19,959 children were victims of child maltreatment in 2018.
- 8,352 children were served in foster care in 2018.
- 99,769 children ages 3 to 17 were identified as having a disabling condition in 2018.
- 242,819 or 22.3% of children under age 18 lived in poverty in 2017. This is higher than the national level at 18.4%.

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4 Id.
6 S.C. Emergency Dep’t Discharges (Ages 0-17 years), S.C. REVENUE AND FISCAL AFFAIRS OFFICE, Unpublished report generated in Nov., 2018. South Carolina Emergency Dep’t Discharges (ages 0-17). Data includes inpatient admissions through the ED. SC residents for non-fatal injuries in the 2017 calendar year.
7 Medicaid Enrollment, S.C. HEALTHVIZ (2018), http://www.schealthviz.sc.edu/medicaid-enrollment. These data are current as of May 15, 2018. The race data is self-reported and may not accurately reflect the actual race/ethnicity of the individual (last visited Jan. 29, 2019).
8 Children in Founded CPS Investigations During SFY 2017-2018 Based on Accepted Date, S.C. DEPT’OF SOCIAL SERVICES – DIV. OF ACCOUNTABILITY, DATA, AND RESEARCH (data from CAPSS on Aug.1, 2018), available at https://dss.sc.gov/media/1812/ages-of-children-in-founded-investigations-sfy18.pdf (last visited Jan. 29, 2019). Data includes only children in the household who were determined to be the direct victims of one or more specific founded maltreatments.
Updates on Committee Initiatives

The Committee on Children continues to work toward legislative and policy reforms that will improve protection for children and more effectively use limited public resources. In 2018, the Committee on Children sponsored or endorsed the following bills that ultimately passed:

- **Foster Care/Child Victims of Human Trafficking (Act 146 of 2018)** requires DSS to provide certain information to prospective kinship placements prior to placing children in kinship care; creates a waiver for non-safety requirements for kinship homes to become licensed foster placements; requires data reporting from DSS regarding kinship care; and amends the definition of abuse and neglect to include minor victims of trafficking in persons.

- **First Steps Reauthorization (Act 152 of 2018)** adds additional agency reporting requirements; requires the agency to report kindergarten readiness results; transfers BabyNet early intervention program to DHHS; and reauthorizes First Steps until June 30, 2025.

- **Disturbing Schools Reform (Act 182 of 2018)** helps keep schools safe without criminalizing typical adolescent conduct. Delineates specific offenses that constitute disturbing schools; makes the offense applicable only to non-students; increases penalties for the offense; and creates a new offense for students who make threats of bodily harm or death.

- **Local Child Fatality Review Teams (Act 183 of 2018)** requires the coroner of each county to convene a team to review any case where a child under the age of 18 dies within 7 days of the death; provides for confidentiality of team meetings and records; provides an option for state funding of full-time salaries for coroners; and expands duties of Coroners Training Advisory Committee.

- **Newborn Safe Sleep Practices Information (Act 199 of 2018)** requires all hospitals to provide parents of newborns with a video presentation on safe sleep practices, the causes of Sudden Unexpected Infant Death Syndrome, and the dangers associated with shaking infants and young children; requires DHEC approval of the video; and requires education on safe sleep practices in other venues.

Other 2018 Committee on Children legislation and initiatives received hearings and prompted important discussion, public debate, and study of key children’s issues, including:

- **Incarceration of Status Offenders**
- **Placement of Children on the Sex Offender Registry**
- **Penalizing Torture of Children**
- **Responding to Child Victims of Human Trafficking**

Finally, the Committee convened informational briefings on issues of children’s physical and mental health and school safety.
Protecting Youth and Supporting Responsible Decision-Making

The Committee on Children continues to work toward legislative and policy reforms that concern the detention, incarceration, and imposition of other actions that have life-long consequences on adolescent youth in South Carolina. In line with previous initiatives such as limiting the detention and incarceration of minors for status offenses, examining appropriate accountability measures for juveniles on the sex offender registry, and reforming the Disturbing Schools law, the Committee encourages responsible decision-making that is consistent with research and evidence-based practices when it pertains to children who commit offenses. Accordingly, the Committee continues its commitment to protecting justice-involved youth by focusing on the Incarceration of Children Sentenced to Life Without Parole.

Since 2005, the United States Supreme Court has rejected imposing extreme sentencing schemes on children. In particular, four key decisions, Roper v. Simmons (2005), Graham v. Florida (2010), Miller v. Alabama (2012), and Montgomery v. Louisiana (2016), demonstrate a trend towards rehabilitation rather than a lifetime behind bars. Recognizing that children are different from adults developmentally, emotionally, and constitutionally, the Court decidedly reserved the harshest institutional punishment, life without the possibility of parole, for only the rarest homicidal offender “whose crime reflects irreparable corruption.” Since life imprisonment does not reflect that youth are capable of change, it is clear this sentence is not appropriate for most children.

The lifetime incarceration of children challenges well-known scientific and sociological research principles. Research confirms the common-sense understanding that children should not be subjected to the same forms of punishments as adults because they lack maturity, have an underdeveloped sense of identity, and are more easily influenced. In addition, “inexperience, less intelligence and less education make [adolescents] less able to evaluate the consequences of [their] conduct....” Many of these factors can affect judgment, making it is easy to understand why adolescents’ decision-making capacities are diminished during the teen years and why they engage in riskier behaviors than adults. It is also evident that these behaviors are likely to decrease as they age and mature, which is why children are often viewed as less culpable for the crimes they commit.

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18 Id. at 471. See also Laurence Steinberg and Elizabeth S. Scott, Less Guilty by Reason of Adolescence: Developmental Immaturity, Diminished Responsibility, and the Juvenile Death Penalty, 58 AM. PSYCHOLOGIST 1009, 1011 (2003).
19 Steinberg & Scott, supra note 18, at 1013 (quoting Thompson v. Oklahoma, 487 U.S. 815, 835 (1988)).
20 Id. at 1011-12.
21 Id. at 1010.
Despite such compelling research, widely condemned practices like solitary confinement and lifetime incarceration are still being imposed without consideration of the immaturity and vulnerability of the adolescent brain.\textsuperscript{22} Given that lifetime incarceration rejects the principle of rehabilitation altogether, it simply does not make sense to subject children to these terms knowing they have lessened culpability and a heightened capacity for change.\textsuperscript{23} Thus, rather than risk extreme and disproportionate sentencing, children who commit serious crimes deserve a better option – to be held accountable with age-appropriate measures centering around rehabilitation and redemption.

**Supreme Court Rulings: Rejcting Extreme Sentencing Schemes on Children**

*Timeline of Supreme Court Rulings on Sentencing Children*

- **2005** Banned the Death Penalty for Children
- **2010** Banned Life Without Parole for Children Convicted of Nonhomicide Offenses
- **2012** Banned Mandatory Life Without Parole for Children
- **2016** Opportunity for Release for All Children with Life Sentences

Over the last 15 years, a new paradigm has emerged avoiding the practice of juvenile life without parole and instead making forward progress towards positive, age-appropriate sentencing. The shift within the legal landscape concerning children facing extreme sentencing has been guided by four Supreme Court rulings, each of which progressively distanced itself from unnecessarily harsh, disproportionate sentencing of children.\textsuperscript{24}


In 2005, the United States Supreme Court banned the imposition of the death penalty for minors under the age of 18, finding it to be an unsuitable punishment for children.\textsuperscript{25} Since capital punishment is the most severe form of punishment available, it is reserved only for those offenders who commit the most serious crimes and “whose extreme culpability makes them the most deserving of execution.”\textsuperscript{26} Children categorically do not fit this narrow definition. Agreeing with


\textsuperscript{23} Id.


\textsuperscript{25} Roper, 543 U.S. at 575.

\textsuperscript{26} Id. at 575 (quoting Atkins v. Virginia, 536 U.S. 304, 319 (2002)).
the scientific and sociological research on adolescent development, the Court deemed children less culpable than adults for the crimes they commit because minors often lack maturity and are irresponsible, they are particularly susceptible to negative influences due to a lack of control over their immediate surroundings, and their character is not yet as well formed as adults. Due to their diminished culpability, the Court ruled that children should not be subjected to the same forms of punishment as adults.

Although executing children was found to be cruel and unusual punishment in 2005, this concept was already prevalent across the nation. At the time of the Roper ruling, 12 states and the District of Columbia prohibited any form of capital punishment, and 18 more barred children from receiving the death penalty. Thus, aligning with the nation’s “evolving standards of decency,” the Court refused to categorize minors amongst the worst offenders and instead deemed death penalty sentences for children a violation of the Eighth Amendment.

**Banning Life Without Parole for Children Involved in Nonhomicide Offenses: Graham v. Florida (2010)**

Five years after the Roper ruling, the Court reexamined the issue of disproportionate sentencing for children who commit nonhomicide offenses in Graham v. Florida. Recognizing that life without the possibility of parole is the second harshest punishment available within the criminal justice system, the Court likened lifetime incarceration to the death penalty finding that it must only be imposed for the most serious offenses. Again, relying on behavioral and developmental research, it was established that children, by their very nature, are even less deserving of the most severe punishments and should be placed in a “significantly different category” than other defendants because of their age. Thus, the Supreme Court prohibited life imprisonment for youth involved in nonhomicide offenses.

The Graham ruling also reflected a national consensus because states had already moved away from this sentencing term for children. At the time, only 11 jurisdictions sentenced youth to life without parole for nonhomicide offenses – and most of those did so rarely. Consequently, this type of sentencing was not only declared unconstitutionally excessive, but the Court also expanded its protection of minors who commit serious crimes by establishing a new, important

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27 Id. at 569-70.
28 Id. at 575.
29 Id. at 568.
30 Id. at 595.
31 Id. at 568.
32 Graham, 560 U.S. at 48.
33 Id. at 91. (Roberts, J., concurring)
34 Id. at 82.
35 Id. at 62-63.
36 Id. at 65. “[T]here are 124 juvenile nonhomicide offenders serving life without parole sentences. A significant majority of those, 77 in total, are serving sentences imposed in Florida. The other 46 are imprisoned in just 10 States.”
precedent requiring states to provide these youthful offenders with meaningful opportunities to obtain release. However, while *Graham* did not guarantee the release of offenders, it did serve as a safeguard to ensure youth are afforded realistic chances to demonstrate maturity and rehabilitation as consideration for reintegration.


In the watershed case *Miller v. Alabama*, the United States Supreme Court further broadened its stance against extreme sentencing of children by ruling mandatory life without parole sentences for youth under 18 unconstitutional. The *Miller* case effectively barred the mandatory sentencing of juveniles to life imprisonment for all but the rarest offenders who show “irreparable corruption.” In other words, since life imprisonment is contrary to rehabilitation principles, sentencing any minor to that term was thereafter expected to be rare and uncommon because most children are capable of change.

Citing scientific research and the common-sense that “any parent knows,” the Court ultimately concluded that children are different than adults because of their distinctive attributes of youth and mandated an individualized sentencing approach to help ensure youthful offenders receive fair chances at age-appropriate sentences. Now, various mitigating factors (commonly referred to as *Miller* factors), such as the child’s chronological age and hallmark features (e.g., immaturity, impetuosity, and failure to appreciate risks and consequences), family and home environment, surrounding circumstances of the offense, and the child’s potential for rehabilitative reform must be taken into consideration before any minor can receive a life term.

**Giving All Children with Life Terms the Opportunity for Release: Montgomery v. Louisiana (2016)**

Although the Supreme Court did not go as far as to ban life without parole for all children in the previous cases, it did mandate that states find a balance between appropriately holding youthful offenders accountable for their actions and ending disproportionately harsh punishments. Nonetheless, states and the federal government still grappled with how to apply the previous Supreme Court decisions in light of the existing mandatory sentencing laws. Questions arose about how the rulings should affect individuals previously sentenced to life without parole as children and state supreme courts answered inconsistently. In 2016, the Supreme Court decisively answered this question in *Montgomery v. Louisiana*, holding that *Miller* created a new substantive rule and applies to all cases of juvenile life without parole – including previously decided cases. Put differently, all individuals sentenced to a mandatory life term without parole as children in the past

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37 Id. at 75.
38 Id. at 82.
40 Id. at 479-80.
41 Id. at 479.
42 Id. at 465, 477-78.
43 *Montgomery*, 136 S. Ct. at 718.
or presently must be given the opportunity to present mitigating evidence for a chance at release because, as the Court wrote,\footnote{Id.}

“[e]xtending parole eligibility to juvenile offenders does not impose an onerous burden on the States, nor does it disturb the finality of state convictions. Those prisoners who have shown an inability to reform will continue to serve life sentences. The opportunity for release will be afforded to those who demonstrate the truth of Miller's central intuition—that children who commit even heinous crimes are capable of change.”

South Carolina’s Judicial Response to Life Imprisonment of Children: \textit{Aiken v. Byars (2014)}

Before the \textit{Montgomery} ruling, South Carolina was one of the many states that sought to address the question of retroactivity. Aligned with the principles enunciated by the United States Supreme Court, the Supreme Court of South Carolina in \textit{Aiken v. Byars} ruled mandatory sentences of life imprisonment without parole for children violate the Eighth Amendment both retrospectively and prospectively. Acknowledging that there is an established “affirmative requirement that courts fully explore the impact of the defendant’s juvenility on the sentence rendered” set forth under \textit{Miller}, the Court made it clear that individualized hearings for youthful offenders facing life without parole were mandatory.\footnote{\textit{Aiken}, 765 S.E. 2d at 572.} Hence, without consideration of a youth’s unique circumstances and mitigating factors, a child in South Carolina could no longer be sentenced to life without the possibility of parole or it would be a cruel and unusual form of punishment.

After the \textit{Aiken} ruling, all juvenile offenders who were previously subject to a sentence of life imprisonment without the possibility of parole in South Carolina were entitled to resentencing regardless of whether the original sentence imposed was mandatory or permissible. Although the Supreme Court of South Carolina did not go as far as to set a blanket prohibition on the imposition of life imprisonment for youth, its ruling did represent a positive step towards progress for the children of South Carolina.
Following the momentum set forth by the Supreme Court, a majority of states have since abolished the practice of sentencing children to life without parole. Currently, 26 states and the District of Columbia ban or do not use juvenile life without parole sentencing for children. Since the Montgomery ruling in 2016, eight states and the District of Columbia have eliminated juvenile life without parole sentencing through legislative reform. Many states have introduced new mandatory minimum laws ranging from 15 to 40 years, affording more children meaningful opportunities for release. This national momentum reflects a shift from viewing youthful offenders as unworthy of rehabilitation back to seeing them as children who are capable of redemption and change.

46 Alaska, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Iowa, Kansas, Kentucky, Massachusetts, Nevada, New Jersey, North Dakota, South Dakota, Texas, Utah, Vermont, Washington, West Virginia, and Wyoming have banned the use of juvenile life without parole. Additionally, while the sentence is statutorily available, Florida, Maine, New Mexico, New York, and Rhode Island do not impose life without parole on children.

47 Arkansas, California, Colorado, Iowa, New Jersey, North Dakota, South Dakota, Utah, and the District of Columbia banned the sentencing of children to life without parole since 2016.

Other Key Factors for Consideration

As the Supreme Court dictated in *Miller*, there are various youth-related factors (e.g. age, immaturity, failure to appreciate risks, surrounding environment, potential for reform) that must be considered before condemning children to die in prison.49 Likewise, there are other significant factors like children’s adverse childhood experiences (ACEs) and life expectancies in prison that should be considered in order to better understand the health, mental effects, and well-being of children before and during their periods of incarceration.

**Adverse Childhood Experiences (ACEs)**

Understanding the presence of adverse childhood experiences (ACEs) for children who commit serious crimes may help youth receive appropriate sentences. Adverse childhood experiences are events involving household dysfunction or psychological, physical, and/or sexual abuse experienced during childhood.50 These experiences can be traumatic for children, often leading to toxic stress, mental and physical health problems, and negative outcomes.51 And while the effects of ACEs may be immediate or long-lasting, research has shown ACEs can be detrimental to children’s overall well-being.52 Since *Miller* required judges to consider factors like a child’s family and home environment, external influences, and ability to reform before issuing a sentence, the Court was clearly acknowledging that a child’s past history matters. By extension, proper application of these factors will lend itself to examining a child’s ACEs.53 Therefore, examining the impact of adverse childhood experiences on justice-involved youth may help support appropriate, trauma-informed perspectives in sentencing decisions.54

**Life Expectancies**

It is not hard to fathom that the life expectancies of incarcerated individuals may be lower than individuals in the general population. Factors such as violence, stress, poor health, and illness contribute to a shortened life span; however, these factors, along with the associated risks of prison life, seem to lower life expectancies for incarcerated individuals by several years.55 The Centers

49 Miller, 567 U.S. at 477-78.
51 Id. See also James Garbarino, *ACEs in the Criminal Justice System*, 17 ACAD. PEDIATRIC ASS’N S32-33 (2016).
52 See generally Felitti supra note 50. See also Garbarino supra note 51, at S32.
53 Miller, 567 U.S. at 477.
54 Garbarino supra note 51, at S32.
for Disease Control calculate an average life expectancy at nearly 79 years.\textsuperscript{56} Comparatively, the average prisoner can expect to live until 68.\textsuperscript{57}

For children sentenced to life imprisonment, their life expectancy outcomes may fare even worse. The United States Sentencing Commission defines a life sentence as 470 months (or just over 39 years), yet sentencing children to life imprisonment means they will conclusively spend more time incarcerated than adults with the same sentence.\textsuperscript{58} As Justice Kennedy wrote in \textit{Graham},\textsuperscript{59}

\begin{quote}
\textit{``[l]ife without parole is an especially harsh punishment for a juvenile. Under this sentence a juvenile offender will on average serve more years and a greater percentage of his life in prison than an adult offender. A 16–year–old and a 75–year–old each sentenced to life without parole receive the same punishment in name only.''}
\end{quote}

When children are issued lifetime terms of incarceration, it is plausible to think their life expectancies may be lessened due to prolonged exposure to dangerous, stressful, or harmful situations. Likewise, harsh sentencing schemes that well exceed the average life span of individuals incarcerated as minors can be viewed as de facto life sentences and violate the principles of redemption articulated by the Supreme Court. Therefore, judges must think very carefully before issuing disproportionately lengthy sentences or condemning children to die in prison because these terms are not just sentences – these are outcomes that could very well shorten youths’ lives.

\textbf{Recommendations}

In alignment with the United States Supreme Court, the Supreme Court of South Carolina, and national trends, the Committee on Children recommends ending the practice of sentencing children to life without the possibility of parole in our state. By eliminating this sentencing option for youth, South Carolina can leave behind that which the Supreme Court has deemed cruel and unusual and move forward toward a future where children are given a chance at redemption.\textsuperscript{60}

Secondly, in the wake of juvenile brain and behavioral development science, the Committee on Children strongly encourages age-appropriate, individualized sentencing for all youthful offenders facing serious institutional penalties. Acknowledging that children are


\textsuperscript{57} Drucker, \textit{supra} note 55, at 5. “The estimation employed here utilizes national data on median [life expectancies] for black and Hispanic males age 20–45 who constitute > 80% of the affected population. The smaller group of older inmates are often in prison for longer sentences and their [life expectancies] are probably lower than national [life expectancies] for populations of the same age…”


\textsuperscript{59} \textit{Graham}, 560 U.S. at 70.

\textsuperscript{60} \textit{Miller}, 567 U.S. at 465.
developmentally, emotionally, and constitutionally different from adults, minors deserve sentences that take their youthful characteristics and capacities for change into account. Conversely, harsh sentencing schemes that ignore adverse childhood effects or well exceed the average life span of individuals incarcerated as minors contradict the Supreme Court rulings, research, and common-sense. Thus, the Committee finds reasonable sentences that consider the unique circumstances of each child to be the most favorable.

Thirdly, the Committee on Children supports providing meaningful opportunities for review to those who were previously sentenced to life without parole as children. Although eliminating the possibility of life incarceration for children ensures they are not precluded from having chances at rehabilitation, it does not suggest the guaranteed release of youthful offenders. Instead, this practice allows those who have been incarcerated for a reasonable period of time the opportunity for review of parole eligibility.

Lastly, the Committee supports legislation that will prohibit children from receiving life sentences without the possibility for parole, as provided in S 471 and H 3919. We anticipate positive progress on this legislation this session and commend the body for their attention to this important and necessary update to state law.
Improving Child Well-Being in South Carolina

The Committee on Children continues to hear about the challenges parents face in securing safe, quality childcare. Public testimony, national trends, reports, and research have prompted the Committee to again turn its attention to this important issue. Since childcare settings are an important source of educational access and supervision for many families, improved quality programs in all childcare settings, including afterschool programs and summer camps, must be prioritized to ensure the success of our children. Therefore, the Committee continues its commitment to improve child well-being and to protect children in childcare environments as South Carolina’s youngest citizens by focusing on Access to Quality Childcare in South Carolina.

Ensuring the Access to Quality Childcare

Every parent wants their child to have positive and enriching experiences throughout their early developmental years. Childcare facilities, an umbrella term broadly defined by statute to encompass many types of childcare providers,61 often play a crucial role in the education, socialization, and preparedness of young children across our state.62 Early childhood education, that is, childcare programs for children from birth to age five, can have a profound impact on a child’s development, personality, and intelligence.63 Quality educational experiences in childcare facilities help to uplift all children, which is beneficial for developing bright young citizens. For example, research confirms the lasting positive effects of high-quality, intensive early education programs for low-income children, including improved cognitive and social abilities.64 In fact, high-quality early childhood education can help low-income children close the achievement gap between them and their counterparts in different socioeconomic groups.65 But regardless of socioeconomic status, it is clear that quality educational experiences in childcare facilities can have a monumental impact on a child’s overall success and well-being.

Barriers to Accessing Quality Childcare

There is no disputing the positive influence quality childcare can have on a child’s life. These programs can help bridge gaps at home, increase a child’s readiness for school, and prepare children socially and emotionally for life. Although our state has demonstrated a strong

63 Elaine A. Donoghue, Quality Early Education and Child Care from Birth to Kindergarten, 140 AM. ACAD. OF PEDIATRICS 1, 1 (2017).
commitment to promoting quality childcare and early childhood education services, not all of our children are able to utilize these resources because, unfortunately, quality childcare is inaccessible to many families in South Carolina. Barriers such as cost, lack of availability, inflexible hours, and an inability to recognize robust programs still prevent many families from accessing quality childcare.

The High Cost of Childcare

Childcare is one of the biggest expenses South Carolina families face. The US Department of Health and Human Services states that childcare should be no more than 10% of a household’s income.66 However, infant care in South Carolina costs only 28.2% less than the average annual rent of $9,014.67 In other words, infant care for one child would take up 12.6% of a typical South Carolina family’s income.68 A median-income family with an infant and a four-year-old would have to spend 21.7% of their income on childcare.69 Those who earn minimum wage in South Carolina could find themselves even more extended given that childcare for just one infant would take up nearly 43% of their income.70

The average annual cost of infant care in South Carolina is $6,475, or $540 per month.71 The average annual cost of childcare in South Carolina for a four-year-old is $4,651, or $388 a month.72

The Economic Policy Institute73

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68 Id.
69 Id.
70 Id.
71 Id.
72 Id.
73 Id.
When quality childcare is unavailable, families must often face hard choices that can have significant effects on their financial well-being. Without affordable, stable childcare, mothers are less likely to maintain employment.74 Similarly, many women may choose to forgo the workplace entirely in order to save on childcare costs. This can amount to a substantial economic loss since “the inability of some parents to access dependable child care costs the South Carolina economy $900 million in foregone wages and absenteeism.”75

Although cost can be a prohibitive factor putting quality childcare out of reach for many, South Carolina does offer financial assistance in the form of the SC Voucher Program. Participation in the SC Voucher Program is voluntary for childcare providers. Currently, about 35% of South Carolina’s licensed or registered childcare centers are enrolled.76 This program exists to make childcare more accessible for low-income families. To be eligible, parents must be working, in school, or attending vocational training.77 Additionally, parent income must be below 150% of the federal poverty level based on family size.78 For example, income for a family of four must be below $37,650 to qualify for a childcare voucher.79 So, while the SC Vouchers Program provides essential financial assistance to South Carolina’s most impoverished families, not every family who needs help – like those earning median wages – will be able to qualify. Thus, the cost of childcare remains a barrier for many families.

Lack of Access to Quality Childcare Facilities: Childcare Deserts in South Carolina

Another barrier many parents face is a lack of access to quality childcare facilities. In South Carolina, it is estimated that 42% of the population lives in a childcare desert.80 A childcare desert is a term used to describe any Census tract with more than 50 children under the age of five that contains either no childcare providers or so few options that there are more than three times as many children as there are licensed childcare slots.81

74 See Id. at 13.
75 O’Donnell, supra note 62, at 3.
81 Child Care Access in the United States, supra note 80.
As the graphic below depicts, childcare deserts are spread throughout South Carolina, but most are in suburban and rural communities. Regardless of its location, a childcare desert still poses significant challenges for families because it can create lengthy waiting periods for acceptance into childcare facilities and cause disruptions in parental employment.

Living in a childcare desert is especially challenging for families with very young children, who may not be able to find a safe place for their children while they are at work. In 2017, more than 57,000 babies were born in South Carolina, continuing a high demand for accessible childcare. Yet, the maternal labor force participation rate is 1.3 percent lower in childcare deserts than it is in neighborhoods with adequate licensed childcare. With 74% of mothers of young children participating in the workforce, affordable and accessible care for infants and toddlers is vitally important to our state.

Lack of Emergency Childcare Centers

For parents who do not work typical daytime hours, finding childcare centers that can accommodate non-traditional schedules can be challenging. Likewise, parents may struggle to find

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82 Id.
84 Child Care Access in the United States, supra note 80.
85 Id.
alternative arrangements when childcare plans fall through unexpectedly. However, many communities across the country have adopted the concept of crisis nurseries to aid parents in finding safe childcare options at the last minute. Crisis nurseries are generally open 24 hours and provide emergency childcare to children ages five and younger. Oftentimes, lower income families must utilize a variety of short-term sources for childcare (e.g., family, friends, neighbors) and the lack of continuity can make these arrangements unreliable. Crisis nurseries eliminate the tough decision of missing work or leaving a child in an unsafe care situation. These programs also assist parents in finding long-term solutions to childcare gaps. Furthermore, since most are open 24 hours a day, parents who work night shifts can still benefit from these services.

In Yolo County, California, the Yolo Crisis Nursery helps hundreds of families every year by providing emergency childcare. In Yolo County, 20% of the community lives below the poverty level. Fifty-four percent of the children cared for at the crisis nursery were from families who were at risk of homelessness. By providing childcare to these families in emergency situations, parents are able to avoid missing work and risking losing their jobs. Currently, South Carolina has no licensed crisis nurseries.

Challenges to Recognizing Quality Childcare Facilities

Parents need to know how to gauge the relative quality of childcare programs in an easy and understandable way. Using a standardized rating system, such as the Quality Rating and Improvement System (QRIS), is one way to assess this. The QRIS is a rating system and method of quality improvement over 75% of states implement, used to communicate the level of quality within childcare settings. This system uses research-based, measurable standards to establish and define quality levels.

ABC Quality is the QRIS system used in South Carolina by the Department of Social Services (DSS) to assign letter grades to care providers. To determine the appropriate rating, factors such as program administration, staff education, child well-being, family and community partnership, and intentional teaching practices are examined and scored. However, participation in the quality

87 Id.
89 It is important to note that many national organizations have developed standards and voluntary systems of accreditation that tend to be more rigorous than state licensing regulations, including the American Academy of Pediatrics, the American Public Health Association, and the National Association for the Education of Young Children. These systems of accreditation often include stricter adult-to-child ratio requirements, as well as requirements pertaining to food, facility size, and curriculum. See Donoghue, supra note 63, at 3.
rating system is completely voluntary for childcare providers. In other words, many childcare facilities may opt to skip the rating process and not receive a quality grade at all. While ABC Quality may help parents recognize quality programs more easily, the system in its present condition does not provide a complete picture of the childcare landscape. When providers are not part of the system, parents have no reliable way to compare one program to another or make informed choices about where their children will be best served.

**Ensuring the Protection of Children in All Childcare Settings**

Many parents rely on afterschool programs and summer camps to provide supervision for their children while they are working. These programs serve an important role for families by filling a need that would otherwise go unmet. With so many South Carolinians depending on these programs, they must be safe.

A large number of childcare providers in South Carolina are considered license-exempt. License-exempt providers include: any provider who provides care for less than four hours a day (encompassing most afterschool care providers) and the following:91

- Facilities operating for more than four hours a day in connection with a shopping center or service, where the same children are cared for less than four hours a day and not on a regular basis and while the parents or custodians of the children are on the premises;
- School vacation or school holiday day camps running less than three weeks per session;
- Summer camps;
- Vacation Bible Schools: and
- Childcare centers and group childcare homes owned and operated by a local church congregation or an established religious denomination.

License-exempt facilities are not subjected to the same regulatory standards as other licensed childcare facilities. Put differently, license-exempt facilities may go virtually unregulated by DSS making it difficult to assess quality.

Another setting that is not licensed or regulated is summer camp. Summer camps and childcare facilities are similar in that individuals are entrusted with children and are expected to keep them safe. Since summer camps are considered recreational, they are exempt from the oversight and regulation required of other childcare facilities.92 While these programs provide a valuable service to families in South Carolina, the Committee believes all summer camps should be considered childcare facilities, regardless of the length of their programs in order to better ensure the protection of our children.

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91 Please note, this list is not exhaustive. The complete list of license-exempt centers is can be found under S.C. Code Ann. § 63-13-20.
Four Pillars of Safety

The Committee on Children encourages all childcare facilities to employ four “pillars” of safety in order to protect our youngest citizens. By establishing minimum standards across all childcare facilities, safety will not be dependent on the type of childcare parents can afford in their communities. For example, the National Association for the Education of Young Children (NAEYC) is a nationwide professional membership organization that works to promote high quality early learning for all young children by connecting early childhood practice policy and research. NAEYC recommends that states adopt requirements that establish a basic floor of protection below which no childcare facility can operate. The Committee on Children supports NAEYC’s view on minimum standards for childcare facilities and endorses these four core tenets of safety: background checks for all childcare employees, adult/child ratios, inspection, and training/education of staff.

Background Checks

The state of South Carolina has a duty to protect children in childcare and to protect children from known abusers. Requiring backgrounds checks of all childcare staff is supported by national groups, including the NAEYC, which supports requiring background checks for all childcare staff, regardless of the length of time the facility is open.

Not all background checks are the same. A SLED CATCH background check is a name-based search that only pulls criminal records from South Carolina. This means an offense in any other state will not be caught on a SLED CATCH check. While more comprehensive background checks such as a national criminal records check or fingerprint-based check can be performed by the State Law Enforcement Division (SLED), these checks will only be done when authorized by law. These types of checks will include records from other states. A separate search of the Sex Offender Registry would have to be performed in order to determine whether the candidate has been convicted of a sex offense in any state. Additionally, there are currently three crimes against children not included in our state statute requiring childcare background checks for employment. These crimes are unlawful conduct towards a child, cruelty to children, and child endangerment. These omissions need to be corrected to ensure child safety.

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94 Id.
97 Id.
98 Id.
In today’s mobile society, national checks ensure that those who have harmed children are not able to hide prior records simply by relocating. Currently, the South Carolina childcare statute states that “[t]o be employed or to provide caregiver services at a childcare facility licensed, registered, or approved under [the statute] a person must first undergo a state fingerprint-based background check conducted by SLED…” and a FBI fingerprint-based background check as well as a Central Registry check must also be performed. Since license-exempt childcare facilities are not required by law to perform national background checks, it is possible that these employers may not be obtaining complete criminal histories of their employees and cannot be certain that their staff are safe and truly qualified to work with children.

SLED uses IdentoGO for fingerprinting services, and fingerprints can also be acquired from LiveScan. These companies use an inkless fingerprinting process to complete an FBI background check. There are locations throughout the state as mapped below:

Mistreatment can occur regardless of environment or length of care, so there is no compelling rationale for exempting providers. Many afterschool programs use a high standard of care when selecting employees and volunteers. However, the lack of a uniform standard across programs leaves many children at risk.

**Adult/Child Ratios**

As the childcare licensing authority, DSS maintains requirements for adult/child ratios that vary by the age of the youngest child present. Adult/child ratios mandate how many adults should

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105 Id.
be present per every child present to ensure that children are properly supervised while in care. All childcare facilities should be required to follow these guidelines, regardless of whether they are currently considered license-exempt. Further, there should always be two adults present at all times with children, both to aid in supervision and to prevent a situation where an adult is alone with a child. Unfortunately, there are still cases of children being abused while in childcare, sometimes despite employees being background-checked, but the use of ratios could help avoid these instances.

**Department of Social Services Adult-to-child Ratio Requirements**

<table>
<thead>
<tr>
<th>Youngest child’s age</th>
<th>Adult-to-child ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birth to one year</td>
<td>1:5</td>
</tr>
<tr>
<td>One to two years</td>
<td>1:6</td>
</tr>
<tr>
<td>Two to three years</td>
<td>1:8</td>
</tr>
<tr>
<td>Three to four years</td>
<td>1:12</td>
</tr>
<tr>
<td>Four to five years</td>
<td>1:17</td>
</tr>
<tr>
<td>Five to six years</td>
<td>1:20</td>
</tr>
<tr>
<td>Six to twelve years</td>
<td>1:23</td>
</tr>
</tbody>
</table>

Many childcare facilities, especially those currently exempt from DSS requirements, rely on volunteers to staff their facilities. With the shortage of childcare options, it is important not to create requirements that force facilities to close their doors; however, all children deserve to be safe in their afterschool or childcare environment. The Committee recommends that a caregiver who is 16 or 17 may be counted as adult staff for the purposes of an adult/child ratio so long as they are continuously supervised by a fully qualified adult.

In addition to adhering to the appropriate ratio, staff should keep a record of all children present on the premises. These records should include important information about each child such as health concerns and emergency contacts.

**Inspection**

Licensed childcare centers may be inspected once per year without prior notice to verify compliance. The centers must also report accidents requiring professional medical treatment, occurrences of communicable diseases as outlined by DHEC, death of a child or staff person occurring at the center, and a child who is missing from the premises or left unattended in a vehicle operated by the center. By requiring childcare centers to report these instances, DSS is able to detect potentially unsafe childcare environments more effectively and promptly.

Conversely, license-exempt childcare centers are not inspected by DSS. This exception endangers children who receive childcare in these settings. While many license-exempt providers

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have quality facilities, families have no assurances that the minimum safety standards are in place when they enroll their child. Any setting where children are receiving childcare should be inspected, and parents should be able to expect that their child’s health and safety will be protected. Therefore, the Committee recommends requiring all childcare facilities to be inspected annually and report accidents, serious illnesses, and other significant issues.

Training and Education of Staff

South Carolina law already requires that all licensed childcare facilities have at least one caregiver who has a current certificate for the provision of basic first aid and child-infant cardiopulmonary resuscitation (CPR).\(^\text{108}\) Having only one caregiver on the premises trained in CPR and first aid could prevent children from receiving prompt and proper medical attention. It would be prudent to require all teachers and caregivers to be certified in pediatric CPR and first aid.

Recommendations

Access to safe, quality childcare is crucial to the success and well-being of not only South Carolina’s children, but also their families. The prevalence of unlicensed and unregulated childcare in our state threatens the safety of children. The adoption of the four pillars of safety outlined by the Committee would establish a baseline of protection for all young South Carolinians in childcare across the state, without placing a burden on those providers who are already providing quality care.

The Committee supports changes in the law that would require all childcare providers to meet basic requirements in order to obtain a Certificate of Compliance. A Certificate of Compliance would become a prerequisite to operating a childcare facility and receiving SC Vouchers. The legislation would extend regulation to all afterschool programs operating for more than three hours a day. The requirements for a Certificate of Compliance would include: a yearly inspection, adhering to the required adult/child ratio, requiring all caregivers to be CPR certified, and conducting background checks on all employees and volunteers. Enacting these protections ensure that all childcare facilities in South Carolina meet the same basic standards of safety.

Protecting Children’s Physical and Mental Well-Being

The physical and mental well-being of children is vital to the achievement of their full potential in life, and the future of our state depends on the productivity and overall welfare of children. Despite this, over 245,000 children in South Carolina—23% of all our children—live in families with incomes below the federal poverty threshold. Poverty impedes children’s ability to learn and contributes to social, emotional, and behavioral problems. Poverty also contributes to poor physical and mental health. Research clearly shows us that poverty is the single greatest threat to our children’s well-being, and the lifelong impacts of childhood hunger are among the most devastating consequences of poverty. The Committee believes that no child in this state should go without the food they need to thrive and that we must ensure that healthy food is readily available to children who need it. Supporting effective policies and practices to achieve these goals is a priority for the Committee and is reflected in its continued focus on reducing Child Hunger.

Scope of the Hunger Crisis

In 2017, an estimated 1 in 8 Americans struggled to have access to enough food, equating to 40 million Americans – including more than 12 million children. The U.S. Department of Agriculture’s official definition of a food-insecure household is one in which “access to adequate food is limited by a lack of money and other resources.” To measure food insecurity in households, specific conditions are assessed, including: ‘worried food would run out,’ ‘food bought did not last,’ ‘cut size of meal or skipped meal,’ ‘ate less than felt should,’ ‘hungry but did not eat,’ and ‘did not eat whole day.’ While overall food insecurity rates dropped between 2016 and 2017, among children, there was no significant change.

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115 Coleman-Jensen et al., supra note 113.
116 Id.
Child Hunger in South Carolina By the Numbers

<table>
<thead>
<tr>
<th>17.5%</th>
<th>Percentage of food insecure children in the United States.\textsuperscript{117}</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.9%</td>
<td>Percentage of food insecure children in South Carolina.\textsuperscript{118}</td>
</tr>
<tr>
<td>207,840</td>
<td>Number of South Carolina children struggling with hunger.\textsuperscript{119}</td>
</tr>
<tr>
<td>21st</td>
<td>South Carolina has the 21\textsuperscript{st} highest rate of child food insecurity in the United States.\textsuperscript{120}</td>
</tr>
</tbody>
</table>

Nationally, \textbf{12,938,000 or 17.5\% of children were food insecure as of 2016.\textsuperscript{121}}

In South Carolina, \textbf{18.9\% of children were food insecure as of 2016, which is \textit{higher} than the national rate.\textsuperscript{122}}

Every day, thousands of children in our state do not have enough food to eat, and food insecurity and hunger impact children in every region of South Carolina. An estimated 207,804 children in South Carolina live in households that struggle to put enough food on the table. In 2016, the counties that had the highest child food insecurity rates in the state were Allendale County (27.1\%), Bamberg County (27.0\%), Marion County (26.2\%), Dillon County (25.5\%), and Lee County (25.1\%).\textsuperscript{123}

\begin{footnotes}
\textsuperscript{118} Id.
\textsuperscript{119} Id.
\textsuperscript{120} Id.
\textsuperscript{122} Gundersen et al., \textit{supra} note 117.
\textsuperscript{123} Id.
\end{footnotes}
Lifelong Impacts of Hunger on Children

For children, hunger is more than just a hungry belly. Food insecurity in early childhood is associated with impaired brain development, lower academic achievement, and frequent hospitalizations.

Children suffering from trauma and toxic stress as a result of ACEs in their life may also be at increased risk from the effects of food insecurity. ACE stands for Adverse Childhood Experience, a term coined in the late 1990s in a study developed to measure the impact of childhood trauma on health over the course of a lifetime. Research results suggest a strong relationship between exposure to adverse childhood experiences and household food insecurity.

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124 Id.
128 See generally Felitti supra note 50.
129 See Mariana Chilton et al., The Relationship between Childhood Adversity and Food Insecurity: ‘It’s Like a Bird Nesting in Your Head’ 18 PUBLIC HEALTH NUTRITION 2643-2653 (2015). See also The Impact of Poverty, Food...
Put another way, hunger contributes not only to toxic stress in childhood, but these same children may be at greater risk of living in a food-insecure home as an adult.

Children without consistent access to nutrition have a harder time focusing in school and they visit the school nurse more often due to stomach aches, headaches, and colds. Additionally, children who struggle with hunger are more susceptible to being overweight or obese, are sick more often, and are more likely to have been hospitalized in their first three years of life. Children who do not regularly get enough nutritious food to eat also tend to have higher levels of behavioral problems and tend to be more aggressive and anxious.

**Preventing Child Food Insecurity and Hunger**

This is a problem with a solution. Federal nutrition programs are an important tool in the fight against hunger. The Food and Nutrition Service (FNS) of the United States Department of Agriculture (USDA) administers the National School Lunch Program in partnership with state agencies, which in turn enter into agreements with local school food authorities. Participating schools receive federal reimbursement and USDA foods for lunch and breakfast. In exchange for this assistance, schools serve meals at no cost or at a reduced price to income-eligible children. The National School Lunch Program served over 30 million children each school day in the last year for which we have data.

The National School Breakfast Program (SBP) is a federal school nutrition program, just like school lunch, and serves an average of 14.57 million children daily. South Carolina is one of the top ten states participating in SBP nationally, meaning that almost every school serving lunch also serves breakfast. Schools that participate in SBP must adhere to nutrition guidelines supported by science and provided by USDA. Even though food items served to students at school may appear the same as breakfast foods found in grocery stores, convenience stores, or fast food

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130 Katherine Alaimo et al., *Food Insufficiency, Family Income, and Health in U.S. Preschool and School-Aged Children* 91 AM. J. OF PUBLIC HEALTH 781,784 (2001).


132 Alaimo et al., *supra* note 130 at 48-49.


restaurants, school breakfast items must meet federal nutrition standards and often include whole grains and less sugar, sodium, fat, and calories. School breakfast is made affordable for all students and schools through subsidies and reimbursements provided by the federal government, and school breakfast expenses are not part of districts’ education budgets.

**CEP Participation Increase**

Authorized by the Healthy, Hunger-Free Kids Act of 2010 and phased-in first in select states and then nationwide, the Community Eligibility Provision (CEP) allows schools and districts with high rates of poverty to offer breakfast and lunch free of charge to all students. Because no meal applications are collected, administrative costs are reduced. Any district, group of schools in a district, or school with 40 percent or more “identified students” (children who are eligible for free school meals who already are identified by means other than an individual household application) can choose to participate. Because all students receive meals at no charge, individual children at CEP schools no longer have to worry about the stigma associated with free or reduced-price status. Most eligible schools in our state are participating in CEP, meaning that both breakfast and lunch are free for all students, and that those schools are being reimbursed for those meals with a higher reimbursement rate of federal dollars.

**Almost 84% of all South Carolina schools eligible for CEP have taken the option, meaning students in over 500 schools have access to free breakfast and lunch every day.**

Removing financial barriers to food for all students – without any increased cost to the state – is one of the most fiscally sound policy decisions that can be made to benefit children, and the Committee congratulates those leaders at the state, district, and school level who have made this happen on such a widespread scale.

**A Persistent Meal Gap**

Despite these important gains for our state’s students, one key measure around school meals still needs improvement: breakfast participation. Programs like school breakfast are designed to close the gap between children who have enough to eat and those who do not. These programs are only successful, however, when they reach the students who need them. Among our students who are eligible for free meals – in both CEP schools and non-CEP schools - nearly 270,000 of them are not receiving school breakfast. For children who do not have a stable

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139 Schools must adhere to the provisions of Section 4 of the Child Nutrition Act of 1966, as amended, at 2 CFR part 220 et seq.


142 Based on 2017-2018 School Breakfast Program data provided by State Department of Education for analysis by No Kid Hungry.
source of three meals a day at home, free or reduced-price breakfast at school is crucial, but too many children are missing out because of factors beyond their control. Traditional school breakfast programs often have barriers that prohibit students from eating before school including:

- Transportation: The school bus does not arrive in time for students to get breakfast in the cafeteria.
- Busy mornings: Regardless of their socioeconomic status, many families are rushed in the morning and do not always have time for breakfast at home.
- Stigma: There is often stigma associated with eating breakfast in the cafeteria before school starts; therefore, children avoid it - especially middle and high school students - for whom social status and the perceptions of their peers loom large.143

The Committee heard compelling testimony at its 2018 Annual Fall Hearings regarding the importance of school breakfast to children who are hungry:

“\textit{I had to investigate an incident that happened in a school. So, I'm pulling up the school [security video] and it's 6 a.m. the day before, and I see two little figures at the back dock of the school and I'm thinking what is going on here, so I called the [school food service] manager and said do you have two little kids in the back of your school? He said, 'they know I'm going to be here and they're hungry.'}”

\textbf{-South Carolina School District Food Service Director}

Benefits of Increased Breakfast Participation

When children are hungry, they struggle to grow up into strong, healthy, and productive members of our society, but having a healthy breakfast at school can make a significant difference in many children’s overall well-being. Research consistently demonstrates that breakfast has myriad positive impacts on students’ overall health, nutritional levels, and education.

\textit{Health, Behavior, and Nutritional Impacts:} Low-income students who eat both school breakfast and lunch have significantly better overall diet quality than low-income students who do not eat school meals.144 School breakfast participation is also associated with a lower body mass

index, lower probability of being overweight, and lower probability of obesity.\textsuperscript{145} Eating breakfast, including breakfast offered at no cost to all students in a school, has been linked with fewer visits to the school nurse, particularly in the morning,\textsuperscript{146} and positive impacts on mental health, including reductions in behavioral problems, anxiety, and depression.\textsuperscript{147} The provision of school breakfast, particularly universal free breakfast in the classroom, is also associated with a significant improvement in students’ behavior, such as students’ level of respect and preparedness for class.\textsuperscript{148} Some studies also reveal that office disciplinary referrals may drop overtime as implementation of the Breakfast in the Classroom becomes an integrated part of the school’s daily routine.\textsuperscript{149}

\textit{Educational Impacts}: Increasing participation in school nutrition programs can lead to better academic performance.\textsuperscript{150} On average, students who eat school breakfast achieve 17.5\% higher scores on standardized math tests. Student attendance also increases on average by 1.5 days per year for children who regularly start the day with a healthy breakfast. Students who attend class more regularly are 20\% more likely to graduate from high school.\textsuperscript{151} And, teens who regularly do not get enough to eat are more likely to be suspended from school and have difficulty getting along with their peers.\textsuperscript{152}

\begin{flushright}

\textsuperscript{146} Lawrence S. Bernstein et al., \textit{Evaluation of the School Breakfast Program Pilot Project: Final Report}, U.S. DEP’T OF AGRIC. 1, 70-73 (2004). The findings on school nurse visits were only observed for the 2001–2002 school year in this report.


\textsuperscript{150} Adolphus, Lawton & Dye, supra note 148 at 24.


States across the country that have implemented changes to increase breakfast participation have seen significant positive benefits:\textsuperscript{153}

- Increased attendance (Maryland, California, Texas)
- Increased passing rates on math tests (Maryland, Texas)
- Increased USDA meal reimbursements (New York, Nevada, California)
- Increased return on state investment (Nevada)
- Decreased disciplinary actions (Texas)
- Decreased tardiness (California)

School districts with low school breakfast participation not only miss out on the educational and health benefits from this important meal but may also be missing out on financial benefits.\textsuperscript{154} Traditional school breakfast programs that suffer from poor participation have resulting low revenues, but if student participation increases, the school receives more federal reimbursements and the program can become profitable. In addition, small, strategic grants to support start up or expansion can help spur action.\textsuperscript{155} When school nutrition departments increase their federal reimbursements, they can build stronger school breakfast and lunch programs that improve nutritional quality, are more appealing to students, and reduce plate waste.\textsuperscript{156}

Many students in our state depend on school meals multiple times a day – including that first, critical meal. Increased participation by schools to feed all students has multiple positive impacts beyond reducing hunger among students. This access also reduces the stigmatizing effects of eating school meals. Increasing breakfast participation can maximize the benefits our schools receive from federal nutrition programs as well as helping students perform to their highest potential each day – another win-win for all children in our state.

**Innovating to Combat Hunger**

Connecting more hungry children with the healthy food they need at the start of the day can, in many cases, be accomplished with simple, low-cost changes in how school meals are served. Alternate delivery models enable all students to participate in breakfast, support students

\textsuperscript{153} School Breakfast Scorecard School Year 2016-2017, supra note 138. See also Augustin-Thottungal et al., supra note 152. See also Alice Jo Rainville, Amber D. King, & Mary Frances Nettles, Effectiveness of Breakfast in the Classroom in Five Exemplary Districts 37 J. OF CHILD NUTRITION & MGMT. (2013). Nevada enacted Breakfast After the Bell Legislation in the SY15/16 accompanied by a state implementation grant of $2 million for costs such as labor costs, training staff, purchasing equipment (for schools that were implementing the program for the first time). This initial state investment resulted in an additional $8 million in federal breakfast reimbursement in the first year of the law’s implementation. For every $1 state investment, the return was $8 in federal dollars. Nevada Breakfast After the Bell Legislation: Case Study Profile, No Kid Hungry available at https://bestpractices.nokidhungry.org/sites/default/files/download-resource/Nevada%20Breakfast%20After%20the%20Bell%20Legislation%20Case%20Study%20Profile.pdf


\textsuperscript{155} Id.

\textsuperscript{156} Id.
eating together as a community, and support teachers and principals by ensuring that students get their basic needs met and can learn more effectively. “Thinking outside of the cafeteria” and making breakfast more accessible to all students can have great impact on schools. Generally, school nutrition leaders use breakfast in the classroom, “grab and go” breakfast, or second chance breakfast as strategies to better meet students’ needs. Changes to traditional delivery methods can be structured in a number of ways, summarized in the table that follows.
<table>
<thead>
<tr>
<th>Alternative Meal Service Models</th>
<th>Where is it served?</th>
<th>When is it served?</th>
<th>How is it served?</th>
<th>Who does it work with?</th>
<th>What does the research show?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Breakfast in the Classroom</strong></td>
<td>Classroom</td>
<td>After the school day begins, immediately following opening bell for an average of 15 minutes</td>
<td>Transported to and from the classroom via coolers or insulated rolling bags by school nutrition staff and/or student volunteers</td>
<td>Can work in any school setting. It is most commonly used in elementary schools</td>
<td>Highest success rates, can be as high as 98 percent of school enrollment</td>
</tr>
<tr>
<td><strong>Grab n’ Go Breakfast</strong></td>
<td>Cafeteria or high-traffic areas, hallways, common areas (inside and outside of building)</td>
<td>Before the school day begins</td>
<td>Mobile service carts can be set up in a variety of locations including the cafeteria and other high-traffic areas such as hallways or entryways</td>
<td>Can work in any school setting. Works well for students who come to school too late to eat in the cafeteria</td>
<td>In secondary schools, over 70 percent of schools experienced an increase in School Breakfast participation</td>
</tr>
<tr>
<td><strong>Second Chance Breakfast</strong></td>
<td>Cafeteria, Hallways</td>
<td>After first period or during a morning break</td>
<td>Served in the same manner as traditional Breakfast in the Cafeteria or in the same manner as Grab n’ Go</td>
<td>Can work in any school setting. It is most commonly used in secondary schools and can be particularly effective for middle or high school students who may not be hungry first thing in the morning</td>
<td>Average of 15-40 percent participation level increase</td>
</tr>
</tbody>
</table>

If we took a tour through five school districts that have implemented breakfast expansion efforts, we would likely see five different solutions. From red wagons to soft insulated bags to mobile food service kiosks, alternate delivery models can be individualized to any school environment and the needs of students. Some South Carolina school districts have already accepted the challenge to increase participation through innovative breakfast delivery models and are carrying out pilot projects utilizing some of the alternate delivery methods described in this report, and the Committee looks forward to receiving and studying the results of those pilots.

**Universal Breakfast**

Universal breakfast is another helpful addition to any breakfast model, as it removes the financial barriers students may face when participating in the National School Breakfast Program. Universal breakfast is the term for offering breakfast to all students at no cost. This approach can be utilized by any district, irrespective of CEP Eligibility, and additional federal provisions exist to support offering lunch or breakfast at no cost. These alternative programs, including one known as Provision 2, permit schools to receive federal reimbursement for these breakfast meals even if lunch is not offered free for all students. Offering breakfast at no cost generally increases breakfast participation and removes stigma lower-income students often face when they eat breakfast at school.

**Recommendations**

Participation in school nutrition programs can be an important marker of how well students in a school are doing, and the Joint Citizens and Legislative Committee on Children applauds all that our school nutrition leaders around the state are doing to support our students’ health and well-being. The Committee believes that our state should integrate national research and best practices to continue the work of making sure hungry children are fed every day. The Committee on Children commits to continuing to study ways to increase breakfast participation around the state that meet the individual needs of our diverse districts. The Committee encourages school districts with low breakfast participation rates to consider the best practices described in this report and develop a plan for raising those rates. The Committee also recommends that the State Board of Education draft policies and support districts’ implementation of those policies and practices to offer breakfast during the instructional day as long as appropriate educational activity is taking place while students are eating. The Committee further recommends that the state continue to support the economic services programs administered by DSS that can connect hungry children to

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the food they need, particularly those in the lowest-income families who are eligible for Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP).
Promoting High-Quality Education

Every child deserves equal access to high-quality instruction and educational opportunities. In order to provide these resources, a strong group of skilled teaching professionals is necessary to raise and train our youth. The Committee on Children believes that promoting a skillful teaching workforce is an important investment in the South Carolina educational system. Thus, supporting effective policies to achieve these goals is a priority for the Committee and is reflected in its attention to Teacher Salaries in South Carolina.

Teacher Salaries in South Carolina

With the aim of preparing our children to become educated and active citizens within society, the Committee on Children joins the conversation about supporting the teaching profession. The General Assembly has begun to undertake education reform during the 2019-2020 session. In particular, the issue of teacher compensation has become a major focal point in the effort to combat high turnover, talent migration, and an inadequate teacher supply. Competitive salaries for teachers can have a great impact on instructional quality and classroom achievement because it results in the ability to attract teachers with more training, certification, and experience. Equitable compensation may also protect against a shortage in the profession through the retention of high-quality teachers.
The average entry-level teacher in South Carolina makes $34,629.\textsuperscript{159} This is approximately $2,000 below the southeastern average for similarly situated teachers.

Many districts in South Carolina simply cannot afford to pay starting salaries that exceed the state minimum.

Moreover, experienced teachers in South Carolina do not fare much better. According to the National Education Association, South Carolina ranked 38\textsuperscript{th} in average salary of teachers in 2018.\textsuperscript{160} However, while it is clear that South Carolina is currently at a disadvantage regarding the pay gap for teachers, the focus on educational reform is promising. Recognizing that increased financial investment in teachers is an investment in our children, the Committee on Children supports and applauds the continued efforts of teachers, legislators, stakeholders, and community-members in working to make our schools better in 2019.

\textsuperscript{159} Based on 2018 teacher salary data provided by State Department of Education.
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The Committee thanks the many South Carolina residents who took time to attend the public hearings and present testimony to the Committee. The Committee relies heavily on the concerns and recommendations offered by those who confront children’s issues on a daily basis.

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Nurturing our state’s future.

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